

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

Under The Inquiries Act 2013

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

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

Counsel: Mr Simon Mount QC, Ms Katherine Anderson, Ms Kerry Beaton, Ms Lorraine MacDonald and Ms Kirsten Hagan for the Royal Commission
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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1 **Hearing opens with waiata and karakia tīmatanga by Ngāti Whātua Ōrākei**

2 (10.03)

3 **CHAIR:** Tēnā tātou katoa, nau mai haere mai ki tēnei hui. Good morning, Mr Mount, good
4 morning Bishop.

5 **MR MOUNT:** Kia ora tātou.

6 **QUESTIONING BY MR MOUNT CONTINUED:** Good morning Bishop Peter.

7 A. Morning.

8 **Q.** Your second statement, paragraph 5 says that 13 reports of abuse are known to have
9 involved the Diocese in some capacity. Do you have that paragraph?

10 A. Yes.

11 **Q.** What time period does that cover?

12 A. As far as I recall that covers the time period from 1950 to the present.

13 **Q.** Does it include schools?

14 A. I don't know, I don't think that includes schools, that's 13 reports where the complaints have
15 come to the Diocese and we have the files on those complaints.

16 **Q.** Given what we saw yesterday from Brisbane?

17 A. Yes.

18 **Q.** The effect of a diocese including school claims in its records—

19 A. Yes.

20 **Q.** —could be quite dramatic?

21 A. It could be, yes.

22 **Q.** Yesterday, for example, we heard of the 30 or so Christ's College matters that have come to
23 attention in the last couple of months?

24 A. Yes.

25 **Q.** There was a news report overnight suggesting the number could be as high as 80. Did you
26 hear that?

27 A. No, I didn't hear that report.

28 **Q.** Does the suggestion that the number could be as high as 80 surprise you?

29 A. Not if it relates to schools, because clearly around the world and here in New Zealand and
30 maybe most notably in terms of news media reports about Dilworth School, schools do
31 have a capacity for a high number of complaints, taken over an historical period.

32 **Q.** I think the figure 80 was suggested just in relation to Christ's College since December.
33 Could the figure be that high?

34 A. The figure could be that high, of course, there are around 600 boys plus or minus mark, the

1 school currently has nearly 700 students. When I was in school in the 1970s there was 600
2 boys, that's a lot of boys going through that 70-year period. My understanding of the
3 possibility of 30, 80, is this is communication of, if you like, an unsatisfactory school——
4 an unsatisfactory school experience which may or may not also involve a specific
5 complaint about abuse. So I'm aware that some pupils of Christ's College had a perfectly
6 happy experience, I had the privilege of that being essentially my experience, but I'm aware
7 that some old boys felt they had a really difficult time at the school. But there would be a
8 variety of reasons why there would be a difficult time. Some of that we do know is through
9 abuse that is completely unsatisfactory.

10 **Q.** We heard yesterday about the possible burning of records by one of your predecessors. In
11 practical terms does that mean that record-keeping prior to 1984, the end of that bishop's
12 time, is either non-existent or patchy?

13 **A.** I would have to work with our archivist on what the correct, or best answer to that question
14 is. I would say probably at least patchy, but it may be worse than that. Of course I have no
15 idea personally whether Bishop Pyatt's predecessors had a similar kind of bonfire approach.
16 What I do know is that we've actually got a really good set of records about all the
17 discernment processes for our clergy, from going way back, I've looked at the lot of the
18 files going back to the 1940s and onwards, so it's not a case that every record has been
19 removed, but it is quite possible that a bishop at the end of, it would have been in those
20 days his time, may have looked at, for example, some correspondence and said, well, you
21 know, "I should get rid of that." I don't know what would have happened. Of course I have
22 no idea what Bishop Pyatt actually burned. It may have been—a lot of our files on clergy
23 are very, very boring in the sense that they're a whole series of letters, for example, about
24 the process of appointing the Reverend Smith to a parish and there's communications about
25 all the very mundane details about that kind of thing.

26 **Q.** You say in paragraph 6 of that second statement that of the 13 known reports of abuse for
27 eight of them it's not possible to establish what type of abuse was involved, because of poor
28 record-keeping or poor record-making. Is that correct?

29 **A.** Yes.

30 **Q.** So we're dealing with a 70-year period I think you've told us, 1950—

31 **A.** Yes.

32 **Q.** —to now. The Diocese has records of only 13 abuse cases in that 70-year period?

33 **A.** Yes.

34 **Q.** But for eight of the 13 we can't even say what type of abuse they were. Does that strike

- 1 you as an unsatisfactory lack of information in the hands of the Diocese?
- 2 **A.** It strikes me first of all, as the records we do have over a period in which the Church may
3 not have been particularly alert, diocese may not have been particularly alert to probing
4 more into sort of a vague record or a vague record maybe of conversation or something like
5 that, and in that sense should have done more due diligence on that matter. But I can't
6 comment, for example, on what the mindset around record-keeping was in, say, 1970, or
7 even, say, 1980.
- 8 **Q.** For every case of abuse that hasn't come to the attention of the Diocese and been recorded
9 carefully, there is a very human experience behind that.
- 10 **A.** Yes.
- 11 **Q.** It's not purely academic is it?
- 12 **A.** No.
- 13 **Q.** This is a person, a soul within your diocese who has been harmed and to whom the Diocese
14 has obligations?
- 15 **A.** Yes.
- 16 **Q.** As we go through what appear to be quite significant gaps in the information available to
17 you as bishop—
- 18 **A.** Yes.
- 19 **Q.** —looking forwards, would it be appropriate for the Diocese to take a more proactive
20 approach to try and understand how many such souls might there be out there that we don't
21 know about but we should know about?
- 22 **A.** Yes, it would be appropriate for the Diocese to be proactive and that is something that
23 I want us to do. I would also say one reason for not doing more in the last 12 to 18 months
24 in the life of the Commission is to actually not get ahead of what the Commission might be
25 either recommending to us or encouraging us to do, because it wouldn't have wanted, say in
26 the last 12 months, to have, say, jumped into more pro-activity and then find that that
27 wasn't actually quite the right direction to go. But if out of, say, this hearing this week, this
28 conversation, there's a sense of encouragement from the Commission to now get on with
29 that pro-activity, that would be very helpful. I imagine it could be very helpful for all my
30 episcopal colleagues.
- 31 **Q.** With your knowledge of the Church's systems and the people within your sphere over the
32 decades you've been involved, what barriers do you think may have prevented people from
33 coming forward or from having their cases recognised to date, what are the main barriers?
- 34 **A.** I think barriers would include clarity as to whom a complaint would be made, or if there

1 was a sense, if we go back a few decades, that clarity would mean a person—a victim of
2 abuse thinking I have to talk to the Bishop about this, the Bishop seems perhaps distant,
3 maybe an intimidating figure. That clearly would be a barrier. In more recent times in the
4 position we've established of the Diocesan Monitor through the last 25 years the sense of
5 the Diocese is that we were trying to provide a way, certainly didn't involve the Bishop in
6 terms of getting a contact for someone, and we have received complaints, inquiries, there
7 have been conversations with the Diocesan Monitor. Remembering by the way the
8 Monitor's role is not simply to hear complaints about abuse, the Monitor is contacted about
9 a whole variety of stuff where people think things are not satisfactory in our parishes.

10 **Q.** I think the Commissioners will be helped if we delve a little more into the Monitoring
11 Committee and independent monitor functions to understand—

12 **A.** Sure.

13 **Q.** —how that developed. I think in your statement it's from about paragraph 87. It was a
14 1995 development, am I right, the Monitoring Committee?

15 **A.** Sorry, I'll just find the paragraph.

16 **Q.** Yes.

17 **A.** Yes, but as I think I may have explained yesterday, to get to the establishment of the
18 Monitoring Committee and the position of monitor in 1995, there was quite a build-up of
19 preparatory work from approximately 1990 onwards, as I understand it a direct impact of
20 the Rob McCullough case. So the Diocese came with a well-considered proposal to the
21 Synod and it had been worked on through those years, it had been signalled to the Synod,
22 and it's been in my view a very effective process.

23 **Q.** 1995 is when it starts?

24 **A.** Yes.

25 **Q.** Just to explain to the Commissioners in a bit more detail, there's a Monitoring Committee
26 appointed by the Bishop?

27 **A.** From memory appointed by the Bishop in consultation with Standing Committee.

28 **Q.** And the members of the Monitoring Committee are who?

29 **A.** There's a bit of a variance at the moment between who's on the Committee and what
30 ideally the legislation provided for. But the members of the Committee include effectively
31 senior experienced priests and lay people; the Chair for a number of years has been a senior
32 lawyer in Christchurch and the Committee is set up to offer advice to the Monitor. I want
33 to stress this is not in itself what we heard about yesterday a sexual harassment committee,
34 that kind of thing, it is a committee to guide and advise the Monitor and the Monitor's

- 1 work.
- 2 **Q.** If we then turn to the Monitor, who appoints the Monitor?
- 3 **A.** The Bishop in consultation with or upon a recommendation of the Monitoring Committee.
- 4 **Q.** And the functions of the Monitor, what are they?
- 5 **A.** The main function of the Monitor is to receive a complaint. It may be receiving a
6 complaint directly, it may be receiving a complaint via me as Bishop. In other words, if
7 I get a complaint coming directly to my desk to my office, I look at it and forward it
8 straight on to the Monitor for responding to.
- 9 **Q.** It's a paid role I take it?
- 10 **A.** The Monitor is paid for hours incurred in the role, so that would include, say, travel to
11 visiting someone, the time spent visiting the person and talking with them, and also writing
12 up their report.
- 13 **Q.** Who are they ultimately answerable to in the sense of the performance or remuneration, all
14 those sorts of things, who's ultimately their employer or contracting party?
- 15 **A.** I can't remember all signatures on the contract I'm sorry. I would say they were answerable
16 to the Monitoring Committee in the sense that if I was unsatisfied —dissatisfied with their
17 performance, or I got a sense that some people in the Diocese or a complainant was
18 dissatisfied with their performance and that led me or the Monitoring Committee to look
19 into unsatisfactory performance by the Monitor, that would be a conversation for the
20 Monitoring Committee. I do not see the Monitor as sort of at the hire or fire whim of the
21 Bishop.
- 22 **Q.** Is there a performance review process or an assessment process to monitor the Monitor?
- 23 **A.** Not a formal process, but every complaint and how it's handled it is an opportunity to
24 consider whether the work is being well done. I have to say that in my experience partially
25 before becoming Bishop, because I did interact with the then Monitor Bruce Hanson on a
26 complaint and then interacting with him a little before he retired from the role, and we now
27 have a new monitor, David Coster. They are both men who, in my view, work to the
28 highest of standards.
- 29 **Q.** And I take it the usual approach is to select a Monitor outside the Anglican Church, is that
30 right?
- 31 **A.** That's been the approach for Bruce Hanson and David Coster. To be frank I'm not quite
32 sure of Yvonne Pauling's background when she was appointed, but we were very clear in
33 the appointment of Bruce Hanson we wanted someone who was not an Anglican. Bruce is
34 a distinguished and senior Presbyterian clergyman. It happened when we came to replace

1 him we found another senior and distinguished Presbyterian clergyman. So in other words
2 in terms of Church allegiance they owe absolutely nothing to me or to the Diocese.

3 **Q.** From a survivor perspective, for someone who has been abused by a clergyperson, a
4 member of the clergy, could there be a barrier in speaking with another member of clergy
5 albeit from a different faith?

6 **A.** There could be a barrier. There could be a barrier that I'm not aware of in the sense that
7 that in itself may have prevented someone from even making a complaint. But there has
8 been a stream of complaints, I wouldn't say every complainant feels absolutely happy with
9 how those conversations have gone. I'm sure there are disappointments and I can think of
10 one or two I believe I know of personally, but in general terms my understanding of how
11 they've gone about their roles is in a pastorally sensitive and generally well-received
12 manner.

13 **Q.** What functions can they carry out for a complainant or a survivor, what can they practically
14 do?

15 **A.** They could practically do almost anything that would be helpful. So if they were talking to
16 a complainant, for example, and realised that the Police should be involved in the matter,
17 they could help that person to make that complaint there and then. They could make a
18 recommendation about immediate counselling, the need for that to be funded by the
19 Diocese and they would get in touch with me and the Diocesan Manager about that. They
20 really want to listen to what the complainant says, the complainant—so there could be an
21 instance where a complainant says "I would really like to meet with the respondent in a
22 facilitated way", the Monitor would be open to facilitating that conversation.

23 But I think I also said yesterday that generally the approach of the Monitor is not
24 to put the complainant and the respondent in the same room but to go to each of them and
25 hear their stories and to work with them on what the situation is and what the next steps
26 might be. And then ultimately drawing that up into a written recommendation to the
27 Bishop.

28 **Q.** I think one of Ms Pauling's recommendations was an advocate be provided for a
29 complainant?

30 **A.** Yes.

31 **Q.** Is there provision for that currently?

32 **A.** There is provision for that and there is provision in our legislation. In my experience and
33 knowledge of recent complaints —

34 **CHAIR:** Sorry to interrupt, we have speed issues, speed wobbles, Bishop.

- 1 A. Sorry. In my recent experience I'm not aware of the Monitor calling in an advocate to help
2 with the complainant or, if you like, the complainant saying they needed an advocate, that,
3 if you like, we provided. It will have been complainants who have had their own support
4 persons helping them and conversations with the Monitor, but if there was a call for an
5 advocate, a support person, we would provide that person.
- 6 **Q.** Are the Monitors trained by the Diocese in any way, or by anyone else?
- 7 A. The Monitors are not trained by the Diocese. They may or may not have received training
8 in other ways, but we have, as I've said, sought for, seniority experience, pastoral skill and
9 ability. One of the things that happens to have been impressive about both Bruce Hanson
10 and David Coster's backgrounds is that each of them, a bit of a coincidence I think, but each
11 of them have helped the Law Society on their complaints processes. So in other words,
12 they had experience not only within the life of the Presbyterian church in dealing with
13 pastoral matters, but also some experience in the wider world.
- 14 **Q.** I take it the Monitors are primarily there in the complaints mode, I think is described in our
15 statement; is that right?
- 16 A. They're primarily there to receive complaints, but there are situations that arise around
17 conflict resolution, and it is possible to call on the Monitor to be that independent third
18 party to help with the facilitation of an exercise that seeks to resolve a conflict.
- 19 Maybe I should also point out at this point and to the Commissioners, we are
20 talking about a process that is now at an end as far as serious misconduct goes, because we
21 are now governed by the new Title D and any complaints received have to be forwarded to
22 the new Registrar. It happens that within the last six weeks or so since the new process
23 became effective that both the Monitor and myself have received complaints and they have
24 been forwarded. And it is possible that the Monitor's role will continue to be used in our
25 diocese around what is referred back to us as unsatisfactory conduct, but there will be no
26 role for the Monitor going forward on misconduct, because that will be handled by our
27 National Registrar and the new Ministry Standards Commission.
- 28 **Q.** I think we will be covering the new process in other parts of the evidence.
- 29 A. Yeah, sure.
- 30 **Q.** But just while we're on the topic, who is the Registrar?
- 31 A. A man named John Priestley QC.
- 32 **Q.** And so the current process for complaints that you've received, say, in the last six weeks,
33 they go to the Registrar?
- 34 A. Yes.

- 1 **Q.** What does the Registrar do at that point?
- 2 **A.** Well, I'm not the Registrar, his job is to receive the complaint, look into the complaint,
3 make appropriate inquiries and investigation, and part of the role is to determine a
4 difference between misconduct, professional misconduct and what's called unsatisfactory
5 conduct. In other words, if the complaint was about poor sermons by a vicar, that would be
6 unsatisfactory conduct and I personally would expect that to come back to us to take
7 forward as a complaint. But anything relating to the matters before this Commission would
8 be taken forward by the Registrar and the Registrar's team, which I believe he'll develop of
9 investigators and helpers in that. But that will be for the Archbishops to talk more about
10 than for me.
- 11 **Q.** I'm sure we'll return to the topic, but the separation you've had in your Diocese with a
12 Monitor—
- 13 **A.** Yes.
- 14 **Q.** —outside of any connection to the Anglican Church, has that separation been lost to some
15 extent with the new Registrar role?
- 16 **A.** I don't think it's for me to comment on that. I think the Archbishops are more in touch with
17 the detail of how that's working out and being developed in terms of, for example, the
18 Ministry Standards Commission that has been appointed to be working with John Priestley.
19 I think it would be appropriate for the Archbishops to talk to the Commission about that.
- 20 **Q.** Certainly. For those who've suffered abuse who might be seeking redress, in the way we
21 use that word, has the Monitor had a function in your diocese to date?
- 22 **A.** The Monitor has had a function, in my understanding and my recent direct experience, in
23 making the recommendation to the Bishop to include in that recommendation what they
24 have learned from the complainant about what the complainant would want to happen in
25 respect of a satisfactory resolving of the complaint.
- 26 **Q.** So the Monitor could, for example, recommend a financial payment of a certain sum?
- 27 **A.** The Monitor could, yes.
- 28 **Q.** Or other broader forms of redress presumably?
- 29 **A.** Indeed, yes.
- 30 **Q.** Is that something that has been almost entirely within the discretion of the individual
31 Monitor?
- 32 **A.** It's in the discretion of the Monitor, but I've always seen the Monitor seeking to be guided
33 by what the complainant is asking for.
- 34 **Q.** In terms of, for example, the amount of a financial payment?

- 1 A. Yes.
- 2 **Q.** Has there been guidance available to a Monitor to refer to when deciding what would be
3 appropriate?
- 4 A. There's been no guidance, so the Monitor has had complete discretion.
- 5 **Q.** One of the points made by Professor Winter in the report for the Anglican Church is that
6 for survivors it is desirable that they can know in advance—
- 7 A. Yes.
- 8 **Q.** —if they apply for redress how will their claim be approached and what possible outcomes
9 might they expect from the process, essentially transparency—
- 10 A. Yes.
- 11 **Q.** —about the process and how it may play out. Would you agree with that from a survivor
12 perspective?
- 13 A. I would agree with that, and my understanding is as a Church we are paying attention to
14 that paper. Again, the Archbishops will comment more, but that paper will be informing
15 the Ministry Standards Commission that we've established and the Registrar, John
16 Priestley, in his work and I'm presuming, as a Diocesan Bishop, that in due course we will
17 receive communication about redress that should be part of our communication out to our
18 ministry units and other parts of the Diocese's life. But of course, it's not for us to now
19 establish that kind of documentation because we do want to have a consistent approach
20 across the whole of our church.
- 21 **Q.** Obviously there was a big moment of transition in 1995, we're at another big moment of
22 transition now?
- 23 A. Correct, yes.
- 24 **Q.** In terms of that 25-year period roughly, which is ending now effectively, what's your
25 assessment of the quality of information available to potential claimants or survivors who
26 might want to approach the church for redress?
- 27 A. The quality of information today?
- 28 **Q.** To date, so over that 25-year period through to today?
- 29 A. In my understanding, our main information in the Diocese of Christchurch over those 25
30 years has been our communication of the fact that we are a Diocese that has a complaints
31 process. Our chief communication, as I understand it until fairly recently, has been via
32 posters displayed in all our parish churches. More recently we've facilitated an exercise
33 with our website around the complaints process.
- 34 **Q.** I think we have the poster to put up on the screen. As you say, it's also on the website now?

- 1 A. Yes.
- 2 **Q.** How long has it been up on the website do you know?
- 3 A. I can't tell you, I haven't checked on that. What I do know is that we had it in a bit of an
4 obscure place until recently and I issued a direction that we needed to have it front and
5 centre on our website and it is front and centre on our website currently.
- 6 **Q.** These posters are displayed throughout the churches, are they?
- 7 A. They are displayed throughout our churches.
- 8 **Q.** At the bottom there are three contact options. The e-mail address, who monitors that and
9 responds to that?
- 10 A. A member of our Anglican centre staff monitors that and forwards those e-mails to me, and
11 when I mentioned before about a complaint being forwarded to the Registrar, a complaint
12 was made via that e-mail.
- 13 **Q.** The second option is your phone number, or is that the office phone number?
- 14 A. That is an office phone number for me, yes.
- 15 **Q.** And then the third option is a mobile number for the Monitor?
- 16 A. Yes.
- 17 **Q.** Do you have statistics on which option people most often use, do you know off the top of
18 your head?
- 19 A. I can't quote you a statistic, but anecdotally David Coster would receive more complaints
20 than I receive. The e-mail's recently recent so that it doesn't sort of figure at the moment in
21 terms of statistics.
- 22 **Q.** We can take that down now thank you very much. In terms of the website, we don't need to
23 go to this now, but what's your assessment of how well the website does in communicating
24 in plain English to the public how your complaints or claims process would work?
- 25 A. My assessment is that it's good, but I'm not a complainant or a survivor and it may be that it
26 would read quite differently. What I can say is that when we work on the language for a
27 poster or the website, we tend to do that as a team approach, particularly through our
28 Diocesan Ministry team so that we're getting the perspectives from our diocesan youth
29 worker, our diocesan children's worker and others on the team, and there is often a very
30 keen discussion on getting the language and the feel right. So the poster, for example, you
31 displayed before is relatively recent and it was a change from a previous poster, because we
32 looked at that poster and thought it wasn't just about changing the previous Bishop's name
33 and my name that we needed to improve that poster. So we are open to improvement and
34 we seek to improve.

- 1 **Q.** The Commissioners will be able to go to the website like anyone else and form their own
2 assessment. But is it right that the links to explain the process take people to the text of
3 Title D and also to a diocesan manual which has a statute, if you like, of the Monitoring
4 Committee. Is that right?
- 5 **A.** I think it is. I thought we were going to go through the website and I could say yes, that is
6 where we get to. That's quite possibly an unsatisfactory ending point. On the other hand, it
7 could be helpful for the church to be transparent about what are the things that are actually
8 governing how we are going about responding to things, because a process should be clear
9 but also not a kind of a mystery as to what the parameters are. Can I also say, by the way,
10 what you are talking about does wait on what we're expecting to be an imminent release of
11 both website material and poster material from our Ministry Standards Commission, so in a
12 way we've got a holding operation in the Diocese post the changes.
- 13 **Q.** Will you take it from me the link to Title D takes you to about 9 or 10,000 words of quite
14 dense legal language?
- 15 **A.** Yes.
- 16 **Q.** Which is not easy for most people to understand or follow?
- 17 **A.** Yes.
- 18 **Q.** And equally the statute governing the Monitoring Committee and the functions of the
19 monitor, that's a legally drafted document rather than a plain English explanation?
- 20 **A.** That is a legally —well, it's a legally drafted, Synodically approved, piece of legislation
21 designed to be careful and precise and so forth.
- 22 **Q.** I take it looking forward you would welcome something that is a little easier for people to
23 understand who don't have law degrees, for example?
- 24 **A.** Of course I'd welcome that and I'd certainly welcome from the new Ministry Standards
25 Commission an effective summary of what is governing the process. But I also think there
26 should be a link for anyone who chose to use the link to the actual language. A
27 complainant, for example, might have the support of a lawyer, but a lawyer should be able
28 to access what is going to be the ultimate kind of statute that wraps around the process.
- 29 **Q.** Helpful to have a both?
- 30 **A.** Yes.
- 31 **Q.** I assume you'd also welcome material that could be accessed by a broader range of people,
32 for example, prisoners, people who don't have access to the internet, different languages,
33 those sorts of things?
- 34 **A.** We would welcome that.

1 **Q.** The process to date with the Monitor and the Monitoring Committee, is it right that all
2 roads in the end still come back to the Bishop to make a decision based on a
3 recommendation?

4 **A.** Until 26 January, yes.

5 **Q.** And I take it you would say the advantage of that is the flexibility that a bishop will have
6 within his or her diocese to tailor a solution for the particular case?

7 **A.** That is definitely an advantage. But I would like to say that our monitoring process in the
8 Diocese of Christchurch, until a recent change, that it would be somewhat foolish if a
9 bishop received the recommendation through the considered process involving the monitor
10 and then said something like, "Well, I don't like that" or "That's highly inappropriate", you
11 know, "I really like the Reverend Smith, he deserves better than this".

12 The difficulty if the Bishop became somewhat high-handed about the
13 recommendation is that I think the Bishop probably would lose the confidence of the
14 Monitor and the worthwhileness of the Monitor's process. It would be an awkward look for
15 the Bishop if the Monitor resigned because of that and the Bishop had to find another
16 Monitor. The Monitoring Committee would no doubt be wondering what was going on.

17 So while theoretically the Bishop could completely disregard the Monitor's
18 recommendation, in practice that would not really be fitting, and the Bishop has delegated
19 the investigatory process to the Monitor and I think in that delegation there has to be a
20 willingness to receive the recommendation as it comes back.

21 **Q.** Again, the survivor perspective?

22 **A.** Yes.

23 **Q.** A recommendation from one clergyperson to a bishop, albeit with the element of
24 independence we've talked about, would you agree that for some there would be real
25 hesitation to accept that as genuinely independent, for someone who has been harmed at the
26 hands of the Church?

27 **A.** I completely accept that some individuals would find that a less than satisfactory proposal
28 about independence. I would not agree with you that it's an element of independence. I
29 think it's quite a strong aspect of independence. As I say, it may or may not be
30 well-received by a complainant and a complainant would be more than entitled to say this
31 does not feel independent to me, but the independence of the Monitor, as someone who is
32 not in any way owing allegiance to the Bishop is significant, in my view.

33 **Q.** To what extent would you see a bishop as structurally having a conflict when making a
34 decision about a claim of abuse?

1 A. There is a conflict of interest, but as bishop there are many conflicts of interest covering a
2 wide range of matters. So part of the bishop's role is to manage conflicts of interest. And
3 in the case of a complaint the bishop—so let's forget the monitor position and think more
4 historically, a bishop certainly, a complaint comes to the bishop about a much-loved cleric,
5 say, the bishop is in a conflict of interest because they have a shepherd's role of Chair for
6 the clergy, but they also have a shepherd's role of care for the complainant for the person
7 who has been abused and hurt. And this Commission, in part, is about the fact that some of
8 those conflicts of interest were not well-managed in the past and in reality, or in perception
9 or both, bishops were seen to be too protective of the clergy.

10 I think life has moved on in a number of ways, whether or not a diocese has a
11 monitor as we've had a monitor. Bishops, I think, are more alive to the fact that they
12 actually have to not be biased in favour of their clergy and have to find, if you like, the bias
13 in favour of the complainant. The processing of complaints has developed over the
14 decades, which is part of our Anglican story to the Commission. Nevertheless, we're totally
15 acknowledging that we need to remove the bishop from that position of managing those
16 conflicts of interest and so that has laid behind the most recent changes to Title D to get the
17 bishop out of the picture for serious misconduct.

18 **Q.** And you welcome that no doubt?

19 A. I welcome anything that helps me to have less conflicts of interest. But I especially
20 welcome this change, yes.

21 **Q.** In your paragraph 134 you talk about referrals to other authorities, for example, the Police
22 and say that you think Christchurch has been no better or worse than others on that. What
23 have been the guiding principles to date for when you refer to the Police?

24 A. I think the guiding principle, I don't think we've got this in writing, but the guiding
25 principle has been the principle at large in our society as we have been acknowledging that
26 abuse occurs in a range of contexts, is that any abuse that would appear to involve a crime
27 or suspicion of crime should be referred to the Police and the Police should make an
28 assessment, not the Church, on whether there would be a charge.

29 **Q.** What is the threshold for triggering that process of a notification in your view?

30 A. I'm hesitating because I haven't had to make that call, so I am speaking for myself
31 hypothetically. I would think anything that involved violence, that involved what I would
32 understand to be a definition of assault in terms of the law, which is pretty much any
33 unwanted touching. So my view personally would be if in doubt refer it to the Police. But
34 I'd also want to acknowledge that this is a lot—this is more complex than saying to a person

1 you should go to the Police. We would also need, in that situation, to find a way to support
2 that person going to the Police.

3 **Q.** Yes, presumably a challenge in this area is the need to respect the complainants, right?

4 **A.** Absolutely.

5 **Q.** To decide what happens with their information?

6 **A.** Absolutely, yes.

7 **Q.** With the need to protect public safety or—

8 **A.** Yes.

9 **Q.** — the safety of others. And this I accept may not be easy at times. In your view, how
10 central is the complainant's wish in that decision about whether to refer to the Police?

11 **A.** The complainant's wish would be very, very important. I would not say absolute because,
12 as you've just mentioned, there might be a sense of public safety of risk in not going to the
13 Police and it could well be a question—again I speak hypothetically—of working with the
14 complainant on helping them to see that there was a public safety aspect to the matter. But
15 I'd also want to say that as a Bishop, and I think I would speak for other bishops in our
16 Church, if this kind of question was arising, whether or not there was a diocesan monitor to
17 consult on the matter or the diocesan monitor was working on that and maybe brought it to
18 the attention of the bishop, we have a role in each episcopal unit called the Chancellor or
19 the legal advocate, so we have a capacity to call on legal advice to help us, we could do that
20 without going into details of the name of the complainant, and I'm sure we would get
21 excellent legal advice and I'm sure it would push us towards involving the Police.

22 **Q.** Paragraph 8 of your second statement talks about one case that did involve the Police. Do
23 you know what the circumstances of that one were?

24 **A.** Sorry, at the moment that has gone from my memory that one.

25 **Q.** I want to stay in the backwards-looking mode for just a little longer, if I may, and pull up a
26 document from the Nelson Diocese, the Sexual Harassment Policy from 2006. It's
27 document ANG ending in 1566. And again, this is a document where you had some
28 involvement in preparing it?

29 **A.** Yes.

30 **Q.** If we come on to page 26 we see the Sexual Harassment Policy. And if we come along to
31 page 36 we see the policy separated complaints into three levels. If we look down the
32 bottom of the page under the heading "Levels of Seriousness of Harassment"?

33 **A.** Yes.

34 **Q.** They're levels, one, two, three and four. Do you remember how those categories were

- 1 devised?
- 2 A. No, I don't remember how those categories were devised.
- 3 **Q.** If we look at level three we see that it extended to indecent exposure and inappropriate
4 touch. Some of which could be indecent assault, is that fair?
- 5 A. Yes.
- 6 **Q.** If we scroll down to the bottom of that page, the heading at the very bottom of page 37, we
7 see the heading "Unresolved repeated level one and two cases and all level three cases"?
- 8 A. Yes.
- 9 **Q.** If we come across the page do we see that the approach for those cases involved verbal
10 warnings at the top of the page?
- 11 A. Yes.
- 12 **Q.** Or potentially at the bottom of the page a formal written warning?
- 13 A. Yes.
- 14 **Q.** Or at the very bottom of that page mediation?
- 15 A. Yes.
- 16 **Q.** And if we look at the mediation paragraph it was said that it may be appropriate that an
17 independent mediator be contracted to assist complainant and respondent to resolve the
18 situation?
- 19 A. Yes.
- 20 **Q.** 2006, some years ago now, but does it appear that, in the Nelson Diocese at least, mediation
21 was very much a promoted option even in indecent exposure or indecent assault cases?
- 22 A. I actually can't imagine that we would have gone down a mediation route if implementing
23 this policy in the particular case of indecent exposure. I mean that just strikes me as an
24 incredibly inappropriate way to deal with that.
- 25 **Q.** That's why I'm asking the question.
- 26 A. Yeah.
- 27 **Q.** Do you know how it could be that this would have found its way into the written policy?
- 28 A. I'm assuming, and I've perhaps lost track of where the paragraphing goes, that mediation, it
29 may be appropriate, so it would be about appropriateness, may have been about some —it
30 may be a way to work on a relationship where there is, say, unwanted talking, touch and so
31 forth. If I can speak more generally across the life of our Church and the life of the Diocese
32 of Christchurch, Nelson and other dioceses I've been involved, I mean we do get instances
33 where a parishioner, say, might say, you know, "I find the vicar is too touchy feely." The
34 vicar might say, "I'm just, you know, I'm a touchy feely person" and is not in a sense a

1 complaint that is about of assault but there is of feeling harassed of being annoyed, and
2 mediation potentially could be a way to help the two people to have a relationship that
3 doesn't involve that unwanted sort of touchy feely stuff. I'm not talking about—it's difficult
4 to find the words.

5 There is touch that is just—should not happen full stop, but in the life of the
6 church, a lot of us hug each other, for example, and if you're a part of the passing of the
7 peace in our Sunday services there is lots of greetings and people may be hugging each
8 other, sometimes we get a complaint that "So and so hugged me and I hadn't actually asked
9 for them to hug me." And we may need to resolve the fact that we need people to know
10 what's appropriate behaviour even in that situation where some people are hugging because
11 they know each other around think that's fine but others don't.

12 **Q.** If we just go back to the top of page 37, again the definition of level three. Maybe if we
13 include the definition of level four just so we can see those definitions. Level three where
14 mediation is an option does extend to abusive intercourse, even if consenting. Looking at
15 this now and having seen Ms Pauling's report yesterday, does it seem to you that there was
16 an over-emphasis on mediation in the Church's policy at this time?

17 **A.** It's up to the Nelson Diocese to say what its policy is right now. If I were involved in
18 writing a policy I have totally heard what has been said in the intervening years about
19 mediation as not appropriate in many, many instances where perhaps in 2006 it looked like
20 it might have been appropriate. So I would imagine writing such a policy today mediation
21 would be not mentioned at all in these levels.

22 **Q.** Just for completeness while we have level four on the screen, the policy said that if
23 harassment is at level four, that's when the course of action would be to go to the Police?

24 **A.** Yes.

25 **Q.** I think we can take that policy down. I just want to make sure that the Commissioners
26 understand where we are at currently because that obviously is an older policy. For your
27 current Diocese in Christchurch, what is the sexual harassment policy now and where do
28 we find that?

29 **A.** I'm embarrassed to say that I thought we had a sexual harassment policy easily located in
30 our handbook and when I checked the other night I couldn't easily locate that apart from
31 our sexual harassment material within our Keeping Them Safe Policy for children and
32 youth. So that is a situation that needs addressing.

33 **Q.** There's a gap, I take it, particularly for adults and vulnerable adults, is that right?

34 **A.** There is a gap. I'm pretty sure the policy is there but actually in the index I couldn't see that

1 it was there, so I will address that.

2 **CHAIR:** Would this be a different policy from the one Mr Mount's been referring to?

3 A. Yes, the Diocese of Christchurch had a different policy to the Diocese of Nelson.

4 **Q.** When did that come into being do you know?

5 A. I cannot remember the date for the Diocese of Christchurch as a policy.

6 **Q.** Obviously after 2006 which was this earlier one?

7 A. I would think the Diocese of Christchurch probably had a policy before 2006, an initial
8 policy.

9 **Q.** Sorry, I'm not being clear. Mr Mount has referred you to the 2006 policy and these are the
10 levels that we've just been going through. You say there's a new policy or a different policy
11 from that now in existence?

12 A. Mr Mount was showing a policy of the Diocese of Nelson where I used to work.

13 **Q.** Aah.

14 A. I'm now in the Diocese of Christchurch.

15 **Q.** Sorry, I missed that, so thank you for clarifying that. So we were looking at the Nelson
16 one. But in relation to his question about where the Christchurch one is or the Canterbury
17 one is, you say you can't find it, is that right?

18 A. When I did a quick check the other night I realised I couldn't easily locate it via our policies
19 that are on the web and via an index. I thought we had a policy, so I need to work out why
20 we don't have that available.

21 **Q.** Thank you for clarifying that.

22 **COMMISSIONER ERUETI:** Is this different from the policy in 2017, the Keeping the Children
23 Safe Policy?

24 A. The difficulty with Keeping Them Safe Children's Policy from 2017 is that someone might
25 think that only applies when you're working with children. So we need to be clear as a
26 diocese what our general policy is for all adults interacting with adults. It wouldn't, I
27 imagine, differ in substance from what's within the Keeping Them Safe Policy.

28 **QUESTIONING BY MR MOUNT CONTINUED:** We'll move on to one of the Witness
29 Statements that the Inquiry has received.

30 A. Yes.

31 **Q.** It's available on our website and you may have seen it. We will use the pseudonym Ms N
32 for Nigel. We'll pull it up on the screen to check you've had a chance to see it, it's ending
33 52001. This is a person abused at St Margaret's School by a teacher at the school?

34 A. Yes.

1 **Q.** Have you had a chance to read this statement?

2 **A.** Yes.

3 **Q.** Do you know the case?

4 **A.** I only know the case through reading about it.

5 **Q.** Just to summarise, it began with grooming behaviour by the teacher when the student was
6 aged 14?

7 **A.** Yes.

8 **Q.** And progressed to abuse in the final two years of school for the student when she was aged
9 up to 17?

10 **A.** Yes.

11 **Q.** The impact was severe?

12 **A.** Yes.

13 **Q.** If we turn across to paragraph 72 on page 11, for those who aren't able to read and to get it
14 on the record, I think we should read from page 72 and you did such a good job yesterday
15 of reading, could I ask you to read from 72 through to 80?

16 **A.** Sure. "When I told the school what happened to me I feel there was no duty of care
17 towards me, even though I was a previous student in their care and still a young person.

18 I had opportunities and inspirations that I lost. The process that I had to go
19 through to hold GRO-B-1 accountable cost me emotionally, medically, financially and
20 spiritually.

21 The process was both re-traumatising and traumatising in its own right. I lost
22 confidence in my capabilities and I lost trust in my personal safety.

23 I suffer ongoing consequences of this abuse. A specialist medical assessment by
24 ACC determined that I have an estimated whole person impairment of 28% as a direct
25 result of the mental injury from the abuse and redress processes with St Margaret's College
26 and the Teaching Council.

27 I had dreams and career aspirations that I put on hold. I had to divert my time and
28 energy to fighting the process and trying to ensure that other students were safe. I spent
29 years trying to reconcile my treatment by St Margaret's College and the Teaching Council.

30 I lost opportunities to engage with the St Margaret's community. The principal has
31 since died but as of 2020 the Deputy Principal is still there. Her name is Chris Wyeth and
32 is currently the head of pastoral care. She heard my evidence in private in front of the
33 board and sat in on meetings with no acknowledgment after GRO-B-1's deregistration.
34 I refer to confirmation of her attendance as WITN0052006. She had also been my science

1 teacher.

2 I lost my faith and spiritual home where I had my entire school education. I feel
3 the school neglected their duty of care for a past student and even basic human rights,
4 especially given I was under their care and groomed as a child in their environment. They
5 were determined they did not want anyone to know about it. I feel as though they included
6 with the teacher to make it an employment issue.

7 I was cut down from my opportunity to engage. I wanted psychological support,
8 my information back and legal support. There was no process on how to lodge a complaint
9 and no advice was given when asked.

10 I left Christchurch because it no longer felt like home. This was partially due to
11 there being no clarity or closure in the way the school dealt with the complaint. When
12 I moved cities, the abuser temporarily also moved to the same city and continued stalking
13 behaviour."

14 **Q.** One of your roles is as the warden of St Margaret's College?

15 **A.** Yes.

16 **Q.** Were you aware of this case as it came through the school as a redress claim?

17 **A.** You mean in the past or in the—

18 **Q.** In the past, and I'm sorry, I'm asking that only in a general sense as to whether in any of
19 your previous roles or whether in the last two years you've become aware of the way that
20 the school dealt with this case?

21 **A.** I've only become aware in the last, I don't know, year in terms of this being material that
22 has come to the Commission and the school has shared that material with me.

23 **Q.** If we look at the way that the school responded, paragraph 84 on the next page we see that
24 the school engaged lawyers to act for them?

25 **A.** Yes.

26 **Q.** Bottom of page 88 the school asked the complainant for DNA evidence?

27 **A.** Yes.

28 **Q.** At 92 the principal told the complainant that because the teacher had resigned the school
29 was not required to make a formal determination. 93, when the complainant asked for
30 further information the school declined to provide that information to the complainant. 98,
31 there was a request for assistance with further counselling,—

32 **A.** Yes.

33 **Q.** — which the school declined. 101, the principal of the school did not apply for
34 cancellation of the teacher's registration and at 104 we see the complainant was put on a

1 protracted five-year process with the Teachers Council—

2 A. Yes.

3 Q. —to pursue deregistration. At 107 we see that she was required to attend a process with 20
4 teachers from the community?

5 A. Yes.

6 Q. And at 112 she was cross-examined, including at 113 cross-examined by the perpetrator?

7 A. Yes.

8 Q. The Chair approved all questions by the perpetrator. 115, she felt physically sick during
9 that experience. At 119, the ultimate determination from the Teachers Council
10 unanimously was that the sexual relationship had occurred while she was a student and that
11 at all times the teacher was in a position of trust and confidence and in a position of power
12 over the—

13 A. Yes.

14 Q. —complainant. And then at 123 we see that even after the Teaching Council deregistered
15 this teacher, the survivor never heard from the school, never got an apology, there has been,
16 it seems, no acknowledgment of her trauma, the cost of making other students safe or the
17 massive personal and financial costs of coming to make the statement.

18 **MRS GUY KIDD:** Was that a question?

19 A. I'm acknowledging that paragraph, yes.

20 **QUESTIONING BY MR MOUNT CONTINUED:** And then at 126 there is a comment about
21 the role of the Diocese. We see that the Church did nothing as an overriding body to
22 support her or address the trauma in any capacity and she never heard from the
23 Christchurch Diocese and that she would like acknowledgment from the Diocese.

24 A. Yes.

25 Q. As the Bishop of Christchurch, your reaction to that?

26 A. I will honour that request. I will do so because we've got to this point in the Commission's
27 proceedings and I do not know why, in a sense, nothing was done because I assume the
28 warden back when the Board was addressing these matters would have been aware, or
29 perhaps should have been through papers, that such a significant case was before the Board.
30 But I will work on an appropriate acknowledgment to her.

31 Q. Does a case like this emphasise the information gap that seems to exist within the Diocese
32 between what is happening in the schools and the Diocese itself?

33 A. I think it highlights an information gap. I think what I will need to do is work with the
34 principals of our schools on a protocol for making information available to the bishop, to

1 the bishop's office so that, for example, we are also keeping records of formal complaints of
 2 this nature and in particular so that we can address any of our needs to respond to such a
 3 situation. And as we go forward our diocesan statistics need to include our schools.

4 I will also need to be working on our Anglican Care Board and its structure.
 5 Going forward I think there's been a reasonable degree of communication in the past
 6 Anglican Care to the Diocese, but there is a shortfall in the lack of a protocol with our
 7 schools about communication.

8 **Q.** As the current warden of St Margaret's, if a case like this were to happen in the future—

9 **A.** Yes.

10 **Q.** —how do you think it should be handled from the diocesan perspective?

11 **A.** I think one of the most important things I would be doing as warden in relation to the
 12 school in relationship with the Chair of the Board and the principal of the day would be
 13 working with them on ensuring that their response matched our Church's understanding,
 14 new understanding, of how we should be responding, especially in terms of redress, in
 15 terms of a trauma-informed approach of response to a survivor.

16 **Q.** Yesterday we talked about the Bishop having a due diligence role across the Diocese,
 17 including for the schools. Is this case an example of the opportunity for a more active
 18 exercise of that role in the future?

19 **A.** It is, yes.

20 **Q.** I am just about to move to a new topic which will take a little bit of time so I wonder
 21 whether we might even have an early—

22 **CHAIR:** Take an early break.

23 **MR MOUNT:** —break at this stage, Madam Chair.

24 **CHAIR:** Is that suitable to everybody? I'm sure you'd welcome a break, Bishop Peter.

25 **A.** Thank you.

26 **Q.** Very well, we'll take break 15 minutes now, thank you.

27 **Adjournment from 11.22 am to 11.47 am**

28 **CHAIR:** Yes, Mr Mount.

29 **QUESTIONING BY MR MOUNT CONTINUED:** For completeness, the experience we have
 30 just discussed of Ms N at St Margaret's, at the time of her statement she had no apology
 31 from the school.

32 **A.** Yes.

33 **Q.** I want to confirm on the record that after that statement the school did offer an apology and
 34 has offered to meet with Ms N—

- 1 A. Yes.
- 2 Q. —in relation to her experience. I'll just ask you to confirm that to your knowledge?
- 3 A. That's my understanding.
- 4 Q. We'll turn now to the evidence of Jacinda Thompson who appeared in this room last year.
- 5 A. Yes.
- 6 Q. You will have seen her evidence no doubt?
- 7 A. I was here.
- 8 Q. The ultimate conclusion of her case came in 2017 after an appeal decision of the Tribunal,
9 we have that decision, witness 49006. You see the date in the blue text, 26 October 2017.
10 And if we come in on the text to make it easier to read. After the Appeal Tribunal there
11 was publication of the determination dated 2016?
- 12 A. Yes.
- 13 Q. That determination being that the Reverend van Wijk knowingly engaged in sexual conduct
14 with the complainant when she did not truly consent?
- 15 A. Yes.
- 16 Q. For which he was deposed and ineligible for deployment to any office in the Church?
- 17 A. Yes.
- 18 Q. If we go back in time 12 years earlier?
- 19 A. Yes.
- 20 Q. 2005, you had some involvement early on in the case and yesterday in your evidence I
21 think you explained a particular e-mail where you didn't have full information?
- 22 A. Yes.
- 23 Q. I want to pull up that e-mail please, it's the document ending 1543. If we just look at the
24 top of the e-mail for a moment, it's from you to the Bishop at the time, Bishop Eaton, is that
25 right?
- 26 A. Yes.
- 27 Q. Who are the other people I'm sorry?
- 28 A. Ian Pask was Diocesan Registrar, effectively the Diocesan Manager. Alice Eaton was
29 employed as the PA to Bishop Derek Eaton.
- 30 Q. In terms of a timeline of the complaint, this was relatively early I think?
- 31 A. Yes.
- 32 Q. Just looking at your first paragraph, you prefaced your comments by saying you had looked
33 more closely at Title D in the light of a full disclosure insofar as you could tell the same
34 disclosure—

- 1 A. Yes.
- 2 Q. —to the Bishop, of the pertinent facts. So certainly, at the time you felt that you did have
3 full information or full disclosure?
- 4 A. I felt I did. Well, I had the disclosure I had, I had no reason to think it wasn't a full
5 disclosure.
- 6 Q. If you recall yesterday when we were looking at Ms Pauling's report from 1998, do you
7 remember her statement that an abusing minister will almost always minimise, lie and deny
8 when first confronted about a complaint?
- 9 A. Yes.
- 10 Q. Does it appear that in this case there was a degree of minimising or lack of candour when
11 first confronted?
- 12 A. There certainly turned out to be a lack of candour.
- 13 Q. Is this perhaps an example of the lessons that Ms Pauling had gathered from overseas
14 travel, training, not being well disseminated across the church?
- 15 A. I agree with that statement.
- 16 Q. I appreciate this is very much the previous process, not the forward-looking process. Do
17 we see, though, a weakness in a process where the bishop is receiving advice in good faith?
- 18 A. Yes.
- 19 Q. No doubt. But based on incomplete facts and incomplete information?
- 20 A. I think the situation around that date in terms of what then unfolded, and obviously
21 highlighted the inadequacy of where we were at, at that point in time. It highlights the
22 relevance and importance of a role such as the Diocese of Christchurch had, already had at
23 that time, the role of the monitor. So I would assume that if we had had a monitor, if you
24 like, in every diocese on the Christchurch model, and if Nelson had had the monitor, this
25 would have unfolded differently, and of course it would unfold differently under the new
26 process we now have.
- 27 Q. Your comment in paragraph 2 which we'll pull up, drawing an analogy with unintentional
28 shoplifting, perhaps just to have this on the record, could you read paragraph 2 for us?
- 29 A. "(Linked to 1) a possible analogy: Sometimes when people shoplift it's a deliberate and
30 intentional act of thieving. Sometimes it's an unintended action because the shoplifter's
31 mind is stressed to the max and they walk out of the shop simply forgetting to pay for the
32 goods in their hand. What happened with Michael seems to me to be more akin to the latter
33 than the former."
- 34 Q. For completeness, when you said "linked to 1", point 1 was recognising a personal crisis

1 with his marriage at the time?

2 A. Yes.

3 Q. With the benefit now of hindsight, what do you say about the analogy you drew in
4 paragraph 2?

5 A. Not so much the benefit of hindsight, I wonder if I could explain when I wrote that
6 I actually had in mind a reasonably well publicised incident in the Diocese of Christchurch
7 maybe in the 1990s, when a very well-known cleric had been charged with shoplifting and,
8 as I recall that incident, he had said that he'd absentmindedly put—from memory it was a
9 pouch of tobacco in his pocket, walked out of the store and was apprehended, so I was
10 actually thinking of a complaint involving a clergyperson.

11 In hindsight, I would want to bring in all learnings that have come through this
12 particular situation, and for me a particular learning is the complainant, or in this case the
13 potential complainant, because I don't think we had a formal complaint at that stage, but
14 that's not an important difference, there was going to be a complainant. My learning would
15 be we needed to ask the question where is the complainant at, what is happening for them,
16 what is their view on this. I think to apply that learning to such a situation would mean that
17 that e-mail would not be written in any form.

18 Q. Certainly your focus in this e-mail was on—was the title Reverend van Wijk?

19 A. He was an ordained person, yes.

20 Q. And the focus was on him?

21 A. It was. We were concerned for his wellbeing, we were insufficiently concerned for Jacinda
22 Thompson's wellbeing but we were concerned for Michael's wellbeing.

23 Q. At that time, it seems your analysis was that you could rule out most offences under
24 Title D, we've got paragraph 3 on the screen. Is that right?

25 A. According to the understanding I had at that point in time, yes.

26 Q. If we come down to paragraph 7.

27 **CHAIR:** When you say, Bishop Peter, your understanding, you mean the understanding of the
28 facts of the case?

29 A. The facts of the case as Michael had conveyed them—

30 Q. Had conveyed them to you?

31 A. —at that point in time.

32 Q. Thank you.

33 **QUESTIONING BY MR MOUNT CONTINUED:** From paragraph 7, does it seem that
34 Reverend van Wijk had been given the message that it might be better for him to resign as a

1 way to avoid a formal tribunal finding?

2 A. I suspect that there were two things going on with talking carefully about the possibility of
3 resignation. One, yes, that to resign would be, on the facts then known, an appropriate
4 response by him and would mean that we would not, if you like, force a determination, in
5 other words if he resisted accountability via resigning, force a determination towards a
6 tribunal.

7 The other thing which I think was going on was, because you will note that
8 I mention Ian Pask did not have to mention the word "resign", is that we would also have
9 been taking care not to construct his dismissal with the potential legal complications that
10 would then ensue. So it would be preferable, if you like, on both counts that he faced up to
11 the situation via his resignation.

12 Q. From what you now understand about this case and this topic more broadly, is it ever
13 acceptable to suggest that someone could avoid formal disciplinary consequences by
14 resigning?

15 A. Well, hypothetically across a whole set of reasons to resign, not only when a question of
16 harassment or abuse has been raised, it could be appropriate to talk about resignation as a
17 way to achieve a resolution of a complex situation. I think it would be fair to say that in
18 some situations if a clergyperson in a complaint situation, say, invoked the support of a
19 lawyer, and I'm thinking of a case where I believe this happened, the lawyer might work
20 with the bishop of the day, maybe the bishop's lawyer, on how to achieve some kind of
21 resolution of a situation that, if you like, avoided drawing out proceedings via tribunals and
22 so forth. And it could be that in that moment it would seem preferable to achieve that
23 resignation.

24 Now I think in the last 12 months in the light of how the various proceedings and
25 considerations that came to the attention of our church through the action of Ms Thompson,
26 we would take a different view on, if you like, too quickly and too easily heading to the
27 resignation point, because it could be that that would achieve something in the short-term,
28 but might still leave the whole situation open to further examination.

29 One other part of the learning out of that, I think, is that there are situations where,
30 as I say, you're involved with lawyers advising and wanting to do the best for their client,
31 the clergyperson, that the resignation also comes with a confidentiality agreement about the
32 circumstances of the resignation. And again, I think our learnings in the last 12 months are
33 that that ultimately it is actually not a helpful way to proceed. And again, my
34 understanding of how we will be moving forward on the new Title D is that we will,

1 probably only in exceptional cases, maybe driven by the complainant's wishes, only in that
2 situation accept a confidentiality agreement as part of the resolution of a complaint.

3 **Q.** To be clear, shouldn't the disciplinary question always be addressed entirely separately
4 from any decision about resignation?

5 **A.** Well, theoretically yes. In practice, in speaking about the past and not trying to
6 second-guess exactly where we will go in the light of new learnings in the future, some
7 situations seem to involve a complaint that says the clergyperson did this, the clergyperson
8 denies that happened, the bishop is saying well, okay, you're denying but this has become
9 very complicated about your life in the parish, we need to find a way forward, the
10 clergyperson's lawyer begins to open up the question well, would you bishop accept the
11 resignation and we kind of all move on. And while—I mean that is a compromise, if you
12 like, relative to yes, ideally the question of discipline in the past would have been pursued
13 and a question of resignation being a separate matter.

14 But in the heat of a moment of intense feeling, of great difficulty around what's the
15 future of the parish here, because often at this point rumours are seeping around, the life of
16 the parish, about what may or may not have happened, it can seem like a clear resolution to
17 accept the resignation. Again, speaking of how I think some cases have worked in the past.

18 Now it is quite true that we could look at some of those cases and say you know
19 what, the bishop then moved on too quickly, because you could have a resignation and still
20 bring that disciplinary proceedings. But life is sometimes quite messy.

21 **CHAIR:** If I may, Mr Mount, there's also a question of whether the disciplinary process should be
22 tied to the redress process.

23 **A.** There would be that question, yes.

24 **Q.** Yes, and in this case, which was complicated and long and drawn out I accept, there doesn't
25 seem to have been much if any separation between the two.

26 **A.** No, no, and it was complex and drawn out.

27 **Q.** Yes. Thank you.

28 **QUESTIONING BY MR MOUNT CONTINUED:** Is there not great danger in accepting that
29 someone can avoid a disciplinary process by resigning for the exact reason we see in
30 paragraph 7, that the person avoids having a permanent record on their file?

31 **A.** There's a huge danger in that, and I would want to stress that at the level we thought
32 Michael had behaved at the time seemed reasonable, I wrote that paragraph. That
33 paragraph is not reasonable in the light of what we discovered a month or so later. What
34 we discovered a month or so later would always need to be, under any system, recorded on

1 the personnel file of the clergyperson. Perhaps I should amplify that a little bit. I think, as
2 we have kept learning, we need to keep on personnel files of our clergy all instances of
3 complaint, reasons for resignation and so forth.

4 **Q.** One obvious reason being that if resignation is too easy a way to avoid those consequences,
5 a problem can simply be moved from one place to another?

6 **A.** No, I wouldn't say that. In the past going back in the life of the Anglican Church maybe, in
7 my estimation as late as the 1970s there would appear to be a case or two the Commission
8 is aware of where there would appear to be an element of a bishop moving or, if you like,
9 colluding with the movement of clergyperson from one diocese to another in the hope that
10 behavioural patterns would cease. I think it's a long time since we've been doing that and—
11 I do acknowledge there may be exceptions so I'm not trying to give a complete history in a
12 couple of sentences. But in this case the possibility at this point in time of Michael
13 resuming ministry was certainly possible but it could only have been possible if
14 considerable work was done by him on the situation in his life as it was then known.

15 **Q.** Certainly paragraph 8, that was the focus, when it comes up on the screen, a focus on how
16 Reverend van Wijk could be helped to restore his marriage and his ministry?

17 **A.** There was a focus on the possibility of restoration.

18 **Q.** You have touched on this already, but we don't see any reference in this quite long and
19 considered e-mail any reference to the support for Ms Thompson or her perspective on
20 things. That's a clear deficiency?

21 **A.** The clear deficiency and the reason for my apology yesterday and mistake I owned to is not
22 considering her situation. As far as support of her went, I think the assumption in my mind
23 was that in her local parish context there was support. I was in Nelson, the situation arose
24 in another part of the Diocese. I may have been naive in the assumption etc, that's for
25 another part of the paperwork to be worked through on that particular assumption, but the
26 particular mistake I made, and I own to, is not considering this from her perspective.

27 **Q.** You've acknowledged you had a pastoral relationship with Reverend van Wijk?

28 **A.** Yes.

29 **Q.** And that this could give rise to the perception of a conflict?

30 **A.** Yes.

31 **Q.** Does it go a bit deeper than just a perception. Do we see in this e-mail a very real conflict
32 in that your immediate focus is on how to support Reverend van Wijk and then your advice
33 goes to the Bishop on that basis?

34 **A.** I'm not quite sure how to answer it, in this sense: Yes, there was a conflict of interest, in a

1 sense there always is a conflict of interest.

2 **Q.** And more than just perceived?

3 **A.** Yes, but a conflict of interest that's intrinsic to the role of a ministry educator in a diocese.
4 The role involves pastoral support for clergy in training, but in the context of that Diocese
5 and the situation I was in, I was one of the people, aside from our Diocesan Chancellor,
6 who was most well versed in Title D, so I was also giving that perspective on legislation,
7 I'd been part of the General Synod that had passed the 2000 Title D legislation.

8 I can see now it is a real conflict of interest, but I didn't see it then. I did see
9 myself as part of providing advice within the life of the office. In one sense the e-mail is a
10 discussion document. There might have been a discussion without anything put in writing
11 and similar advice might have gone to the Bishop. But I did put it in writing and I own to
12 the e-mail.

13 **Q.** The apology in your second statement, it's paragraph 21, is worded in perhaps a somewhat
14 conditional way, the formula, "I apologise *if* this e-mail has caused any additional pain and
15 suffering". From a survivor perspective, that use of the word "if", could that suggest a
16 conditional element to the apology that might not give full effect to the idea of an apology?

17 **A.** It could do that, and I've looked at that word "if" subsequent to submitting the statement
18 and realised it does have that potential impact. What I've tried to say, understanding that
19 the major hurt and pain that Ms Thompson has suffered is, if you like, focused on a range
20 of matters of which the e-mail is a part and it's not so much you may or may not have been
21 hurt but I'll apologise. It's if this e-mail has contributed to the pain in the context of all the
22 pain that's been there, I am totally apologising. I probably would reword that if I was to
23 rewrite it today. I'd probably want to actually use more language about owning up to being
24 responsible for that e-mail.

25 **Q.** Would you like to have another go now, Ms Thompson may be able to watch?

26 **A.** Yes. I apologise for the hurt and pain that this e-mail has caused Ms Thompson.

27 **Q.** I think the e-mail was April 05. Ms Thompson described in evidence to us her meeting
28 with the Bishop a few months later in July of that year?

29 **A.** Yes.

30 **Q.** And there are—it's a reasonably long clip I'd like to play if I may. But at the end of it I'll
31 ask you whether, from what you now understand, there are unsatisfactory aspects of that
32 conversation. So if you have a piece of paper you might want to note down any
33 unsatisfactory aspects as you go and I'll ask you about that at the end if I may?

34 **A.** Sure.

1 (Video played).

2 **Q.** Your reflections now acknowledging this is a neighbouring diocese not your own, your
3 reflections about unsatisfactory aspects of Ms Thompson's experience with the Church?

4 **A.** It's, I think, fair to say that I don't know what was going on in the minds of Bishop Derek
5 and Ellena, I know them well and I'm sure they had good intentions about being seeking to
6 be pastorally helpful. That's clearly not how it was experienced by Jacinda. I think my
7 main reflection is that there should not be a conversation about whether a matter will go to
8 Title D or not, between the bishop and the complainant, because that's too close a
9 conversation. The complainant has to have the right to be able to push for Title D having
10 received independent advice about that, and the bishop needs to make a decision also, if
11 you like, receiving advice through the chancellor.

12 My main reflection would be that there would need to be a third person in that
13 kind of conversation about what might or might not, or what should or should not happen,
14 and that does become another part of the reasoning of our church in moving to our new
15 system, so that actually it's completely out of the hands of the bishop as to whether we
16 would proceed to a tribunal or not.

17 **Q.** Should a bishop ever discourage someone from participating in a disciplinary process in
18 this way?

19 **A.** No.

20 **Q.** Clearly in this case the complainant survivor didn't have access to accurate information
21 about the church's process. Do we see how important that accurate information is?

22 **A.** We do, and I think that reinforces what you pointed out before about our Diocese website,
23 that at some point of the website there is full access to the full information about Title D.

24 **Q.** We saw there the idea that the Church might have no power to hold Reverend van Wijk to
25 account because of his resignation?

26 **A.** Yes.

27 **Q.** Proved not to be the case ultimately?

28 **A.** That's right.

29 **Q.** But do we see there the danger of that idea, namely, well, he's resigned so really there's
30 nothing that can be done?

31 **A.** That is very unhelpful, it's unhelpful—was unhelpful in that situation. It was also unhelpful
32 in the McCullough situation.

33 **Q.** There seems to have been active discouragement from going to the Police. Again, that
34 shouldn't happen, should it?

- 1 A. It shouldn't, I don't think it's for me to comment on exactly what was in that conversation at
2 that point, or the intentions in Bishop Derek or Richard's mind.
- 3 Q. In principle, though, should it ever happen that a bishop would actively discourage
4 someone from going to the Police?
- 5 A. I don't think a bishop should actively discourage someone from going to the Police. I think
6 if a bishop had a—some concern about a person going to the Police, the appropriate advice,
7 I think, would be to encourage the person to talk that through with a trusted
8 counsellor/advisor, but not the bishop trying to help the person to make that decision.
- 9 Q. The Bishop's statement “this wasn't really serious”, was pretty low end compared to what
10 was going on overseas, I realise the awkwardness for you in having to comment on another
11 Bishop's statement, but should a bishop who would be an ultimate decision-maker for many
12 aspects of the case, should a bishop ever give an opinion like that to a complainant early in
13 a process, minimising their experience?
- 14 A. It is important not to minimise experience. I think it's important that bishops are not having
15 these conversations full stop. Again, the position of the registrar going forward or position
16 in our Diocese we have had of the monitor, they are so important to ensure that there is
17 separation between a bishop and a complainant at those points where the bishop's
18 conversation may affect how the complainant is making their complaint known and seeking
19 to move it forward.
- 20 Q. The overall lack of support for Ms Thompson in this process, would you agree, appears
21 quite striking?
- 22 A. In reading through the paperwork for the Commission it appears striking. My
23 understanding also, looking at the paperwork, is that Bishop Derek and Richard Ellena,
24 who was the then vicar but later became the Bishop of Nelson, they have made a very
25 fulsome apology to Jacinda.
- 26 Q. I realise, as we have said a couple of times now, that it's a moment of transition for the
27 church into the new process.
- 28 A. Yes.
- 29 Q. I take it your expectation as a bishop would be that anyone in this position in the future
30 would have an entirely different experience?
- 31 A. Entirely different, absolutely different.
- 32 Q. One other aspect of this that I think I mentioned yesterday, was it appears from the files
33 Reverend van Wijk hadn't received the boundaries training that he was meant to have
34 received. Was that something you were aware of at the time given your involvement with

- 1 the case?
- 2 A. My memory of—I became the Ministry Educator in 2001 in the Diocese for Nelson. My
3 memory is that we did not have a systematic programme for regular boundaries training. In
4 hindsight that was a mistake. We should have had that. We let Michael down on that
5 score. I look back and think now why was that and I just want to speak for myself and not
6 for any other views in the Diocese at that time. I think there was a complacency that we
7 were basically a set of good people, good clergy, not so much that we didn't need
8 boundaries training but that it wasn't an urgent priority as we were seeking to offer other
9 forms of—I mean other things that were also important in training our clergy. I would now
10 expect that apart from a regular cycle of boundaries training for all clergy at whatever stage
11 of ministry they're at that post-ordination training, which then was for three years in the
12 Nelson Diocese, it's for three years in our Diocese, that that will also include boundaries
13 training as well as the regular cycle.
- 14 Q. The last case study, if I can call it that, that I wanted to ask you about was Mr Jim
15 Goodwin.
- 16 A. Yes.
- 17 Q. You will know his evidence as a former Christ's College student?
- 18 A. Yes.
- 19 Q. To refresh our memories, we have a short excerpt from Mr Goodwin's evidence, perhaps if
20 we could play that now. (Video played). It appears that despite the abuse coming to the
21 attention of the Housemaster at Christ's College, no formal process was triggered and
22 certainly none that came through the Diocese I think it's fair to say?
- 23 A. Yes.
- 24 Q. Is this case a good example of the opportunity that now exists for greater exercise of that
25 due diligence role we talked about?
- 26 A. Yes, it does.
- 27 Q. Would, as part of that, it be appropriate to have a broader review of the role of warden and
28 how that is understood in the relationship between the Diocese and schools?
- 29 A. I think we do need to have a conversation, it would help me to know how much more
30 proactive I could be in the life of each school, if you like, without the school wondering
31 why the warden has suddenly become rather proactive. The role has, to me, has in a sense
32 been more about if a crisis arises, whereas you are highlighting the need for the pro-activity
33 that means the warden on some regular basis is doing due diligence in these areas which are
34 of concern to the whole of the Anglican Church, to the whole of our Diocese.

1 **Q.** It's a nice transition to the final opportunity I want to give you, which is the
2 forward-looking series of questions about the future. What do you see as the most
3 important priorities for the new system that has already begun to be rolled out but
4 presumably which will need to be further developed?

5 **A.** Well, for me as the Bishop of Christchurch, the most important priority in terms of, I hope
6 the next week or two or three, is that we do get the up-to-date information so that we can
7 communicate effectively the new complaint process, and I think even if that at this stage is
8 in English only, that's a start, but other languages and other forms, in terms of disabilities as
9 discussed in the last day or so, need to be brought out.

10 The second priority for me would be that we actually give our system a chance to
11 work on complaints as they come in, and I imagine it will take us a year or two to get a
12 sense of what it means for it to be working as a process and some sense of do we think it's
13 working well. And I think as bishops, collectively, we need to be, if I call it conducting a
14 review, a review of how well it's going, not looking into what's going wrong with it, but
15 that review in the early stages it helps to fine-tune and so forth.

16 But I think the other thing, of course, it's not only about the bishops, do we think
17 it's working well, it has to be about what's a survivor's view of how it is working, is it a
18 good process, does it actually help.

19 **Q.** Something we have heard from a number of survivors, and the Church has already
20 supported this on record in this hearing, is an independent redress agency—

21 **A.** Yes.

22 **Q.** —for both state and faith-based claims. I realise the Church has taken a position, but I'm
23 interested in your view as Bishop of Christchurch, what do you think about that?

24 **A.** My concern is for the survivors' experience. I'll be frank and say I'm a bit concerned about
25 such an independent body covering so many potential cases. I would remind the
26 Commissioners that the church in New Zealand is not only the Salvation Army, the Roman
27 Catholic and Anglican Churches, there are not only other mainstream denominations,
28 so-called, like Presbyterians and Methodists, there are literally thousands of churches, not
29 all of which are kind of well-structured across our land like the three you are looking at
30 currently.

31 A concern I would have is that an independent body could mean a person
32 complains and then there's quite a delay in process. I believe what we've set up for the
33 Anglican Church in Aotearoa New Zealand is a process that will be efficient in responding
34 to complaints and timely in dealing with them. The idea I would like to put to the

1 Commissioners, while remaining open to an independent commission, but I wonder if it
2 would be helpful to have a Government-appointed Ombudsman or similar title to be, if you
3 like, an appeal person or office so that if someone engaging with the life of the church does
4 end up not having a satisfactory experience in our Anglican case under our new approach,
5 they feel they can go somewhere that is at that point beyond the control of the church.
6 I want to stress I think in our new system we're looking for some independent input into the
7 Ministry Standards Commission, I think the Archbishops, I believe, will talk about that
8 when they are speaking.

9 **Q.** Any other reservations about a potential national independent redress system?

10 **A.** No, my central reservation is that it might actually prove to be an unwieldy body because
11 potentially, and just focusing on the church apart from the State, there are a lot of churches
12 in New Zealand.

13 **Q.** All right. Any other forward-looking reflections, observations, comments you'd like to
14 make?

15 **COMMISSIONER ERUETI:** Can I just ask, Mr Mount, just quickly, Bishop Peter, about
16 whether earlier I think it was yesterday we talked about the Australian Royal Commission
17 Inquiry into care.

18 **A.** Yes.

19 **Q.** And there, one of their key recommendations was a National Redress Scheme—

20 **A.** Yes.

21 **Q.** —to cover all the faith-based institutions in Australia. And, you know, there have been
22 issues with implementing that process. But I wonder whether you personally had paid
23 close attention to that process and had been following that process and the
24 recommendations made?

25 **A.** I haven't been paying close attention to the National Redress Scheme in Australia, I have
26 seen the recommendations from the Commission to the Anglican Church in Australia and
27 recommendations, for example, about common discernment practice across all diocese, and
28 we haven't talked about that in the last couple of days, but I would be very open to a kind of
29 similar implementation of that.

30 If by the National Redress Scheme is meant a plan to, if you like, work on all the
31 outstanding redress to date in the life of the churches, going back to 1950, I'd be very much
32 in favour of making sure we're dealing with what is yet outstanding, on the assumption that
33 new systems going forward then are much, much better at redress than we have been to
34 date.

1 **Q.** Thank you.

2 **MR MOUNT:** Bishop Peter, thank you very much for your participation and responses to the
3 questions. Madam Chair.

4 **CHAIR:** Thank you. I'll just check to see if our Commissioners have any further questions.

5 **COMMISSIONER STEENSON:** Tēnā koe.

6 **A.** Kia ora.

7 **Q.** First of all, I just wanted to understand the motivations just turning your mind around
8 records and why you think a previous bishop might want to destroy or have a bonfire, as
9 you've coined it, for records?

10 **A.** I can't second-guess what was in the mind of Bishop Allan Pyatt. In my personal
11 experience of him, I knew him, he was a good and honourable person, and it's entirely
12 possible that his sole motivation was to not bequeath acres of papers. I mean every time
13 I've shifted on from a job I've gotten rid of things and—so it may be that he largely
14 destroyed things that he felt were not particularly relevant to the ongoing archives and
15 history of the Diocese. But in the end, I don't know. He may have been burning things that
16 should not have been burned.

17 **Q.** Thank you. And you've apologised around the unacceptable abuse that was suffered in the
18 care of the Diocese for survivors and the unacceptable response when they have
19 approached the Anglican Church. You talked about numerous and substantive changes to
20 improve the processes.

21 **A.** Yes.

22 **Q.** So I just want to understand, have these processes, changes, been mainly focused around
23 how the organisation handled complaints as opposed to a redress process that's
24 survivor-focused in your view?

25 **A.** Changes have been focused on improving the complaint process, the process of making
26 sure we receive a complaint, receive it well and, through the monitor process, investigate
27 well. Yes, we haven't changed around redress and certainly not towards some of the things
28 that are becoming clear and apparent through the work of the Commission. But I don't
29 think that means that we're disinterested in redress.

30 Except I would acknowledge that I think that redress, until recently, has often
31 meant how do we bring a situation to some kind of resolution, and if, per chance, there was
32 compensation effectively here is the one-off payment. And we're now clearly through the
33 work of the Commission looking at a trauma-informed process and I know that will be
34 guiding the new Title D process. But that is something I also need to work on with, say,

1 our schools, that they have an understanding of that important change and, if you like, a
2 new conception of what redress means.

3 **Q.** Thank you. And just looking at the new process around whether there will be a registrar,
4 I'm just wondering from a survivor perspective, how comfortable you think they might feel
5 dealing or providing a complaint to somebody who has predominantly had a strong legal
6 career and whether or not that may or may not be survivor-focused?

7 **A.** My understanding is that the appointment of John Priestley as Registrar is an initial
8 appointment so that we're moving forward on the matter of the new Title D being able to
9 actually be implemented because there is a registrar as the Title D provides for. That it is
10 absolutely a question, what is the most appropriate person, maybe persons who would be in
11 that office in terms of receiving complaints, because inevitably there are questions in the
12 life of our church, not only about whether the person is a lawyer or not, but whether they're
13 male or female, whether they're Pākehā or Māori.

14 Again, the Archbishops I'm sure will speak to this, but my general understanding
15 is that we would be developing a team, maybe under the leadership of the Registrar, so that
16 people would feel that they could bring their complaint to a person they felt comfortable
17 bringing the complaint to. As in a female Māori might feel most comfortable bringing the
18 complaint to a female Māori within that registrar's office. So in other words we're open to
19 making sure we're doing the right thing by survivors.

20 **Q.** Thank you. Tēnā koe.

21 **COMMISSIONER ALOFIVAE:** Thank you, Bishop Peter, for your candour over the last couple
22 of days. I was really encouraged to hear your reflections about looking forward and getting
23 the information back out to your congregants even if it was just in the English language to
24 begin with. Because the hierarchy of your Church is that there are some significant points
25 of influence. And so obviously the role of the bishop is one of those roles. Being able to
26 socialise issues down—

27 **A.** Yes.

28 **Q.** —would be important.

29 **A.** Absolutely.

30 **Q.** And given that that redress, but in particular abuse in churches general but specifically to
31 the Anglican institution at this point, do you see it as being important to socialise these
32 sorts of social issues the same way you would bequests, land issues, asking for volunteers
33 on your different committees, almost making it it's part of your Anglican way to socialise
34 important topics that people wouldn't feel comfortable necessarily talking about?

1 A. It is important to socialise them. It is important to not only, if you like, promulgate papers
2 and posters and policies, but to also work on a change of culture, of the way we do things.
3 But you mentioned getting volunteers for committees as an example of how the Church
4 does its stuff. I can assure you that sometimes it's very difficult to get those volunteers for
5 committees, so I do not want to underestimate the challenge of socialising our changes.

6 Q. I think my point is really when there are particular mindsets in certain institutions, being
7 able to change the mindset through influencing attitudes and behaviours—

8 A. Yes.

9 Q. —often starts when you've got some really courageous leadership at the top.

10 A. That's right, yes.

11 Q. So that it becomes the norm, people aren't afraid. I mean a lot of our faith-based survivors.
12 And you've heard it again this morning in our witnesses, that in the clips, the whole power
13 imbalance and being able to proactively work at it from the power perspective, I suppose, is
14 something that will always be a work in progress.

15 A. It will always be a work in progress. And I think particularly in churches in Aotearoa
16 New Zealand because culturally we pride ourselves on being egalitarian. I think one of the
17 things that's difficult, for example, for an ordained leader in the Anglican Church to keep
18 remembering is that there is a power imbalance because we often like to work our lives out
19 in the Church, we're all just the team or the family, but we're not, and clergy always need to
20 check in with the fact that there is a power imbalance in their relationships with other
21 people.

22 Q. And if I could just ask you to perhaps expand a little bit on your view around the
23 Christchurch Diocese and the enormous—you've got 58 ministry units, you've got six
24 schools, the Anglican Care, the City Mission, it's almost a bit like an ecosystem. So you've
25 made a lot of comments around due diligence, which is—

26 A. Yes.

27 Q. —very helpful. And you've also talked a lot about the Anglican way.

28 A. Yes.

29 Q. And expanding or perhaps understanding the role of warden in a new light in terms of the
30 influence that it could have on all of the institutions that you really have the covering over.

31 A. Yes.

32 Q. Do you think it's possible, bearing in mind the complicated commercial structures and the
33 board arrangements with a lot of the institutions that aren't part of your core body, that it's
34 actually possible to have one redress system that would apply across all of your entities

- 1 under the Anglican umbrella in your Diocese?
- 2 A. Well, we might need more than one redress scheme if we think about parishes, schools,
3 Anglican Care boards. But what we're hearing in the Commission proceedings is that we
4 do need consistency in redress schemes across the dioceses, the Hui Amorangi, so if we
5 have a redress scheme focused on our schools it's the same redress scheme that's focused
6 on, say, the schools in the Diocese of Wellington, the Diocese of Auckland, the Diocese of
7 Waiapu and so on. So that would certainly be an important matter for our whole church to
8 have regard for, that there might be not one but, say, three schemes, social services,
9 schools, parishes. But we're clearly getting a message, hearing a message that we do need
10 consistency across the different parts of our church.
- 11 Q. So it's not impossible in the two-year cycles in which your General Synod meets to be able
12 to achieve that consistency across the board?
- 13 A. No, it's not impossible, but it's also the case that a redress scheme does not necessarily
14 need—I'm thinking out loud here—the underpinnings of statutes decided by General
15 Synod. They could be a matter on which, for example, we all agree as, say, bishops that
16 these will be what we implement.
- 17 It would be interesting in our schools because there is a lot of differing
18 relationships between our schools and the diocese in which they reside. That would be a
19 harder work to get, if you like, a national agreement on. But not impossible. And certainly,
20 actually wouldn't be about General Synod, it would be about the schools having a common
21 mind that they would accept a consistent redress scheme.
- 22 Q. So just a common drive to be able to achieve it within a defined timeframe perhaps?
- 23 A. Yes.
- 24 Q. Thank you, Bishop. No further questions.
- 25 **COMMISSIONER ERUETI:** Tēnā koe, kia ora ano. You said something quite striking
26 yesterday morning, or early in your testimony, about how you thought that the low levels or
27 the lack of complaints on abuse coming to you could be due to just the lack of prevalence
28 of sexual abuse in your Diocese.
- 29 A. Yes.
- 30 Q. Another comment about how it wasn't swarming with children was the other thing that was
31 quite striking to me. I just wonder if you still stand by those comments after the discussion
32 we've had subsequently about, first of all, kind of the issues with communications that
33 you're having with languages and the location of posters only being in churches and not in
34 other places outside of the church. Access to information, perception of conflict of interest

1 in the complaint process and actual conflict of interest in the complaint processes and also
2 having the greater appreciation of the size of the vulnerable community that's not just the
3 parishes but also Anglican Care and the schools, that these factors might account for the
4 low numbers of complaints coming to you?

5 A. I think we're talking about questions rather than statements and conclusions. So a question
6 would absolutely be if we communicate more widely, more effectively we may find there
7 are more complaints come to light, and the statistics would then change. What I was saying
8 about maybe we have low stats because of the factors I mentioned is very much about a
9 question, is that an explanation or not. So it may not be and it may be that we would find,
10 you know, imagine you at the all seeing eye of God that indeed our statistics in that case
11 are, if you like, pretty similar to Australia, the point Mr Mount made, but it could be they're
12 still low even when we have communicated more widely.

13 I think what I hear you saying is that we need to do that work on eliciting
14 complaints rather than rest on our laurels about maybe we've got an explanation for low
15 stats.

16 Q. What I'm asking you is if you see there could be a connection between all of these factors
17 and the low numbers?

18 A. There could be a connection, yes.

19 Q. Okay, thank you. The other point is with the National Redress Scheme in Australia
20 consistency is all important, of course. But they were heavily influenced by the calls for an
21 independent process, independence is so critical, we keep hearing it over and over and over
22 again. And so, you know, we've had discussions about the Monitoring Committee. My
23 question is this new process. There are always degrees of independence, we saw that with
24 the State redress scheme processes about your mind, to what extent it's independent of the
25 Anglican Church?

26 A. I hope I'm hearing your question correctly. If a recommendation from the Commission was
27 for a National Redress Scheme to focus on all outstanding complaints from the last 70
28 years, all complaints that have not been well addressed, in other words, the redress if there's
29 been—some has been unsatisfactory; I think we are at a point where that needs to be an
30 independently overseen process to basically set a whole lot of things to right. So I'm
31 distinguishing that from raising the question whether as we go forward we might, and I'll
32 speak as an Anglican only, we might give our new process a chance to see whether that's
33 working well as we go forward into the future.

34 Q. In your assessment today would you see it as—to what degree do you think it's

1 independent?

2 A. Well, it's—it's independent in the sense that the new scheme takes matters out of the hands
3 of bishops, the complaints have to be forwarded to the new Office of Registrar. It's
4 independent to the extent that the Registrar and/or Registrar's team of people who will work
5 on the complaints have no beholdenness to any of the bishops or the Archbishops, and it's
6 independent to the degree to which, as we established in the Ministry Standards
7 Commission, we're able to bring some independent voices into that and then there's the
8 independency which I did raise the question of whether we might have a
9 Government-appointed Ombudsman or Ombudsman body in order to ensure that if, in the
10 end, people were dissatisfied with the process they could appeal. To try to give a positive
11 reason for having a body such as we have constructed, which I totally, acknowledging, is
12 not perfectly independent, it is that that body I think would have some understanding of
13 how our particular church works and some empathy for how a complaint would have arisen
14 and how redress might then be worked through in a way that works within our rules and our
15 disciplinary procedures and so forth, which inevitably will be different to the Salvation
16 Army, Roman Catholics, to the Presbyterians.

17 Q. I take your point on that. Lastly is in the design of that process—it might be question better
18 placed for the next witnesses—but the degree of participation of survivors in designing this
19 process, including Māori, Pasifika and those with disabilities, to what extent was it
20 informed by views over other than, say, Stephen Winter at the University of Auckland and
21 others?

22 A. I wonder if I could respectfully leave that question to the Archbishops.

23 Q. Okay, tēnā koe, ka nui te mihi ki a koe. Kia ora, thank you for your answers.

24 **CHAIR:** I think all of the issues I was planning on talking about have already been raised, I'm not
25 going to belabour the points, I think my questions are probably more appropriately
26 addressed to the forthcoming witnesses. Bishop Peter, can I sincerely thank you for your
27 evidence, both you and Bishop Ross have put yourselves in the firing line and we
28 appreciate the fact that you and other members of the Anglican Church have been so
29 willing to engage and to do so in such a forthright way, and I know that it's not been
30 comfortable for you or for Bishop Ross, and probably the Archbishops are not looking
31 forward to this either, but I want you to know that it's important to us that you have made
32 the commitment to be here and support us.

33 And the last thing I want to say is I really appreciate from you the way in which you
34 are so obviously learning from the evidence already given to the Commission and

1 continuing to be open to change, and that to me is a very heartening attitude for you and
2 your church to be taking. So thank you very much indeed.

3 A. Thank you.

4 **CHAIR:** I think it's now appropriate that we all take some lunch, so we will resume now. In
5 terms of time, Ms Anderson, how do you think, would you like to take the full hour, or
6 would you like to take a shorter time?

7 **MS ANDERSON:** I think the normal time.

8 **CHAIR:** Normal time is okay?

9 **MS ANDERSON:** Normal time, yes.

10 **CHAIR:** Then 2.15 it will be, thank you.

11 **Luncheon Adjournment from 1.05 pm to 2.21 pm**

12 **CHAIR:** Kia ora. Yes Ms Guy Kidd. You'll be leading these two gentlemen?

13 **MRS GUY KIDD:** Yes I will, I'll be leading the evidence of Philip Richardson and Donald
14 Tamihere.

15 **CHAIR:** Good afternoon to both of you. Thank you very much for coming, I know you've been
16 observing closely throughout which is something that we appreciate. And if I could just
17 ask you, I won't ask you to sing a duet, but if I just read it once and I'll ask you each to
18 affirm.

19 **ARCHBISHOP DONALD STEVEN TAMIHERE (Affirmed)**

20 **ARCHBISHOP PHILIP RICHARDSON (Affirmed)**

21 **QUESTIONING BY MRS GUY KIDD:** Tēnā koe first Archbishop Philip Richardson. Could
22 you please start by telling us regarding how you started in the Anglican Church?

23 **ARCHBISHOP PHILIP:** Tēnā koe Fiona, I'm a cradle Anglican, I don't remember a time when
24 I haven't been an Anglican. My earliest memory is Sunday School at St Peters Upper
25 Riccarton in Christchurch when my father was at the Wigram Air Force base. I was
26 involved in Sunday School there, youth groups, the Ahunui adventure camping system in
27 Auckland Diocese in my teenage years which were very formative. I went through the
28 discernment for ordination process as a 16-year-old and went to university on a church
29 scholarship. I was ordained at the age of 23, which is the youngest you can be ordained,
30 having done some of my training in India and priesthood in the following year.

31 I served in parishes in Glen Innes, in Whangarei and then went to do postgraduate
32 work at Otago. I became a vicar of a parish in Dunedin, then warden of Selwyn College,
33 University College, was involved in teaching ethics at the university, particularly in relation
34 to biomedical ethics. Then in 1999 was elected a Bishop and moved to Taranaki in the