

**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 Kerryn Beaton, Ms Lorraine MacDonald, and Ms Kirsten Hagan for the Royal Commission
Ms Jenny Stevens, Mrs Matthew Gale and Ms Jaime Laing for The Salvation Army
Mrs Fiona Guy Kidd QC, Mr Jeremy Johnson and Ms India Shores for the Anglican Church
Ms Sally McKechnie and Mr Alex Winsley for the Catholic Church

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

Date: 18 March 2021

TRANSCRIPT OF PROCEEDINGS

INDEX**BISHOP ROSS GRAHAM BAY**

Questioning by Ms Anderson continued	247
Questioning by Commissioners	284

BISHOP PETER RUANE CARRELL

Questioning by Mr Johnson	290
Questioning by Mr Mount	297

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

3 **Q.** Yes.

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

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

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

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

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

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

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

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

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

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

22 **A.** Kia ora.

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

24 **A.** Thank you.

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

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

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

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

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

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

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

1 believe.

2 **MR JOHNSON:** Yes, it is, thank you Madam Chair.

3 **CHAIR:** Thank you. And good afternoon to you Bishop, it's Bishop Peter?

4 A. Yes.

5 **Q.** I'll just ask you to take the affirmation.

6 **BISHOP PETER CARRELL (Affirmed)**

7 **QUESTIONING BY MR JOHNSON:** Bishop Peter, you have prepared two witness statements
8 for the Commission.

9 A. [Nods].

10 **Q.** And they should both be in front of you or copies thereof. If I can take you to your second
11 statement please, so the second statement where you have addressed some individual cases.
12 If I can take you forward in that to paragraph 19 of the second statement, and if you would
13 like to read please paragraphs 19 to 23.

14 A. "In the evidence of Ms Jacinda Thompson she references at paragraph 179 an e-mail that
15 I sent to Bishop Eaton on 12 April 2005. Ms Thompson is correct in saying that at that
16 time I did not have the full details of her complaint against Mr van Wijk.

17 **Individual Restriction Order**

18 **Individual Restriction Order**

19 Later it became obvious that
20 this was not true and did not reflect the actual situation that gave rise to Ms Thompson's
21 complaint.

22 I regret naively accepting what I was told and not asking further questions before
23 commenting. I apologise if this e-mail has caused Ms Thompson any additional pain and
24 suffering.

25 Ms Thompson also mentions that I was providing Mr van Wijk with pastoral care
26 and that was a conflict of interest. I acknowledge the perception of a conflict. I had a
27 pastoral responsibility for Mr van Wijk and other curates in training along with another
28 ministry trainer, the curates' training vicar and other local colleagues in the college that the
29 curates are placed in.

30 The new Title D process avoids any real or perceived issues of conflict and should
31 provide a survivor more confidence in the process."

32 **Q.** If I could take you forward in that statement to paragraph 32 please, which is a response to
33 Ms M followed by an apology. I might have you read please paragraphs 32 to 36.

34 A. In my response to Ms M, "I was greatly saddened to hear of Ms M's experiences in homes
she was placed in. I want to acknowledge her courage in giving evidence and also in

1 surviving the abuse she suffered. I wish to apologise unreservedly for the placement that
2 resulted in her abuse, and for the failure to follow-up on the placement.

3 I also want to apologise for the unacceptable experience Ms M had when she
4 contacted the Anglican Church in 2010 and received no response. This is not how the
5 church should treat survivors of abuse."

6 **Q.** Thank you, I'll stop you there and move you forward to paragraph 35.

7 **A.** More general apology. "I apologise on behalf of the Diocese of Christchurch to all
8 survivors of abuse. It is unacceptable that you have suffered abuse while in the care of the
9 diocese. It is also unacceptable that the diocese has not always responded appropriately or
10 fairly when you have approached the Anglican Church about your abuse.

11 The diocese must do better than we have in the past. The diocese and the
12 Anglican Church are committed to working with you and the Commission to find a better
13 way for you to seek the redress you deserve. To date we have made numerous and
14 substantive changes to improve its processes and will continue to do so."

15 **Q.** Thank you, Bishop. You can put that statement away. Perhaps to provide some context for
16 the Commissioners, could you explain a bit about your role as the Bishop of Christchurch?

17 **A.** I was elected the Bishop of Christchurch about two and a half years ago and became the
18 Bishop of Christchurch in February 2019. That is, I was ordained into and appointed into a
19 role with responsibility for some 58 ministry units in Canterbury, Westland and the
20 Chatham Islands, with responsibilities especially in the role of warden of the Anglican Care
21 organisation which is particularly involved in life in Christchurch and parts of Canterbury
22 and warden of six Anglican schools and two Anglican halls of residence. That's a kind of
23 bare bones approach to a role of leadership for all things Anglican in the region of
24 Canterbury, Westland and the Chatham Islands.

25 **Q.** You just mentioned Anglican Care. Can you provide a bit more detail on that organisation
26 and what it has done in the past and what it does now?

27 **A.** The Anglican Care Trust Board is responsible for the delivery of various social services,
28 principally in Christchurch city, in Timaru and to an extent in Ashburton. In the past that
29 delivery has included many aspects of care for children as well as the ongoing work of the
30 City Mission and various other services in relation to families, advocacy for social justice
31 and from time to time on an ad hoc basis picking up various sort of ways and means of
32 delivering care in the community. For example, after the earthquakes in 2010 under the
33 auspices of Anglican Care, extensive visiting programmes have been undertaken to people
34 to see how they have been faring post the earthquakes and other trauma.

1 **Q.** You described yourself as the warden of Anglican Care. Can you perhaps provide a bit
2 more detail on what your relationship with that body is?

3 **A.** So Anglican Care is governed by a trust board, Bishop of Christchurch is ex-officio on that
4 trust board and has the role of warden, which is a kind of guardianship role. Quite often
5 Bishop of Christchurch has also been Chair of the Trust Board. More recently the Board
6 has been chaired by a lay member of our diocese.

7 In becoming Bishop, we have three major Boards in the diocese, the Anglican
8 Care Trust Board, the Church Property Trustees and the Standing Committee. There's quite
9 a lot of work involved in the Church Property Trustees and Standing Committee, so I've
10 been very glad to leave the Chairpersonship of Anglican Care in the hands of Ms Moka
11 Ritchie who's a very able and capable Chair. I attend board meetings when I can and
12 generally take an involved interest in the life of Anglican Care.

13 **Q.** Turning to the schools, the Commission has heard evidence from survivors in relation to
14 two Anglican schools within the Diocese of Christchurch, so I'll just ask you about your
15 relationship and your predecessor's relationship with those schools for context. One of
16 them was Christ's College. What's the relationship you have and the bishops of
17 Christchurch have had with that school?

18 **A.** Bishops of Christchurch have traditionally had a close relationship to Christ's College and
19 until I think about 30 years ago the Bishop, as warden of Christ's College, was also Chair of
20 the Board. I think as the life of schools have developed, being the Chair of the Board of a
21 school has been more onerous, and so in the last few decades the Bishop has been warden
22 only, meaning an ex officio seat on the board, and probably turning up to meetings as able,
23 or maybe even not turning up to meetings, but generally keeping in touch with the affairs of
24 the school. The wardenship tends to be particularly in vogue if there is some kind of crisis
25 or some kind of significant question, say, about the Anglican character of the school, how
26 we might uphold it better, that kind of thing, and of course when the appointment of a
27 chaplain is in view the warden will play a significant role.

28 I myself have had a particular involvement in the board of Christ's College, I was
29 appointed a representative of the diocese in February 2011 and held a role on the board
30 until I was elected Bishop. As Bishop I have continued to take an interested role in Christ's
31 College. I am an old boy of the school and it's a school that has a particular place of
32 affection in my heart.

33 **Q.** The other school that's been the subject of evidence before the Commission is St Margaret's
34 College. Can you describe the role of the Bishop of Christchurch and your predecessors in

1 relation to that school?

2 A. I'm not actually 100% sure that the bishop was the Chair of that board back in the day,
3 though I think the bishop probably was. But my understanding is that for several decades
4 the bishop has been warden and not Chair. That was certainly the case for my predecessor
5 and is the case for myself. As warden I'm in reasonably frequent contact with the principal
6 with the chaplain and I have been consulted on a number of matters as they have arisen, but
7 I'm not normally at board meetings.

8 Q. Turning then to issues of redress within the Diocese of Christchurch, and in your evidence,
9 you spoke of sort of complaints relating mostly to disciplinary matters and claims which
10 were focused more on redress and restoration for the survivor. Thinking first about
11 complaints, what are the historic complaint processes of the diocese in recent times?

12 A. I think our diocese was very similar to other dioceses until around 1990. As those who
13 have read papers before this Commission or those who followed the hearings in December
14 will be aware through the evidence of Reverend Louise Deans, in late 1989 a significant
15 case of misconduct arose in the life of our diocese. I won't talk about that in detail right
16 now, suffice to say that the unfolding of that case of misconduct led to the diocese in the
17 early 1990s developing through a quite well-considered process that was taken through our
18 annual Synods which developed the role of a Diocesan Monitor – I'll talk about that in a
19 moment – and a Monitoring Committee to support the Monitor.

20 This development was ahead of the wider development towards the late 1990s
21 revision of Title D for the whole church. The role of Diocesan Monitor was particularly set
22 up in record to receive complaints as an individual person separate to the bishop, or at least
23 if the bishop received a complaint, the complaint would be immediately forwarded to the
24 monitor for investigation and further work to be done on it.

25 So for approximately the last 30 years – sorry, about 25 because the monitor
26 position was finally established, I think, in 1995, for approximately the last 25 years the
27 monitor has played a critical role in the reception of complaints and in the monitor's
28 receiving and investigating complaints bringing a determination to the bishop of the day
29 and that determination has then led to what kind of redress might be made involving a
30 complainant, a survivor.

31 I want to acknowledge that simultaneously through the 1990s there was also a
32 continuation of the diocese's processing of the complaints by survivors of the misconduct
33 through the Reverend Rob McCullough. I'm making no comment at this point on how

1 those complaints were processed, I'm talking more generally about what was established
2 from 1995 and about the process of receiving complaints after that date.

3 **Q.** And in light of the change to Title D that occurred last year, how have the processes of the
4 diocese of Christchurch changed from what you just described?

5 **A.** So for those 25 years and for the 20 years after the 2000 change to Title D, we worked, the
6 Diocesan Monitor's role, always in the light of the then Title D. Changes last year mean
7 that we do not now receive a complaint and forward it to our monitor. When we receive a
8 complaint it goes under the new process to the National Registrar for our church.

9 **Q.** Thinking about the, not the current process but the past sort of period of time you've
10 described, do you have any reflections to offer on the adequacy of that complaint process?

11 **A.** You mean since 1995?

12 **Q.** Since 1995.

13 **A.** I was out of the diocese from 1990 to early 2010 and then I had about nine years in a role in
14 which I was not – I was close to the Bishop of Christchurch but not close to the monitoring
15 process and reception of complaints, unless they happen to involve me in the processing of
16 them, one or two did.

17 My general estimation, including reading through many documents for the
18 Commission, is that the monitoring process has been very helpful to the Diocese of
19 Christchurch in receiving complaints, in avoiding perceptions of conflict between the
20 Bishop and a respondent to a complaint, and I believe that in most cases the resolution of
21 those complaints has been satisfactory.

22 I am aware that there are some complaints that, having been resolved at a certain
23 point in time, have generated, in the light of the Commission's work, some communication
24 to me which suggests that we need to revisit probably at least two complaints were dealt
25 with. Again, I'm separating that out from how the complaints against Rob McCullough
26 were handled.

27 **Q.** Thinking about the church's approach on a more general level through Title D over that
28 period of time through to 2020, do you have any reflections on that process and its
29 adequacy?

30 **A.** I share commentary that has been made on Title D and how it's worked for us as articulated
31 yesterday by our Archbishops by Bishop Ross Bay. That is that in the end we've needed to
32 improve Title D as we sought to do last year in General Synod, and I would also say that
33 we are becoming very aware, not least through the proceedings of the Commission, of the
34 need for further improvements. Personally, and with a particular looking back to the

1 situation which Ms Jacinda Thompson not only brought to the attention of the church
2 through an original complaint but also through further work with the church, including an
3 appearance at General Synod last year; I think we have also had highlighted for us the
4 importance of taking much, much more account of a survivor's view, of survivor's views in
5 how we process complaints. And I think that's a learning as I listened to other bishops that
6 we're very, very open to and we're very aware that we need to do a lot more work on.

7 **Q.** You've mentioned on a couple of occasions which was the situation –

8 **CHAIR:** I think speed has become another issue. I suggest that everybody breathes between
9 sentences, it really helps.

10 **A.** I'm trying not to be a stumbling witness.

11 **Q.** You just be yourself, Bishop, if you keep your eye on these poor people here who are
12 desperately trying to translate what you're saying that might give you some assistance.

13 **QUESTIONING BY MR JOHNSON CONTINUED:** Bishop, you've mentioned on a couple of
14 occasions the situation involving Rob McCullough. Is there anything further you would
15 like to say on that particular situation case?

16 **A.** I think reading through many, many documents in relation to that case in preparation for
17 this hearing that when we look back on that case, how it arose, how complaints were
18 received, how complaints were handled, how redress was undertaken, that while, in my
19 view, people were acting in good faith in trying to do their best, if we, from the vantage of
20 hindsight, look at the whole situation, it was not handled well. And I want to acknowledge
21 that now. That has been acknowledged in the past through apologies from one of my
22 predecessors, Bishop David Coles, but I would say there is more work to do in our diocese
23 and I am happy to lead the further work we need to do.

24 To give a specific instance, there was an attempt made in the, I think it was in the
25 1990s, if not it was the early 2000s, to agree on the wording of a plaque and to install that
26 plaque as a memorial in our cathedral, a memorial in favour of the survivors. That, for
27 various reasons, got nowhere at the time.

28 I think now that I am aware that there was a desire to have that plaque, but it got
29 nowhere we need to re-look at that. We need to do it from a continuing survivors'
30 perspective. So I will need to lead a process of communication with the survivors on that.
31 But we should have a memorial to this very dark chapter in the life of our diocese.

32 **Q.** Bishop, moving away from the issues of complaints and thinking more about claims of
33 redress, can you describe the processes of the diocese of Christchurch, to addressing
34 survivor claims for redress?

1 A. Again, I would preface my remarks by acknowledging that there was a particular process of
2 redress around the complaints made against Rob McCullough that had, in one sense, a
3 difficult and complex life of its own. So I want to separate that out and not try and say that
4 was part of our normal process.

5 We, similar to Bishop Ross and what he said about the Diocese of Auckland, we
6 have no formal process to guide us through writing as to how we handle redress. That I
7 think could be viewed negatively, but I actually view it positively in the sense that we are
8 open to redress that is appropriate to the situation as it is encountered and narrated by the
9 survivor. In other words, we don't pre-determine where we might go.

10 But alongside acknowledging some advantages to an ad hoc approach, and I think
11 the rest of our church are very much listening to the possibility of a much more guided
12 process with some kind of determination of how redress would happen, what kind of
13 compensation might be available, and some of this has been set out in a paper by Dr David
14 Winter, commissioned for our church, and this needs I think to be part of the national
15 process we're now embarking on and the Diocese of Christchurch will follow all such
16 guidance.

17 **COMMISSIONER ERUETI:** I think it's Stephen Winter rather than David.

18 **MR JOHNSON:** Thank you Commissioner. Madam Chair, I have no further questions.

19 **CHAIR:** Thank you Mr Johnson. Mr Mount.

20 **QUESTIONING BY MR MOUNT:** Good afternoon Bishop Peter.

21 A. Good afternoon.

22 **Q.** You are a relatively new bishop?

23 A. Yes.

24 **Q.** About two years in?

25 A. Just over two years.

26 **Q.** What sort of induction did you get when you started?

27 A. I had the opportunity to do some visits with other bishops, which I undertook before I was
28 ordained. I had a timetable clash over the possibility of joining a bishops' course in
29 Canterbury in England, it was occurring at the same time as I was due to be ordained, so
30 that was ruled out, and I knew that would not be repeated for a couple of years. I had
31 money made available to me by the church to embark on education as I chose and saw fit.
32 Unfortunately, after I became bishop some things arose which got in the way of travel plans
33 and in particular of course the whole Covid imposition on pretty much all travel a year ago.

34 In terms of induction into the role, I do have the benefit of becoming a bishop at

1 the age of 59 and being ordained a deacon at the age of 27 of 32 years of experience in the
2 life of the Church, 18 of those before I became bishop were to be involved as a ministry
3 educator in the Diocese of Nelson and the Diocese of Christchurch. And in those two roles
4 to have the privilege of working closely to three bishops, two bishops in Nelson and then
5 Bishop Victoria, my predecessor in the Diocese of Christchurch.

6 **Q.** Any training on safeguarding or child protection principles as part of the induction of the
7 new bishop?

8 **A.** No, no specific training on those.

9 **Q.** Trauma-informed practice from the perspective of an abuse survivor?

10 **A.** No specific training on that.

11 **Q.** Any guidance from the Church about how to respond to claims of abuse?

12 **A.** No particular guidance, but as bishops we meet together regularly. We have been talking
13 over the last couple of years frequently about things that we need to understand to learn and
14 be informed about, partly in relation to heading to General Synod last year and the changes
15 to Title D, partly our learnings out of the case involving Ms Jacinda Thompson, and partly,
16 of course, as we have been engaged in dialogue with the Commission, remembering that we
17 have sought this dialogue because we've been aware that we could do better as a church.

18 And I would say for myself that the last two years have been a steep but very
19 important learning curve, and in particular, I mentioned Dr David(sic) Winter's paper,
20 which you would know I think, as a key learning around redress process and how we might
21 embrace that as a whole church.

22 **Q.** You were appointed after this Royal Commission started I think?

23 **A.** To be honest I can't remember the date the Commission started, but perhaps you do.

24 **Q.** Will you take it from me you were?

25 **A.** I will.

26 **Q.** So I take it the steep learning curve over the last two years could have something to do with
27 the existence of the inquiry?

28 **A.** Well, speaking generally it could do, yeah.

29 **Q.** When you took over, did you have any hand-over from your predecessor about
30 safeguarding across the diocese?

31 **A.** No, I didn't. My predecessor Bishop Victoria Matthews finished her role on 1 May 2018
32 and shifted from Christchurch to her home country of Canada. I was elected in an election
33 in August that year and, while I accept, of course, I could have had a Zoom meeting or two
34 with her, she was not around in order to have that hand-over.

1 **Q.** Your statement describes the church as historically a slow learner I think?

2 **A.** Yes.

3 **Q.** In your experience, has the diocese been good at preserving its institutional memory in the
4 area of abuse and safeguarding?

5 **A.** May I ask do you mean kind of anecdotally or in terms of archives or both?

6 **Q.** Both.

7 **A.** Where our diocese, where we have lots of interconnections between people, and so
8 anecdotally my personal experience of the Diocese of Christchurch is strong anecdotal
9 memory. But we also have well-kept archives. We happen to have an archivist who's been
10 in the role for many years, I can't tell you how many, but it's longer than the years I've been
11 back in the diocese, so more than 11 and she's been of great help to us as we've sorted out
12 the files in the instance of providing them for the Commission.

13 **Q.** Focusing on clergy misconduct, has there been a commitment to learning from the events
14 of the past?

15 **A.** Yes, there has. I outlined before in particular a diocesan learning in respect to misconduct
16 which became revealed in late 1989 which led, through the 1990s, to a specific process
17 around the position of monitor and support through the Monitoring Committee.

18 I would think that my predecessors, who are intelligent and able people, will have
19 learned each time they handled a case and built that into how they handle the next case.
20 I myself find I'm doing that. But I would also say that we have continued to be open to
21 learning and, as I said before, I myself have particularly been learning lessons as I paid
22 attention to events of the last few years, remembering that in specific instance of Ms
23 Jacinda Thompson I myself had a role to a small degree but a painful degree as events
24 unfolded in the life of the Diocese of Nelson when I used to work for them. I have been
25 learning a lot. I try to pass those learnings on into our processes, both around our
26 boundaries training and how we handle complaints, though right now, of course, we now
27 have new system, and we're learning how to run that new system.

28 **Q.** When you took over, did you look back at any past reports to see whether the diocese had
29 implemented past recommendations, for example?

30 **A.** No, I didn't look over past reports to see whether there were recommendations for, if you
31 like, the general learning of the diocese, no.

32 **Q.** I want to ask you about one report as an example, a report by Yvonne Pauling from 1998
33 entitled "Churches Responding With Integrity in Clergy Sexual Misconduct", you will see
34 the title page on the screen. Do you know that report?

1 A. No, I don't know that report in particular, no.

2 Q. I want to take you to some of its key conclusions. Appreciating you're seeing it for the first
3 time I take it, would you like a hard copy so that you can see it in context, or are you
4 happy –

5 A. I'm happy to look at the screen.

6 Q. Do you know who Yvonne Pauling is?

7 A. I know who she is, she was the first diocesan monitor appointed.

8 Q. I think from an introduction we can see, as you've said, she was the first monitor. I think
9 also involved in the diocese's response to complaints from about 1992, does that sound
10 right?

11 A. [Nods].

12 Q. Will you take it from me that this report followed a visit to the United States where she was
13 funded to learn from churches in the US about this topic?

14 A. Yes.

15 Q. And I think she also attended a four-day training session in Sydney?

16 A. [Nods].

17 Q. The focus was on vulnerable adults rather than children, but I think the report says that it
18 may also be relevant to those who come forward as adults to describe what happened as a
19 child. If we can move on to page 13 of the document, the topic of mediation is discussed.

20 **CHAIR:** Just so we're absolutely clear, I think it's becoming evident from what you're showing us,
21 this relates to the Anglican Church, is that right?

22 **MR MOUNT:** It does.

23 **CHAIR:** Solely to the Anglican Church?

24 **MR MOUNT:** Correct, this relates to the Anglican Church and specifically to the Christchurch
25 Diocese.

26 **CHAIR:** Thank you.

27 **QUESTIONING BY MR MOUNT CONTINUED:** Could we zoom in on the second paragraph
28 beginning "the experience". For the benefit of our record, would you like to read that
29 paragraph for us, bearing in mind speed?

30 A. "The experience of relying on mediation, or having it as an option, in the complaints
31 process has been confusing and unsatisfactory. Responses from complainants at the end of
32 the process have usually been negative or at the very least they have expressed a sense of
33 dissatisfaction. It has often been my experience that at the end of a mediation process that
34 we have been left at the place we began - the complainant maintaining that they have been

- 1 harmed and the respondent minimising or denying any such harmful action."
- 2 **Q.** We will run through a series of points before I ask you some questions about them. So the
3 next is on page 20 under the heading "Summary", if we could zoom in on that bottom half
4 of the page. Again, could I ask you to read the first paragraph please?
- 5 **A.** "Mediation is not recommended as an appropriate response to clergy sexual misconduct.
6 Clergy misconduct of a sexual nature is not a matter of dispute or conflict. When one
7 person with greater power takes advantage of someone with lesser power then mediation is
8 very likely to only compound the victimisation."
- 9 **Q.** Can we move to page 41 and zoom in on the top part of the page headed "Summary". If
10 you could read the first paragraph for us?
- 11 **A.** "All those involved in the life of the church will benefit greatly from education about this
12 issue including bishops, legal advisors, clergy, lay and youth leaders, seminarians and their
13 teaching staff and congregations. It is seen as very important that this training and
14 education continues on a regular basis, e.g. every three years and is not just seen as a
15 'one-off' exercise".
- 16 **Q.** Page 45, again the top paragraph under the heading "The Role of the Advocate"?
- 17 **A.** "The Role of the Advocate. There seems to be unanimous agreement among all churches
18 that a victim of clergy misconduct should be offered the support of an advocate who has
19 been especially trained to support them through the complaints process."
- 20 **Q.** Page 64 point 1.
- 21 **A.** "An abusing minister will almost always minimise, lie, and deny when first confronted
22 about the complaint."
- 23 **Q.** If we can come back to page 55, there were a total of 18 recommendations. I want to
24 highlight only a handful of them. First point 2.
- 25 **A.** "Mediation, currently the commonly practised method in New Zealand, is not an
26 appropriate process to use when responding to clergy sexual misconduct."
- 27 **Q.** Point 3?
- 28 **A.** "In responding to complaints of clergy sexual misconduct the investigative method, as
29 outlined in this report, is a more just and fair process for both the complainant, respondent
30 and all others affected. It reflects the seriousness of the issue, signals that the church is
31 taking its responsibility appropriately and is more acknowledging of the fact that an abuse
32 of power has occurred."
- 33 **Q.** Point 4?
- 34 **A.** "Practises of acknowledgment and openness are crucial to the ongoing health of any

1 congregation in which sexual misconduct has occurred. Churches should develop a policy
2 of keeping congregations informed during the investigation process and provide for
3 pastoral support throughout this time of major crisis."

4 **Q.** Across the page, point 8?

5 A. "To overcome a very real lack of knowledge on the issues of clergy abuse it is important
6 that: (a) the leadership of the church receive comprehensive training about sexual
7 misconduct to assist them to respond with integrity and compassion to those who have been
8 harmed and to take all the steps that are necessary to make the church a safe place.

9 (b) clergy and all church workers need thorough training about boundary issues.

10 (c) a formal and ongoing education and training process on issues of sexual
11 misconduct needs to occur at every level in the church community. Such education and
12 training should happen as an integral and ongoing process in the life of the church."

13 **Q.** And lastly point 9?

14 A. "To minimise the possibility of repeat offending procedures" – sorry I'll start that again,
15 I need to work out where the pause comes. "To minimise the possibility of repeat
16 offending, procedures of redeployment need to be implemented and carried out with care.
17 Churches must take all responsible steps to prevent offending ordained or lay leaders from
18 being redeployed into positions where they might repeat the offending."

19 **Q.** Is there anything you've just read that strikes you as unreasonable?

20 A. I think the thing I've just read that actually would be pretty difficult to implement would be
21 congregation-wide training. There are various reasons for that. One is we can't compel our
22 congregations to turn up for anything. There's a saying, you know, that regular church
23 going is not what it once was. So I don't want to say that defensively but just as a simple
24 statement of practical fact. It's not to say we shouldn't aspire to it, but whether we could
25 get, say, a 90% take up, that would be a challenge across 58 ministry units of a whole
26 diocese.

27 **Q.** Apart from that point, anything else strike you as unreasonable in the things that you read
28 out?

29 A. I don't think anything's unreasonable, but I sense you've got another question coming.

30 **Q.** It's a report from 1998.

31 A. Yeah.

32 **Q.** Made a series of recommendations. You're seeing it for the first time today. Would it have
33 been better for you as a new bishop to be aware of such a report and be in a position where
34 you could look at the status of the diocese and assess whether any recommendations could

1 be taken up if they hadn't already?

2 A. I think I'd put an answer in a slightly different form, but to pick up something you've raised
3 earlier, I would see that we as bishops, both when we begin as bishops and then on a
4 regular say three-yearly basis, we should have what we don't have, and that is specific
5 training on the handling of misconduct cases, safeguarding practises, facing a document
6 such as this and working through it in relation to our diocese.

7 I consider that when I became bishop I was well trained at the boundaries level
8 and, of course, had all sorts of awareness because of just all sorts of things that had
9 happened of how things can go wrong and so forth. But I would look back and say it would
10 have been helpful and I think we need to move to making it mandatory that becoming a
11 bishop and regularly as a bishop there is specific training in our role as bishop in the
12 handling of complaints.

13 Q. As well as that, would it be healthy for the diocese periodically to check on the status of
14 past recommendations, from reports such as this?

15 A. The answer's yes. We could have a three-yearly or five-yearly review, preferably with
16 someone coming in from outside the diocese, to run a health check on how we've been
17 doing. And I'm not aware of that ever being done.

18 Q. Otherwise there's a danger that recommendations and thoughtful content in the report can
19 simply fade away?

20 A. Absolutely. Am I allowed to say that some of the recommendations in his report have been
21 carried through in our diocese?

22 Q. Fair to say, though, that this strong message about mediation being inappropriate was not
23 picked up within the diocese at that time?

24 A. In my understanding that may not be a fair comment. By that I mean that while I wasn't in
25 the diocese and I haven't specifically asked the question of Bishop David Coles who was
26 bishop at the time, my understanding of the role of the monitor, at least in my experience of
27 the last 10 to 12 years, is that that has meant that we have moved well away from a
28 mediation in the sense of trying to get complainant and respondent in the same room. In
29 my direct experience with the monitor, the monitor responding to a complaint has talked to
30 the complainant, heard them and their story, and then talked to the respondent and heard
31 them and their story, maybe of course doing that several times in order to get everything
32 well-settled in the mind of the monitor before the monitor seeks to make a
33 recommendation.

34 Also, in my experience that process of the monitor talking to the complainant has

1 involved asking the complainant what they would want as an outcome of this process. I'm
2 not aware, unless there's been perhaps an element of direct conflict in a relationship, that
3 the monitor has sought to mediate, in the sense of two people in the same room and in all its
4 consequentially harmful as a result of that.

5 **Q.** The report we just looked at was 1998. We heard in opening that Title D was revised in
6 2000 I think?

7 **A.** [Nods].

8 **Q.** And that there was a promotion of mediation as part of that 2000 revision of Title D, is that
9 right?

10 **A.** That is right. I think what we need to keep saying, and Bishop Ross touched on this this
11 morning, is that Title D has always been a kind of omnibus piece of legislation designed to
12 assist the church in the fielding of every kind of complaint. So the most terrible
13 misconduct or a grizzle about the length of the vicar's sermon has been encompassed in
14 this.

15 One of the things I've always understood personally about mediation as a part of
16 Title D in 2000 is that we were seeking to follow the way employment law was changing in
17 our land, which included the ability to mediate disputes over employment. In other words,
18 in working out, and speaking now generally not trying to sort out misconduct directly, in
19 working out situations where the church might need to bring to an end the appointment of a
20 licensed clergy person, and bearing in mind that in several cases brought to the Employment
21 Court, clergy have been deemed not to be employed, so we've needed a process within
22 church law to settle such things. Mediation in Title D has provided a way for us to seek in
23 a hopefully constructive way to bring the poor conduct of a clergy person to an end in
24 respect of the end of an appointment.

25 Now I cannot speak for other diocese around whether mediation in Title D hasn't
26 also involved the practice where the complaint is misconduct of bringing complainant and
27 respondent into the same room, but I have, of course, just talked about in the life of the
28 Diocese of Christchurch seeking to work on misconduct matters in a way that doesn't
29 involve that harm to the complainant.

30 **Q.** Can we focus on a different diocese for a moment, the Diocese of Nelson, because I think
31 you talked about your training role in that diocese in the 2000s?

32 **A.** [Nods].

33 **Q.** Can we look at document ending 1566, this is a training manual from 2006. Do you
34 recognise that document?

1 A. I do in the sense it's 2006 and I was the ministry educator, but in my own memory I don't
2 carry a picture of that document.

3 Q. If we come over to the third page of that document, and zoom in on the top half, do we see
4 in the first paragraph that this training document came about as a result of the revision of
5 Title D in 2000?

6 A. [Nods].

7 Q. And it's an attempt to provide resources for people to get to grips with Title D and
8 understanding it?

9 A. [Nods].

10 Q. And if we zoom in on the remainder of that first page, the following paragraphs, do we see
11 in the third paragraph that in particular this document pays attention to the relationship
12 between Title D and the sexual harassment obviously and the ethical standards, ethical
13 guidelines. And do we see at the bottom your name and the date May 2006 and I think in
14 fairness to you, you were happy to put your name on it, but you didn't want to face liability
15 for it, is that true?

16 A. I'm happy to face liability for it, I'm just saying in my own memory I cannot remember
17 every piece of writing I've written, yeah.

18 Q. Understood. If we can move over to page 12 of this document, under the heading "When
19 difficulty arises", if we can zoom in on that section. There was a summary of the Title D
20 process where it would start with informal dealing, then move to mediation, and then only
21 if there's not a satisfactory outcome does it move to a most formal determination process.

22 Perhaps if we go to the next page, page 13, under the heading "Not at all", and just
23 to get the context, maybe just take in above "Not at all" and take in the three bullet points,
24 otherwise "Not at all" won't make sense. If we can take just a moment to read that?

25 A. Do you want me to read it out loud or just read it for myself?

26 Q. Just for yourself I think. Is it fair to say that in this particular context of sexual harassment,
27 as well as other contexts, the first port of call is mediation and only if mediation fails do
28 you move to the determination level?

29 A. Yes. I would understand – first of all let me say that in the Diocese of Nelson there was
30 not a diocesan monitor role so that was not an option that we had for ourselves. I would
31 understand the mediation level here to be about an attempt to work out a matter that's come
32 by way of complaint in a way that, as far as possible, was informal in order to be respectful,
33 particularly of the complainant, remembering that in an understanding of Church Tribunal
34 it was a concept of a court process, lawyers, witness statements, cross-examination, so

1 mediation was not simply here, in my view, around we force two people to be in a room
2 who may not want to be together, but about trying to trying to respond to a complaint
3 without having to take it up to that, you know, potentially more traumatic level of a
4 determination.

5 How the Diocese of Nelson actually worked out the level of mediation in terms of
6 complaints, there is a specific instance of how the Jacinda Thompson situation was worked
7 out and that is well-canvassed and documented to this Commission. Worked with all that
8 did not go well in that. I cannot comment on how this may have worked out in other
9 instances because I either was not or certainly do not recall being part of other responses to
10 complaints.

11 **Q.** There had been such clear messages in 1998 about how inappropriate mediation is in cases
12 of clergy sexual misconduct. How could it be that those messages and those lessons appear
13 to have been lost just a few years later when this document is being prepared in a
14 neighbouring diocese?

15 **A.** I do not recall Yvonne Pauling's paper coming to our diocese. I think in order to bring
16 things up to the present day in the future that serves to remind us that we do lack uniformity
17 of practice and communication in the life of our church because we do silo ourselves in our
18 diocese. So a paper as significant as Yvonne Pauling's today should be attended to not just
19 in the sense of circulating but probably a very strong lead given to it that this must become
20 part of the key documentation of how a diocese is going to respond. Which I think brings
21 the advantage to what we changed last year around the national approach in Ministry
22 Standards Commission that would be informed by such a document and would be informed
23 by that document on how it responded to every complaint that reaches it.

24 **Q.** There seems to have been such a swift loss of institutional memory in this instance. How
25 could we be confident that that wouldn't occur today?

26 **A.** I'm not quite sure what you mean by "loss of institutional memory" in the sense if Yvonne
27 Pauling's document didn't come to us in Nelson, we didn't have it to lose; it should have
28 come to us, it should have been part of a uniform approach across our church, I absolutely
29 acknowledge.

30 I would think that for us to not make that mistake again across our church we need
31 to continue to be committed across all our episcopal units to the new process, we need to be
32 committed to the National Ministry Standards Commission; when they communicate to us
33 we not only receive it but ensure that it does pass through appropriate channels, for
34 example, boundaries training of clergy, process of discernment for clergy. But I'm also

1 aware that what the Commission is highlighting for us is a need for a more uniform
2 approach across all the episcopal units on those matters too, boundaries training and
3 discernment for ministry.

4 **Q.** Is it happening already?

5 **A.** No, discernment for ministry tends to be relatively siloed. The last few years three Pākehā
6 diocese in the North Island, maybe occasionally four, have been working together on a
7 common discernment process. But in my diocese and in other diocese we'd continue to do
8 our own local discernment process. As far as boundary training goes, there is quite a lot of
9 sharing of information about boundaries training between, for example, ministry educators
10 and diocese, but that doesn't mean we have a, if you like, a uniform manual across all
11 episcopal units.

12 **Q.** So coming back to your initiation as Bishop, I take it there weren't any other
13 New Zealand-based reports available to you to check in on the status of safeguarding or
14 clergy misconduct in your diocese, nothing else that you had available to you at that stage?

15 **A.** Nothing from the wider church or other diocese, but I was confident because I have been
16 involved in education in our diocese for the preceding nine years and working closely with
17 other members of our diocese ministry team, I was confident that we had some very good
18 documents, and still do within the life of our diocese, about safeguarding child safety
19 policies and so forth.

20 **Q.** Had the work of the Reverend Patricia Allan come to your attention at all?

21 **A.** Well, I've known Patricia for many, many years and I became aware that she was being
22 doctoral work on this area. I haven't myself become familiar with her doctoral work. I
23 have been reading stuff, other material that she has submitted to the Commission.

24 **Q.** We may come back to that. I want to ask you about overseas reports now. But I want to
25 preface it by saying is it fair to observe that there could be many reasons for caution in
26 drawing direct comparisons with overseas material in this area?

27 **A.** Many reasons, yes.

28 **Q.** And just a few might include differences in institutions, demographics, patterns of abuse,
29 different approaches to data collection?

30 **A.** **[Nods].**

31 **Q.** Can you speak out loud?

32 **A.** Sorry, I'm nodding vigorously, I'm agreeing with you, yes.

33 **Q.** But acknowledging all of that, might there still be value in looking at careful overseas work
34 to see whether any comparisons might be worthwhile?

1 A. There is absolutely value. And over the years I believe that boundaries training in the life
2 of our church as a particular instance has received quite a lot of influence and input as
3 people have either, a bit like Yvonne Pauling, gone to the United States of America to the
4 Episcopal Church in particular and undertaking training and so forth.

5 **Q.** When you started as a bishop, did you or your colleagues look across to the work of the
6 Australian Royal Commission into institutional responses to child sexual abuse?

7 A. The only specific point of looking across is the work we commissioned from Dr David
8 Winter whose paper is influenced by the Australian Royal Commission results.

9 **CHAIR:** We're all flinching slightly, his name is Stephen Winter.

10 A. Stephen, sorry, I apologise.

11 **Q.** That's all right.

12 A. Stephen, right.

13 **QUESTIONING BY MR MOUNT CONTINUED:** We just do a mental correction every time
14 you say that.

15 A. I apologise.

16 **Q.** So you'd know that that was a five-year Royal Commission, cost about \$500 million?

17 A. [Nods].

18 **Q.** And I assume you would know that the Anglican Church in Australia was the institution
19 with the second highest reported level of abuse after the Catholic Church?

20 A. [Nods].

21 **Q.** Although in fairness to the Anglican Church, there was quite a drop, I think the Catholic
22 Church about 62% of the reports and the Anglican Church 14.7%. You'll take those
23 numbers from me?

24 A. I'll absolutely take those numbers from you. I think in general terms the Roman Catholic
25 Church is a larger church than the Anglican Church in Australia as it is here in
26 New Zealand.

27 **Q.** I want to put on the screen a document MSC ending in 2222. This is a research report
28 commissioned by the Royal Commission analysing child sexual abuse complaints in the
29 Anglican Church in Australia. Have you ever looked at that report?

30 A. I have not looked at that report, no.

31 **Q.** Any summaries of it?

32 A. Not a summary of that report, no.

33 **Q.** Has it been discussed among your colleagues in the bishops' conference?

34 A. Not that I'm aware of.

1 **Q.** It is obviously, as you can see in the title, focusing specifically on child sexual abuse and
2 only on complaints to the church, so a subset we can assume of the broader problem. If we
3 can look on page 13 we'll see a summary of results. It's several hundred pages long, this
4 document.

5 If we can look first at paragraph 42 there's an important point about the data and
6 that is that in Australia each diocese varied in its approach to the collection of information
7 about complaints. And we see in Brisbane the diocese required all schools, Anglican
8 schools, to notify the diocese about complaints?

9 **A.** [Nods].

10 **Q.** And as a result, fully a third of the complaints nationally were from that one diocese. I
11 think there were about 22 or 23 diocese. So is it fair to say that we see straight away the
12 impact of a decision by the diocese to collect data about complaints?

13 **A.** Yes, we do.

14 **Q.** Is the same true in New Zealand that our dioceses vary in their approach to the central
15 collection of information about complaints?

16 **A.** Our dioceses vary in the collection of any data, so I'm pretty sure it would absolutely vary
17 in the collection of that particular kind of data.

18 **Q.** If we go to paragraph 41, we see that in the relevant time period there were just over 1,000
19 complaints of child sexual abuse. Sorry, just over 1,000 complainants and over 1,100
20 complaints of child sexual abuse. And from the previous paragraph we know the relevant
21 period is 1980 through to 2015. So it's a 35 year period?

22 **A.** [Nods].

23 **Q.** Again, if we just do this technique of going through the key points, paragraph 44, do we see
24 that the largest proportion of complaints came from the 1970s, but fully three quarters of
25 them were in the period 1950 through to 1989?

26 **A.** Yeah.

27 **Q.** So if we graphed it, and there are graphs in the document, a large chunk of reports in that
28 period around the 1970s, 1980s, if that makes sense to you?

29 **A.** Yes.

30 **Q.** And just to give a sense of the scale, we see in paragraph 49 that in Australia there had been
31 payments of \$34 million at an average of \$72,000 per person?

32 **A.** Yes.

33 **Q.** So quite a significant issue in Australia?

34 **A.** Yes.

- 1 **Q.** Are you surprised there hasn't been suggestion of this among your colleagues as bishops in
2 your time?
- 3 **A.** Well, I'm not surprised in the sense that I expected there would be a discussion and it hasn't
4 happened. It hasn't happened possibly because the incidents of child sexual abuse across
5 our dioceses is perhaps low. I mean I cannot speak for other dioceses, but in terms of
6 preparing for the Diocese of Christchurch and the Commission and all the complaints we
7 have submitted, in some ways I've been surprised that there were not more files on child
8 sexual abuse complaints. That could always mean, of course, that people have not
9 complained and abuse has occurred, but it could be that we, for reasons I – I'm not a
10 sociologist etc, but we simply happen to have low statistics.
- 11 **Q.** We'll come back to that thought.
- 12 **A.** Sure, yeah.
- 13 **Q.** If we go over the page, page 14 of the document, paragraph 55, we see that in this study
14 569 alleged perpetrators were identified and if we come across to page 32, if we look at the
15 bottom graph and paragraph 93?
- 16 **A.** Can I just ask, we've got figure 5 but 93 refers to figure 6, is there a graph over the page?
- 17 **Q.** There will be, let's just move in on paragraph 93. You'll see that in more than half of the
18 cases the gap between the sexual abuse and the complaint was more than 30 years?
- 19 **A.** [Nods].
- 20 **Q.** And more than 20 years in 70% of the cases?
- 21 **A.** [Nods].
- 22 **Q.** So the norm for these complaints was for a gap of decades?
- 23 **A.** Yeah.
- 24 **Q.** Between abuse and the report. With an average of 29 years I think. If we had a similar
25 pattern in New Zealand –
- 26 **A.** Yes.
- 27 **Q.** – of a long gap between abuse and complaint, and if in New Zealand we had a large group
28 of allegations around the 1970s and 80s –
- 29 **A.** Yes.
- 30 **Q.** – would that mean a bishop like you, taking over in 2020 or thereabouts, might expect to be
31 receiving something of a bow wave of complaints from the 1980s and thereabouts?
- 32 **A.** Statistically that could happen, yes.
- 33 **Q.** Looking at this information now, even if we did the crudest of comparison on raw

1 population data, Australia's five times as big as us roughly?

2 A. Yes.

3 Q. In population would that suggest that if our experience of child sexual abuse in
4 New Zealand was in the same ballpark –

5 A. Yes.

6 Q. – as Australia, and I realise that's a big if, but if we were in the same ballpark –

7 A. Yes.

8 Q. – it could suggest roughly 100 perpetrators and 200 or so complaints over the similar
9 period?

10 A. Yes.

11 Q. Those would be very concerning numbers?

12 A. They would be.

13 Q. Do you have any comment on how it could be that the New Zealand Anglican Church
14 doesn't appear to have paid more attention to these findings in Australia?

15 A. I think I need to think about that. I think there's three comments I'd like to make. One is
16 there's a funny thing about the Anglican Church in New Zealand in that when we look for
17 guidance, input, inspiration to other Anglican churches, we primarily, in my experience,
18 look to the Church of England first and then secondly to the Episcopal Church in North
19 America, and strangely we have relatively little to do with the Anglican Church in
20 Australia. We have something to do with them, but you might think we would have lots
21 and lots to do with them. So it could be just that we're not always thinking so what's going
22 on in Australia that we need to pay attention to, other than obviously things occur in the
23 news and we read that.

24 The second thing that strikes me is that a statistical study probably would be wise,
25 if I focus on the 1970s, to look at the number of children actually involved in the life of the
26 church. In the 1970s we had quite a drop off in what were formerly pretty high numbers in
27 our Sunday schools in the 1950s and 1960s. It may be, I do not know, but it may be a
28 statistical fact that we had a lot less children in Sunday School in the 1970s than the
29 Australia Anglican Church. A study would need to perhaps take into account that
30 population difference.

31 However, I would also acknowledge of course that largely our Anglican schools,
32 and noting what happened in the diocese of Brisbane around its compelling of statistics
33 from its schools, of course our populations in our schools have tended to be much more

1 stable through the decades. So you know, I cannot explain statistically why we would have
2 apparently lower incidents in our schools than Australia has had.

3 **Q.** Accepting all those limitations of looking at –

4 **A.** Sure.

5 **Q.** – overseas material, do these numbers give a good reason for the New Zealand church to
6 look hard at your own numbers to try and figure out whether, as you say, New Zealand is a
7 much safer place for children in the Anglican Church, or perhaps whether the New Zealand
8 Dioceses have been poor at understanding the scale of the abuse?

9 **A.** I think it's a bit too much to suddenly say we've been very poor at something when we may
10 not have been. I think what you're saying is that part of our continuing learning as a church
11 would be that we should ask ourselves, perhaps with some outside guidance and research,
12 not only have we missed something, but have we not communicated well to those who are
13 survivors from those eras who may have wanted to complain and felt they couldn't, didn't
14 know how, were intimidated into not complaining. I see what you're saying as a call to do
15 some work that we haven't done, and we haven't talked about doing.

16 **Q.** We will come right back to that thought. Just before we do, to round out the topic of
17 international studies –

18 **A.** Sure.

19 **Q.** – have you looked at any other international studies, UK, Canada, any other comparable
20 country, to see if there are lessons that could be learned for the New Zealand Anglican
21 Church in the area of abuse?

22 **A.** I have not looked at other studies as such. I have been paying attention to what is
23 happening in the Church of England around its safeguarding practises, which in the last few
24 years have been under extreme scrutiny, particularly from within the church. The scrutiny
25 in part is that the safeguarding process is inconsistent and in another part it's that it's
26 excruciatingly long in dealing with things.

27 There has been, for example, a bishop in the Church of England suspended for not
28 undertaking safeguarding processing of a complaint well, and was suspended I think for
29 over a year, which seems a very long time to sort out what might happen if a bishop
30 performs badly in that area. And of course, there are complainants who feel the process has
31 taken too long for them.

32 I'm not quite sure what lessons we draw for ourselves from that. But perhaps we
33 could say that what other churches do is a point of learning, but it may not necessarily be a

1 point of following them in their practice.

2 **Q.** What particular sources of information have you had from the UK?

3 **A.** I'm sorry this is not going to be very academic answer. I have undertaken as bishop to
4 subscribe to Church Times, the premier church newspaper for the Church of England.
5 I read it every week and I've been keeping in touch with unfolding developments in
6 safeguarding practice.

7 **Q.** Back to the thread we had a moment ago. In your statement, first one, paragraph 150, you
8 say that there are no known cases of an adult abusing a child since 1999, so no child abuse
9 for 20 years in your diocese?

10 **A.** None that's been reported to us. I'm well aware, and everyone in my diocese involved in
11 these things will be aware that tomorrow there could be a complaint come in or ten
12 complaints, but I'm not aware of a complaint over the last 20 years.

13 **Q.** Have you drawn some comfort from that belief that there have been no reported cases of
14 child abuse?

15 **A.** I have drawn some comfort and the comfort is around the fact that in instituting and as far
16 as possible prosecuting – Police vetting happening for people involved in working with
17 children in our diocese, we have been very diligent. But I cannot say we've been perfectly
18 diligent and it's difficult to keep 58 ministry units up to scratch on this. But I would want
19 to honour the Police vetting process. It is a comfort to know that we have it and we have
20 been particularly assiduous in propagating the need for workers with children to follow
21 that.

22 I would also take comfort from various training practises for our children in youth
23 work. But I don't take – we are not complacent, we are vigilant, we are often talking about
24 our practices and how we perform them and seek to improve them, and we are well aware
25 that, if you like, tomorrow there could be a quite different narrative emerges.

26 **Q.** Given the information in Australia that an average victim might take 30 years to report, do
27 you think the diocese in Christchurch has done enough to understand whether there are
28 victims out there who simply haven't come forward yet?

29 **A.** I don't think we've done enough in the sense that we could do further communication,
30 eliciting complaints. We did do some from memory back in late 2019 because part of our
31 church-wide response to the Commission was to ensure that we were advertising and
32 soliciting or eliciting complaints in order that people would come forward and so we would
33 be reporting to the Commission on up-to-date things as much as our historic complaints.

1 I think, if I may also say it, we are a church which, in many of our episcopal units,
2 is becoming older and smaller. That actually means that in many of our ministry units we
3 simply have no children and we haven't done or not had lots of children for some decades.
4 So, this is not a commentary on unknown statistics from 1970s, this is more recent but over
5 maybe a couple of decades, it's not like our parishes are swarming with children and there
6 are lots of helpers in children's work and we haven't really kept tabs on them. It's a
7 shortfall in the life of our church we do not have a more flourishing children's ministry.

8 **Q.** Thinking about the broader dioceses, not only the churches but the other entities within
9 your diocese, what is the size of the vulnerable population, do you know?

10 **A.** I can't give you a statistical answer on that. What I can say is that in the life of our ministry
11 units we do draw people who are vulnerable in terms of mental health, some of our
12 congregations would have quite a high proportion of people who struggle with mental
13 health and in various ways are vulnerable adults. We do have congregations, by the way,
14 that do have fairly good Sunday schools and youth groups. So we have people vulnerable
15 by age and generation.

16 We do have ministry among the elderly and some of those, of course, are
17 vulnerable to, say, the potential of someone to kind of prey upon them financially and so
18 forth. Until recently we had three elder care rest homes, we have sold out of those
19 businesses in the last few years, but they have been a feature of our life. And through
20 Anglican Care, through the City Mission, we're engaged with many people who are
21 vulnerable in various ways, whether it's through mental health or struggling with poverty
22 issues, homelessness and so forth.

23 **MR MOUNT:** Madam Chair I think it's 3.30.

24 **CHAIR:** I think it is 3.30, I think it's something we can all agree on. Let's take the afternoon
25 adjournment. Can I just remind you please, Bishop, not to speak about your evidence
26 during the break.

27 **A.** [Nods].

28 **Q.** Thank you.

29 **Adjournment from 3.30 pm to 3.48 pm**

30 **CHAIR:** Yes Mr Mount.

31 **QUESTIONING BY MR MOUNT CONTINUED:** Could you tell the Commissioners how you
32 see the role of the bishop in relation to safeguarding and abuse within the diocese?

33 **A.** I see the bishop as overall responsible for our safeguarding and related practises such as our
34 boundaries training. So although a lot of the work is delegated out to others in order to

1 undertake week-to-week year to year experience, I am the bishop, I have oversight for the
2 diocese, I have oversight for all of that work, I both need to keep an eye on it to influence
3 for continual improvement and certainly to respond to any perceived shortfall.

4 **Q.** Thinking about Title D, I'm going to pull up a quote from a document I think you were
5 involved in in Nelson, this is ANG ending 1566. This is one of these training documents
6 we looked at before. If we come through to page 13, recognise that title page as it flicks in
7 front of you?

8 **A.** I do now.

9 **Q.** And then under the heading "Role of the Bishop" if we can just zoom in on that section,
10 you'll see the words that "The bishop has considerable opportunity and responsibility to
11 exercise power, authority, discretion, wisdom and pastoral care informally and formally."
12 Is that a fair summary?

13 **A.** Well, it was then, but Title D has changed since then.

14 **Q.** Yes. That role of a bishop when things have moved to a disciplinary mode –

15 **A.** Yes.

16 **Q.** – is something of a, not even an ambulance at the bottom of a cliff, maybe a police officer
17 at the bottom of a cliff, is that fair to say?

18 **A.** No, I don't think it is. The bishop has considerable opportunity and responsibility to
19 exercise power, authority etc, it's important that the bishop is exercising all those things in
20 ways that are about also the fence at the top of the cliff as well as the ambulance or
21 policeman at the bottom. Clearly Title D is a specific response to when a complaint
22 happens, so we're at the bottom of the cliff. But I think – I can't think of any bishop who
23 would think that one only kind of exercises those things, power, authority, etc, only when
24 we get to the bottom of a cliff.

25 **Q.** No doubt. Focusing on the fence at the top of the cliff?

26 **A.** Yes.

27 **Q.** Would you agree that the safety and the well-being of children and vulnerable adults in the
28 diocese is a top priority for any bishop?

29 **A.** Yes.

30 **Q.** Does the role ideally involve a degree of due diligence within the diocese to make sure, so
31 far as you can, through oversight, that proper standards are being upheld?

32 **A.** Yes, it is. And I find that the due diligence aspect of that is taking great care, for example,
33 in our discernment process and I find myself, for example, being encouraged to look at,

1 say, a person in respect of ordination; I take a look, I think there are things here that are
2 work-ons in this person's life, let's not rush the process. I have had instances of becoming
3 aware that a clergyperson's behaviour is, let's say, questionable and have worked with
4 clergy on pointing out that if they were not to change their behaviour it seems to be heading
5 in the direction of where a complaint would arise, and they ought to be wise rather than
6 foolish.

7 But the diligence is also in the oversight, and encouragement of our training
8 process, boundaries training, post-ordination training, training of those who are going to be
9 ordained. I have a policy, for example, that anyone under the age of 55 who's accepted as a
10 candidate for ordination will go to St John's College for at least a year's training and
11 education there. Could well be longer, it depends a bit on whether they already have a
12 theological degree or not. I could perhaps go on a bit further but I think due diligence is
13 critical to the role.

14 **Q.** It's at the core?

15 **A.** At the core, yeah.

16 **Q.** In your first statement from paragraph 20 onwards you've described quite a range of entities
17 within the diocese, schools, halls of residence, social service agencies as well as the
18 individual parishes. Is it part of a bishop's role to exercise some form of due diligence over
19 that broader group as well as the parishes?

20 **A.** Ideally, but I would completely acknowledge that I have not done due diligence on every
21 organisation that is associated with the Anglican Diocese of Christchurch. I have trusted
22 that schools, for instance, Anglican Care entities, our two halls of residence are following
23 best practice. In various ways I feel I'm in touch with many aspects of that work and have
24 reason to believe my trust is well-founded. In certain instances, I am consulted, there was a
25 recent one, for example, and I had an opportunity to make it very clear what an Anglican
26 view about certain behaviours was.

27 **Q.** These entities are very much part of the diocese?

28 **A.** There's a range of connections, as Bishop Ross said yesterday, about entities within the
29 Diocese of Auckland, similarly within the Diocese of Christchurch. So the City Mission,
30 for example, is very much part of our life, but it is effectively managed through a
31 management committee that's accountable to the Anglican Care Board, I've said earlier I'm
32 a warden of that. I have good personal relationship with the CEO of the City Mission, but I
33 have no direct role in its day-to-day running and it has a whole lot of policies and processes
34 developed within its own life. Our schools are in varying relationships to the diocese.

1 Some are governed by statute of Synod, some are not. The College House and Bishop
2 Julius Hall have a relatively distant relationship with the diocese and certainly compared to
3 what it was, say, 30, 50 and 100 years ago.

4 **Q.** Ideally, in a well-functioning church organisation, would the bishop have the ability to
5 exercise some degree of due diligence and oversight of all those entities within the diocese?

6 **A.** I think the ability would exist if per chance we appointed, call it a safeguarding officer with
7 responsibility to do that due diligence on all aspects of the diocese's life. In our paperwork
8 I have talked about recently appointing a half-time safeguarding officer, but the focus of
9 that person is very much on our 58 ministry units, so it would be an extension of that role.
10 It would be a conversation with entities that possibly would be a bit surprised to find the
11 diocese took a due diligence interest in their policies and procedures, but I'm sure they'd be
12 open to that conversation.

13 **Q.** Desirable?

14 **A.** It would be desirable. To go back in our conversation this afternoon, I've taken note of the
15 Diocese of Brisbane, if you like, compelling statistics on child abuse to be reported to the
16 diocese. We do not have that reporting line in our schools in Christchurch, but we could
17 do.

18 **Q.** How many entities are there in the diocese beyond the parishes?

19 **A.** Well, we have six schools, two halls of residence, we have two further Anglican schools
20 that have no structural relationship with the diocese or with me, I am not their warden, but
21 they have a long-standing relationship with their local parishes. We have the Anglican
22 Care Board and quite a number of people working for it, particularly for the City Mission.
23 We have a camp in South Canterbury which is run by a trust board. That's a very distant
24 relationship these days with the diocese but it is connected to us. I'll probably wake up in
25 the middle of the night and think of something else, but that is the essential core of bodies
26 that call themselves Anglican in relation to the diocese of Christchurch.

27 **Q.** Is there an organisation chart anywhere that maps out these various bodies?

28 **A.** If there is I haven't seen it. It's in my mind, and in the minds of many of our leaders.

29 **Q.** I appreciate the legal relationships will vary.

30 **A.** Yes.

31 **Q.** Is there a document anywhere that collects those, perhaps a briefing for you, so that you can
32 easily understand here are the entities within your zone of responsibility and here are the
33 levers that you could pull or the formal relationships that exist for each of them. Is that
34 done conveniently anywhere?

- 1 A. Yes, when I became bishop there was a briefings folder which gave me information on each
2 and everybody which I would have a connection as bishop.
- 3 Q. Could you make that available to us?
- 4 A. Certainly, yes. Could I have a moment to write that down?
- 5 Q. Of course. I think Mr Johnson is also going to do that at the same time. If you are
6 something like the hub of the wheel as the bishop, and you may rebel against that analogy,
7 but if you are something like that, would it be useful to you in understanding the potential
8 scale of an issue you may have with safeguarding to have something of a census of the
9 children and vulnerable adults right across these various entities?
- 10 A. Well, it could be useful, but I wouldn't want to say that to have a census when we don't
11 have a census means that I'm sort of operating in some kind of vacuum of knowledge right
12 now. There is a lot of communication across our diocese. We're not a large population
13 centre in New Zealand terms. I find moving around Christchurch it's amazing how many
14 connections there are between people involved in all our entities and conversations and
15 discussions and so informally, anecdotally I think people such as myself as bishop, other
16 people involved in our senior leadership across our entities, have a pretty good grasp of
17 what is going on.
- 18 Q. So if we picked right now as a point in time, do you know the numbers of children and
19 vulnerable adults that are within that broader group?
- 20 A. Not in my head, but I have a pretty – I'd have to give myself a couple of minutes to sort of
21 jot down the numbers of children involved, for example, in our schools. We do keep,
22 across our 58 ministry units, annual statistics about congregational attendance, involvement
23 in children and youth ministry, so I mean the statistics are there.
- 24 Q. Demographic breakdowns?
- 25 A. We don't have demographic breakdowns across our parishes. That's something I'm, for
26 another reason, am keen on because I'm keen on our diocese working on regenerating itself
27 through the next ten years and I would like to have a better statistical feel for how the
28 actuality of generations in our diocese work out.
- 29 Q. Do you have the information going back to previous decades to know, for example, how
30 many children, vulnerable adults were in the care of the church in the 60s and 70s and so
31 on?
- 32 A. We have been keeping statistics for a long time, yes.
- 33 Q. And those numbers could be made available to the Inquiry?
- 34 A. Yes indeed. I'm dredging my memory a bit, but I thought we did provide quite a few

1 statistics to the Commission, but maybe we didn't, but I thought we had worked on that.

2 **Q.** What are your highest risk entities from an abuse perspective?

3 **A.** Well, I think our highest risk would be where we had our lowest training in good
4 safeguarding behaviour. So if an audit of the diocese said that, for example, this school or
5 this parish was sloppy in its practice, that would be a very high risk. I'm not personally
6 aware of any part of the diocese that is sort of weaker than another part. But I want to
7 stress, tomorrow we could have a complaint made that would highlight where we have not
8 done well. But we have good leadership across our schools, we have good leadership in the
9 Anglican Care organisation, and we are assiduous in practice across our ministry units in
10 respect of boundaries training, Police vetting and so forth.

11 **Q.** Moving on to talk about some of your policies, in the safeguarding area, is the main policy
12 the keeping them safe policy?

13 **A.** That is the main policy.

14 **Q.** When's that first drafted?

15 **A.** I can't remember, I know the latest update is 2017.

16 **Q.** Was there any external input into its drafting to your knowledge?

17 **A.** In terms of the revision for 2017 I recall our -- because that revision was particularly driven
18 by our youth and children ministry staff. I recall there was input into that through a
19 Tikanga Pākehā organisation called Strands which has sort of a Tikanga-wide oversight of
20 children's ministry. I find that our diocesan youth and children's workers are pretty aware
21 of developments in other parts of children and youth ministry work, because of their
22 contact with people in similar positions in other church organisations and so this was not
23 something sort of just dredged up within the mind of a couple of people who paid no
24 attention to wider church and society life.

25 So I think it's a good document, it was much worked over by our youth staff, it
26 was critically examined by our Standing Committee who brought up a number of changes
27 to be made and refined further and so it is the policy that we have.

28 **Q.** Has it been externally reviewed at all?

29 **A.** I cannot remember whether it has been externally reviewed, it's possible the Standing
30 Committee asked for like another set of eyes to look at it. But to be frank it may have been
31 a person to look at it who had some expertise but actually it was already in the life of the
32 diocese.

33 **Q.** Good practice to have an external review of a critical document like that?

34 **A.** It would be good practice to have that external review.

1 **Q.** You said already that there isn't a policy document to guide redress for claims of abuse. I
2 think you said that in your view that's a strength. Have I understood you correctly there?

3 **A.** I think it's a strength because of the flexibility that offers to respond to the particular
4 circumstances that present themselves. One of the things I have noticed in my short time as
5 a bishop in terms of complaints that have been made to me is that they are extremely
6 varied, and each one seems somewhat unusual or unique in its own right. But I did also say
7 before that that doesn't mean that we should not be open to, and especially across the whole
8 of our church, a best practice that would mean we committed ourselves to much greater
9 uniformity of response and redress.

10 And again, to pick up something Bishop Ross was talking about this morning, it
11 would be important that there is consistency across our episcopal units. It would not be
12 right that we had a settlement for, say, a sum of money in one diocese and a similar case
13 had a settlement for, say, half as much in another diocese; that, in the end, doesn't seem
14 fair.

15 **Q.** Was there a deliberate decision not to have a policy, for the reasons you've given, was there
16 ever consideration given to your knowledge?

17 **A.** I have no knowledge of whether it was in the past a subject of discussion about a redress
18 policy.

19 **Q.** As part of your due diligence role as a bishop, do you look at the implementation of
20 policies, relevant policies like keeping them safe, to understand whether they are being
21 implemented properly?

22 **A.** I do not have a regular practice of review of implementation of such a policy. I try to keep
23 an eye on the situation, I have regular meetings with, for example, the diocesan ministry
24 team which includes our youth and children's workers. We have a lot of policies in our
25 diocese and I have found in the two years I've been bishop that it is a busy life and so I have
26 not yet developed a regular practice of review. I think frankly in terms of my timetable I
27 would need to delegate to a person to do that review and report to me if it was to be done
28 properly and consistently across all our policies.

29 **Q.** The best policies in the world are no use if they're not implemented.

30 **A.** That's true. I have confidence that we are doing our best to implement the policies. I'm not
31 sure that review would in itself measurably improve our current implementation. We have
32 some excellent people in our children and youth work in the diocese and they are
33 particularly diligent in fostering the following through of those policies around safety of
34 children and youth. But I do not want to run away from the possibility or indeed the need

1 to commit to a more regular review.

2 **Q.** What is your current confidence that policies are being implemented based on?

3 **A.** Well, the first part of my confidence is that at this point in time we're not seeing a plethora
4 of complaints which would certainly highlight a lack of implementation. Secondly, I am
5 confident because a significant part of Police vetting is carried out by my executive
6 assistant and I work closely with her and I'm aware of her diligence in that area. Thirdly, as
7 I said before, I have immense confidence in our diocesan youth and children's workers and
8 in the approach they're taking to following safe practice.

9 Fourthly, we have particularly addressed one area of safeguarding. That is a need
10 to have some continuity for the role of what's been known as the diocesan CYP SO or
11 Children and Young Person's Safety Officer. That role then speaks to work with a CYP SO
12 in each parish, Children and Young Person's Safety Officer. That person in each parish
13 having responsibility to ensure that youth leadership children's ministry is practised well,
14 safely, checking in on Police vetting and so forth. We've recently appointed a half-time
15 safeguarding officer both to pick up the CYP SO role but to extend that in other ways that
16 we're working on.

17 One of them is that we've got a much better record-keeping about Police vetting
18 across the whole of the diocese. So there's a certain amount we do from the diocesan office
19 and there's a certain amount we've entrusted to the local ministry units to do. But that does
20 mean that at any given time we may not be 100% sure that 100% of people working with
21 children have been Police vetted. So the recent appointment is designed to, from a
22 record-keeping point of view, have much greater confidence, but the person appointed is
23 not just there to keep records but to work with parishes on improving their practice.

24 **Q.** When did that person start?

25 **A.** They started on 1 February this year, but we were working on this new appointment
26 through last year, in the sense that we needed to find some new funding to apply to the
27 enlarged position, then we needed to draw up the job description, advertise, secure the
28 person, we secured the appointment last year but they weren't able to begin until 1 February
29 this year. That did mean that we'd gone maybe 15 months or so since our last Diocesan
30 CYP SO worker had resigned her position.

31 **Q.** Did I hear you correctly that part of this person's role will be to improve a situation where
32 the diocese hasn't even been confident that those who should have been Police vetted have
33 been Police vetted?

34 **A.** I think we've had confidence anecdotally, but we haven't been able to support that with

1 actual data. So we've recognised the need to be able to improve that. I think where this
2 will evolve to is that we will ask for every person who is to be Police vetted to be vetted
3 centrally through a diocesan officer, which would give us a lot more confidence than we've
4 had.

5 But again, that's quite a big feat of work to both change the culture around that
6 from the Ministry units having responsibility to handing responsibility towards the diocese.
7 Ministry units don't always like the diocese to intrude too much in their lives. It's sort of
8 seen as the heavy-handed of central office so we –

9 **Q.** Would that deter you?

10 **A.** No, it doesn't deter us but it is a factor in not thinking we'll just send a memo out and
11 everything will change easily. So it is a relational and communication exercise.

12 **Q.** In one of the case studies we'll come to, I believe it appears someone who was meant to
13 have done boundaries training hadn't. Are you aware of that case, Mr van Wijk?

14 **A.** In the Nelson Diocese?

15 **Q.** Yes.

16 **A.** I am aware of the case, I have read extensively on it.

17 **Q.** We'll come to this in due course. Does that fit with your memory that in fact he hadn't done
18 the boundaries training that he ought to have done?

19 **A.** To be honest, my memory is a bit vague, we're –

20 **Q.** We'll come back to it.

21 **A.** Okay, thank you.

22 **Q.** Staying with the bishop's role, you talked about the warden position, I just want to
23 understand that a bit more. In your statement you describe it as something of a kaitiaki
24 role?

25 **A.** Yes.

26 **Q.** Is the due diligence concept central for those bodies where you are warden?

27 **A.** You mean that the warden would do due diligence and they would expect that?

28 **Q.** Yes.

29 **A.** No, I don't think it is central to the bodies' understanding of the warden's role.

30 **Q.** Should it be?

31 **A.** I think that's a conversation we need to have with the bodies. I would see the bodies as
32 understanding the role of warden as a person who keeps an eye on the organisation, is there
33 at, say, certain ceremonial times, and is certainly available for consultation when a crisis or

1 a difficult question arises, but it would be a bit of a surprise to bodies such as our schools if
2 I wrote a letter tomorrow saying I'm about to do due diligence on aspects of your life.

3 **Q.** Paragraph 69 of your first statement has the statement that the schools should have
4 appropriate policies and processes in place, particularly in discussing Christ's College. Is
5 that enough for you as warden to say they should have the right policies and processes, is
6 that due diligence?

7 **A.** No, that's not due diligence, and I'd certainly recognise, admit that I could have been more
8 decisive in, for example, writing to each of the schools and asking for them to send me their
9 policies so that I could look at them.

10 **Q.** Just thinking about Christ college for a moment, do you know whether there have been any
11 other cases of abuse that have come to light recently at that school?

12 **A.** Well, recently in the – reported in the public media there was a case involving a teacher
13 who was kind of let go from employment there, I think from memory in the early 1990s,
14 and in terms of board circulation there has been some communication of how the school is
15 responding to that through its Board Chair.

16 **Q.** Beyond that one case, as a board member, have you called for any other information about
17 abuse allegations at Christ's College?

18 **A.** So in response to the Commission and the case that came before the Commission in
19 December, there has been communication to the parent and old boy community, in that
20 communication kind of conveying the fact that this is an item of public news, there has also
21 been a commitment to receive any further complaints, and in my understanding a number
22 of old boys have been in touch with the school.

23 **Q.** Do you know how many?

24 **A.** Off the top of my head I can't remember a number mentioned in a circulation to me. It
25 would be in the multiples of tens.

26 **Q.** Is that something you should know?

27 **A.** I'm not sure I should know a specific figure, I should certainly know, and I do know, that
28 there are multiple old boys who have got in touch with the school to talk about situations
29 they experienced. And I should also know and do know that the school has set up what I
30 believe is a good and helpful process for seeking both to hear the complaints and to work
31 on redress and I commend the school for the way in which it is addressing the situations.

32 **Q.** You say multiples of tens; do you have an idea of a ballpark numbers?

33 **A.** I seem to recall a figure of around maybe 30 communications to the school. I'm not sure
34 that all of them in effect represent a complaint, but they do represent an unsatisfactory

1 experience of life at the school in the time that the person complaining was a pupil there.

2 **Q.** This is following the evidence in this Inquiry in December last year?

3 **A.** Yes.

4 **Q.** As bishop, as warden and as a board member, what interest have you taken in the school's
5 redress process in response to these further notifications?

6 **A.** My interest has been to see that in the redress process the school, as far as I understand it, is
7 following best practice. And as I said before, in the light of a number of things I've been
8 learning myself in recent months, and through the Commission's work, I am impressed with
9 the way the school is responding.

10 **Q.** What does best practice mean in this context?

11 **A.** Best practice is partly about the way the complaint is received and handled and any ensuing
12 conversation, and I see the Board Chair and the principal of the school, executive principal
13 as responding well in terms of making themselves available to listen to stories told to them
14 and to work with each complainant about how redress might unfold, and I think the school
15 is following a line which is that redress would be relevant, pertinent to each person and the
16 experience they share and what they're seeking from the school.

17 **Q.** Has there been expert advice to the school about how to respond?

18 **A.** I can't quote chapter and verse, but the school, as I understand it, has sought external input.

19 **Q.** From who?

20 **A.** That's what I'm sorry I cannot remember to you, recall to you.

21 **Q.** As a board member, have you seen a framework or a document setting out the approach the
22 school will take?

23 **A.** The board members have been circulated, I don't know whether I'd call it a framework as so
24 much as a process that would be followed the way that the principal and the Board Chair
25 would seek to work. And as I say in my reading of that I've been impressed and felt this
26 was a good way for the school to deal with it.

27 **Q.** For any former student of Christ's College who was abused, how would they know what
28 would happen if they were to make a complaint or make a claim?

29 **A.** I confess I'm not sure of that, I'd have to check, for example, whether there's information
30 actually on the school website. I would say that in the communications to the old boy
31 community, which of course is, if you like, the old boys on a contact list, may not be
32 absolutely every old boy, and to the parent community there has been some sense of how a
33 contact could be made in a hopefully safe way.

34 **Q.** We may need to seek some more details about this in due course.

1 A. Sure.

2 **CHAIR:** Could I just ask while we're on this point and we may come back to it, Mr Mount. You
3 say that you are satisfied that the course of action that they're taking to Christ's College is a
4 good one. What's the basis for your feeling of assurance on that, what expertise are you
5 bringing to assess the process as an individual?

6 A. Well, I'm assessing it in light of what I've been learning in the last 12 months about good
7 redress process. I'm also heartened that a school that possibly has produced more than its
8 fair share of lawyers among its old boys that it is particularly trying to not take a legal
9 approach to these matters, and it's also had some positive feedback about how it has gone
10 about things.

11 **Q.** Have you seen that positive feedback?

12 A. Yes, in writing it was circulated to the Board.

13 **Q.** Thank you.

14 **QUESTIONING BY MR MOUNT CONTINUED:** I want to ask now about the extent to which
15 your diocese has taken into account Treaty obligations or obligations to Māori more
16 generally in your approach to safeguarding or redress.

17 A. So, again fairly similar to Bishop Ross and the Diocese of Auckland, we have been pretty
18 monocultural since the change to the church structure in the early 1990s into a three tikanga
19 church. That in part is because we are fairly mono-European New Zealand, Pākehā. And
20 we have immense respect for Tikanga Māori and how they're doing their work within
21 Te Waipounamu, so the Hui Amorangi of Te Waipounamu encompasses Nelson,
22 Christchurch and Dunedin dioceses and each of the bishops have a relationship with the
23 bishop of Te Waipounamu.

24 In my reading of our files of complaint and in my own recent experience, we have
25 not had Māori complaining in the last few decades, I'm not particularly aware of complaints
26 from other cultures, races. We do not have a process that is influenced by Te Tiriti in
27 writing and formally. I'm sure we would approach a complaint that involved Māori or in
28 our case we do have a Tongan congregation in our diocese, we would seek to approach that
29 in a culturally sensitive and relevant way, but we do not have that in writing.

30 **Q.** If you have had no complaints from Māori in your diocese, is one possibility that whatever
31 processes you have are simply not suitable or appropriate for Māori to engage with?

32 A. That is one possibility.

33 **Q.** Would it be desirable to seek some advice or to work with Ngāi Tahu or any other iwi to
34 understand whether your processes are in fact suitable for Māori?

1 A. That would be desirable. It would also be desirable in terms of the current make-up of our
2 diocese to have regard, as I said, for our Tongan congregation and we have Tongan's
3 worshipping in other parishes and increasingly we have a presence of people from Asia
4 which could be in particular Chinese and Korean, maybe some Japanese.

5 Q. Do you have any reflection for us as to why that hasn't happened until now?

6 A. I think I have a particular reflection on why that hasn't happened in our complaint process.
7 We are a diocese that has treated bicultural relationships respectfully and well, we have a
8 Bicultural Educational Committee, for example, which has operated for some decades. As
9 I say, we have a good relationship with Tikanga Māori. So I think in the end, because we
10 haven't been forced, if you like, to reflect on whether we're inadequate in this area by
11 complainants who are Māori or Tongan or Asian, hasn't risen as a question to consider for
12 my predecessors or for me to date.

13 Q. Would you welcome a recommendation to do better in this area?

14 A. Yes.

15 **COMMISSIONER ERUETI:** Can I just intervene and ask here; Bishop when you say we are
16 Pākehā, what do you mean by, who's the "we"?

17 A. At this point I'm meaning the predominant people who make up the congregations of our
18 ministry units.

19 Q. So of the 50 or so units you're talking about, they're mostly Pākehā in those parishes, is that
20 what you're saying?

21 A. Yes, I would say as I go around the diocese and visit congregations we've probably got
22 95% of regular worshipers are European New Zealanders, there might be, say, 2% who are
23 Tongan, maybe another couple of percentage who are Asian, and very few Māori because
24 there is the opportunity for Māori to identify with their tikanga and worship with Tikanga
25 Māori.

26 Q. So are you saying they would go to the Pīhopa o Aotearoa rather than your diocese?

27 A. Generally, yes.

28 Q. Even if they lived in one of those 50 or so parishes they would identify more with the other,
29 Pīhopa o Aotearoa?

30 A. That could vary because there are not tikanga congregations in every district of our diocese,
31 but even then, the numbers in some of our parishes are very few.

32 Q. This is your estimate from your experience of going amongst the parishes –

33 A. Yes.

1 Q. –rather than data? Is that correct, yes?

2 A. Yes.

3 Q. And also, of the "we", I suppose there's also the people that you are engaging with as
4 consumers if you like, with like the – one of your organisations is the City Mission, right,
5 for example, and these other organisations. Do you have a sense of how many Māori or
6 Tongan or Pasefika or Asian consumers?

7 A. I don't have a sense myself, I'm sure the proportion is higher than we're experiencing in our
8 ministry units. That does raise the question of what, for example, the City Mission
9 complaints procedure and policies consist of and the extent to which they're informed by Te
10 Tiriti principles. So I would need to look into that.

11 Q. You don't know right now, but you're going to follow that up for us?

12 A. I will follow that up.

13 Q. If there is a poster, say, talking about your complaint process, would it only be in English –

14 A. Yes.

15 Q. – or they're in several languages? Okay, that's it for now, thank you.

16 **QUESTIONING BY MR MOUNT CONTINUED:** Picking up on that line of questioning but in
17 relation to disabled people. Are you doing enough to ensure that people with disabilities
18 are aware of their potential to complain and if so, they are supported to do that?

19 A. I'm sure we're not doing enough.

20 Q. Would you welcome a recommendation to do more?

21 A. I would welcome a recommendation to do more. I would observe that we're now in this
22 new situation, so it will be for the Ministry Standards Commission to promulgate the
23 consistent materials that will appear across our episcopal units around complaint processes
24 and related information. And it will be for them, with an agreed wording, to make that
25 available in multiple languages, and in other forms that enable the disabled, including those
26 who have poor sight, to be able to feel they're in connection.

27 Q. Paragraph 85 of your statement says "It is important to distinguish between complaints of
28 abuse and claims for abuse". Why is that important?

29 A. In my understanding it's important in this way: If someone were to complain about abuse
30 and suppose Mary complains against John and then John denies the complaint, there is a
31 problem around how to then proceed around the fact that there's a claim and a counterclaim.
32 And, you know, due process needs to be worked out to resolve that complaint in a helpful
33 conclusion for the complainant, but maybe come controverted and difficult because of

1 denial of the complaint.

2 A claim I would distinguish as that a church, in this instance, accepting the
3 complaint and working with the complainant on redress, whether or not it's able to sort out
4 the respondent to the complaint. In other words, I would understand that one could focus
5 on a complaint and kind of hold up a claim process, a process of securing redress because
6 you get stuck say between lawyers and sorting out the complaint, and the claim part would
7 be the church being able to move more quickly to do something helpful for the
8 complainant. But they're obviously associated because as the complaint hopefully is
9 resolved, that also then leads into redress.

10 **Q.** Is it a distinction that makes any sense from a survivors' point of view do you think?

11 **A.** I don't know. I could imagine survivors saying they can't make or find it difficult to make
12 the distinction. I would say as a bishop in a sense I have to make the distinction, because if
13 the complaint were such that one was looking at, say, the dismissal of a clergy person or a
14 youth worker, one has to proceed in the dismissal of a person in either an appointed or
15 employed position with due regard to matters of natural justice, of employment law and so
16 forth.

17 So in other words, there may be a threshold of proof that means the bishop has to
18 take into account, you know, how to end an employment or an appointment well, and in a
19 way that is evidenced and justify – sorry, justified, I'm not denying evidence, because
20 evidence can be controverted. We have instances in the life of our diocese where
21 complaints have been brought and the respondent has denied, and maybe it has gotten to a
22 kind of she said/he said kind of back and forth and lawyers have got involved and it's
23 become difficult. That's a problem for the bishop, I want to stress, but we've got to have
24 regard for the survivor in such a situation.

25 **Q.** From a survivor perspective, imagining you've been abused by a person of responsibility in
26 the church, you contact the church to say "This happened and I want to talk to you about
27 putting that right"?

28 **A.** Yeah.

29 **Q.** Is it sensible that they essentially might be asked, "Well, do you have a claim or do you
30 have a complaint?" Would that make sense do you think?

31 **A.** Well, I can't imagine that being the response to the complaint. The response to the
32 complaint would be to hear the complaint and to work with the story that is told and with
33 what the complainant is seeking in that situation and how we could respond in a helpful and
34 hopefully life-giving way to the complainant.

1 Now if you imagine that complainant saying "It would really help me to know that
2 the person who abused me would no longer hold their position in the life of the church",
3 that would be an entirely reasonable request in terms of a complaint of abuse. But we
4 would have to work that dismissal out in a way that accorded with the process under Title
5 D if it was an appointed person or employment law if it was an employment person. That
6 might take longer than the complainant would wish, because I could imagine a complainant
7 would want instant action on that kind of thing and it may just simply not be possible. I'm
8 not talking about going through some long-winded process, but there would need to be due
9 process.

10 **Q.** The current process of the church draws quite a binary distinction between a claim and a
11 complaint in that there's an elaborate highly legalised complaint process Title D and
12 literally no formal process for a claim. Is that right?

13 **A.** Well, I would stress again that Title D is an omnibus piece of legislation and it's designed
14 to take on board any and every kind of complaint and yes, there is a highly legal process,
15 but that also means that it becomes difficult, say, to dismiss a clergyperson simply because
16 a person's complained that that person's preached heresy, say, in a sermon last Sunday. It
17 means that we, in one sense, slow down and work through the level of the complaint and so
18 forth.

19 So it may be that in an omnibus piece of legislation we're not serving the person
20 who's complaining of abuse well, maybe we should have a specific piece of legislation for
21 that complaint and it doesn't get tangled up with something which is also trying to deal with
22 potentially heresy or maybe some other habit of life of a clergyperson. Title D also deals,
23 for example, if there was an addiction, a substance addiction, alcoholism and that kind of
24 thing. So that may be one aspect of what you're looking at.

25 But I think I'd also want to stress that in how Title D can work in practice as we
26 work with a complaint against a clergyperson for abusive behaviour, by working not so
27 much on the mediation track but on an informal but intentional track governed, if you like,
28 by Title D as a background and a presupposition that we are able to bring the clergyperson
29 being complained about, bring their appointment to an end, say through resignation, and in
30 that way maybe achieve something that's a lot speedier than if we were to go, say, to the
31 Tribunal level of things. And in securing that resignation being in a much better place to
32 work with some reasonable speed on the redress side of things.

33 **Q.** In your paragraph 85, part of your definition of a claim is a request for some type of
34 monetary restitution. Is the issue of money at the core of the way the church has responded

1 to claims?

2 A. Sorry, could you just put the start of that question again?

3 Q. Is the issue of money at the core of the way the Church has responded to claims?

4 A. It may have been in the past in the sense that maybe a fear that a claim would lead to
5 monetary compensation has led to a how can we get away with paying as little as possible
6 approach; or are we legally liable to monetary compensation, no, we're not so that's good.
7 It would appear that in past times we have taken that kind of line, speaking in a sort of
8 colloquial way.

9 I think in what I've said in that paragraph I've probably focused on claim as
10 meaning money, whereas I think the word "redress" is a more encompassing term about
11 what it is that will help a person to cope with or even overcome the ongoing trauma from
12 abuse. And that's not necessarily about money at all, it may be, but it need not be.

13 And certainly in the limited experience I have had in responding to a few
14 complaints, I've noticed that people are not looking for money, but are looking for a sense
15 that the Church is listening, is taking a complaint seriously, and is in some way working
16 with the respondent to the complaint.

17 Q. Is there an insurance dimension to a financial claim for abuse in your diocese?

18 A. There is an insurance dimension. There has been since 1995. That dimension means that
19 we let our public liability insurer know whenever there is, not just a kind of – we've got a
20 claim but even we've got something happening that we think you should know about in the
21 first instance. We recognise there's a risk in going to the insurer that their lawyers may
22 drive where a situation is going.

23 Q. Has that happened?

24 A. I'm not personally – I've not personally been directly involved in conversations with the
25 insurer about claims for abuse and how they may have been responded to by the insurer. I
26 am aware, for example, of a claim in our diocese about an employment conflict that raised
27 the insurer's involvement and to be honest I'd have to look that up to see how helpful that
28 involvement was.

29 We also have a \$5,000 excess on a claim, and in my time as bishop some
30 situations where there may have been a bit of a claim for money, and I'm talking very
31 generally here not focusing on abuse, that the threshold has not necessarily been met or
32 going to be met so the insurer hasn't had a role. We find that generally the insurer doesn't
33 really want to know about insuring on complaints, so that we have some sense that we as a

1 diocese would fund a number of different situations if it came to that.

2 **CHAIR:** Are you saying you don't refer the matters to your insurer because – is that what you're
3 saying, that you just prefer to deal with it without going to your insurers?

4 A. No, I'm saying we have referred matters to the insurers, we've had a bit of a mixed response
5 as to their interest in situations. In my experience, recent experience, this has been more
6 about some conflict resolution stuff in the workplace, that kind of thing, there has not been
7 a significant complaint and claim about abuse in the last couple of years. So I have not
8 been party to it or directly party to a discussion with the insurer.

9 **Q.** During your term as bishop?

10 A. Yes, and I can't recall significant signs of the insurer sort of governing process in a longer
11 period than that. But I'm not saying that since 1995 they've sort of had no governance or
12 intrusion. Again, part of my learning over the last 12 months as the Commission has been
13 doing its work is that the insurer tends to, understandably from their perspective, take a
14 quite legal view of what they will or won't happen and we certainly need to move away
15 from being constrained by legal considerations in claims reviews.

16 **Q.** Thank you.

17 **QUESTIONING BY MR MOUNT CONTINUED:** So just to summarise that from a past
18 perspective in a survivor's point of view, a claim relating to abuse that has a money
19 dimension, the risk is it goes off to an insurer dominated process with legal defences,
20 Limitation Act, privilege, all of that sort of response, that's one possibility?

21 A. It's a possibility, but I think in the light of what I've been learning in the last 12 months that
22 if we had a significant claim, I would be working with our diocesan manager who normally
23 conducts the communication with the insurer on not making a claim because we would
24 need to follow best redress practice, not follow lawyer's advice.

25 The other thing I might say in terms of what you've said earlier this afternoon
26 about we might have a number of claims we've yet to discover going back, say, 30 years,
27 the insurer has been very clear that nothing before 1995 would count even if we did bring it
28 to them.

29 **Q.** Record-keeping. Can we pull up ANG ending 8002. This was the Christchurch response
30 to Patricia Allan's survey. Page 4 of that document describes the record-keeping process.
31 That's the first page just to orient you. If we can zoom in on the bottom half under the
32 heading "Records". It's not easy to read in that colour, I'm sorry. But is this the practice in
33 your diocese that firstly the monitor will keep full records of an investigation, interview
34 notes and so on?

1 A. That's my understanding.

2 Q. And they are kept –

3 **CHAIR:** Before you go on, Mr Mount, who's answering these questions? We've heard from
4 Bishop Ross that he answered the questions, did you answer these questions Bishop Peter?

5 A. I'm sorry, Commissioner, I can't remember exactly my role in putting these answers
6 together. I believe I was working with my executive assistant who has done a lot of work
7 on preparing materials for the Commission.

8 Q. So first of all it was done during your time?

9 A. Yes.

10 Q. And you had a hand in it, but you were assisted by somebody else, is that roughly –

11 A. It's my memory that we worked together.

12 Q. Okay, so you do know about the document?

13 A. Oh, yes, yes.

14 Q. Okay, thank you.

15 **QUESTIONING BY MR MOUNT CONTINUED:** So the monitors keep careful records, which
16 are then kept, but they are destroyed after the time for an appeal; is that right?

17 A. I'm sorry, I'm hesitating because I'm not sure we've got a time for an appeal, a statute of
18 limitations on making an appeal, but I recognise when I read that sentence that there is a
19 contradiction between sufficient time and should they be required for any further action or
20 appeal because that, in theory, could be an unlimited amount of time. So that is probably
21 something I need to check in with the monitor that they actually keep their records forever,
22 in other words they are archived.

23 Q. Yes, if we just turn over to the next page at the top of the page, under the bullet "How are
24 they disposed of". If we zoom in on those top two bullet points, it looks as if they get
25 shredded. Is that right?

26 A. As I understand it the – I've worked with two monitors in my time, they have in time
27 disposed of their records. So what is kept out of it all is their determination,
28 communicated, or their recommendation communicated to me. And it's that
29 recommendation that would be, for example, kept on a personnel file in relation to an
30 officer or clergyperson of the diocese.

31 Q. Why are the primary documents, interview notes and so on, shredded at the end of the
32 process?

33 A. I'm not sure. I'd actually have to ask that question why they would be shredded other than

1 some sort of usual confidentiality, especially in regard to the complainant. I'd actually
2 need to talk to the past and present monitor and say how did that practice develop, why
3 aren't we keeping all the notes for the archives.

4 **Q.** If we go back to the previous page, it's clear that the bishop also receives a report on the
5 case?

6 **A.** Yes.

7 **Q.** Not the primary documents, a report, is that right?

8 **A.** Yes.

9 **Q.** Is it then up to each individual bishop how long they keep that for and how that information
10 is stored and so on?

11 **A.** It is up to each bishop. I'm aware that, this may be anecdotal, but the bishop about four
12 back I'm told had a bonfire at the end of his time as bishop. I'm not exactly sure what went
13 into the bonfire. The only thing I could be sure is kept is stuff we still have kept in the
14 archives. I would think the more consistent practice for about 30 years that records are
15 kept, I think there's much greater consciousness of the fact that good practice is to keep the
16 paperwork relating to different situations, and certainly if I go back to the Rob McCullough
17 case which goes back to 1989, reading through the documents there's certainly a vast
18 number of handwritten notes as well as formal letters and other communications that are in
19 our archives. So I'm kind of assuming that practice at least for, say, 30 years has been to
20 keep all documents.

21 **Q.** The bishop who may or may not have had a bonfire, was that Bishop Pyatt?

22 **A.** I'm told that, yes.

23 **Q.** Who I think from your statement held office for nearly 20 years, 1966 to 1983?

24 **A.** That's right.

25 **Q.** It must be unsatisfactory to think that potentially nearly 20 years worth of records would
26 have been destroyed, whether in a bonfire or in any other deliberate way?

27 **A.** That is frustrating and you probably are aware of a case in the paperwork of the
28 Commission where it is specifically mentioned that Bishop Pyatt may have written a
29 reference which, in hindsight, should not have been written. And there appears to be no
30 record of correspondence about the issuing of that reference.

31 **Q.** If the Australian experience is anything to go by, and there's a big bow wave of complaints
32 from the 70s and 80s, potentially that 20-year period under Bishop Pyatt could be a very
33 large hole in the Church's records of response to abuse?

34 **A.** Well, it could be.

1 **MR MOUNT:** Madam Chair, it's just past 5 o'clock, that may be suitable from our perspective.

2 **CHAIR:** We'll take the evening adjournment. Bishop Peter, again just to remind you not to talk,
3 but you haven't – I don't know if you were present when I said the other day, that if a matter
4 has arisen in the course of the examination questioning that you need to raise something,
5 talk to your counsel and he will discuss it with Mr Mount. So it's not total silence if there's
6 something pressing that you need to talk about, but otherwise don't talk about it. Thank
7 you.

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

9 **Hearing adjourned at 5.03 pm to Friday, 19 March 2021 at 10 am**

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