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JACINDA THOMPSON - AFFIRMED
EXAMINED BY MS MCDONALD

Q. Good morning. Now, before we start, I just want to say to you that the statement that you have prepared is already part of the evidence that's gone to the Commissioners and so it's on the record, as it were, and we don't need to say everything that's in your statement for it to be evidence that will help the Commissioners make their final recommendations at the end of the Inquiry process.

So, I'll be taking you through parts of your statement but it's also important to say that this is the chance for you to say what you want to say. And so, if you feel that we've missed anything important, I'll give you an opportunity at the end to cover that but hopefully we'll be able to cover the events and the redress that you attempted to achieve and eventually did.

So, if you just start with your statement, if you just start at paragraph 2 and basically tell the Commissioners why you're here today.

A. Sure. The evidence that I want to give to the Commission is about my attempts to gain redress after I was subject to predatory and abusive behaviour as a parishioner of the Nativity Anglican Church in Blenheim in late 2004 and 2005. I wanted accountability from the Church and for no-one to go through what I went through.

Q. Thank you. Now, if you go to paragraph 4, if you could just read the next three paragraphs from there, thank you.

1 A. I have chosen not to go through all the details of the
2 actual abuse for this particular hearing for many
3 reasons, not least that speaking about those details is
4 difficult for me. Instead, I'm going to give evidence
5 of all the different ways I tried to get redress, in
6 the sense of acknowledgment, apology, recompense and
7 assurance that my suffering would be learned from by
8 the Church so that it could be avoided in the future or
9 at least dealt with properly, humanely and with empathy
10 and care.

11 The context of my attempts to gain redress was that
12 I was sexually harassed, abused and psychologically
13 bullied under the guise of grief care and spiritual
14 guidance following the traumatic death of my baby son.
15 The perpetrator was my Parish Priest. My grief and
16 trauma from the bereavement became and has remained
17 indelibly linked to the trauma from the abuse.

18 My evidence covers the aftermath of my reporting
19 what happened to the Anglican Church and then further
20 attempts through New Zealand Police, civil proceedings,
21 the Anglican Church's internal disciplinary process and
22 the Human Rights Commission and the Human Rights Review
23 Tribunal.

24 Q. Thank you. Jacinda, what was your background as
25 regards this Church or any Church?

26 A. Um, I grew up not in a religious family. Our family
27 didn't go to Church or anything. But in the year 2000,
28 our family suffered a devastating bereavement and that
29 led me to have lots of questions about death and how to
30 deal with my grief and that led me to seek comfort and
31 guidance from the Nativity Anglican Church in Blenheim.

32 Q. And so, by early 2001 you were actually attending
33 Church regularly there and becoming involved in quite a
34 practical level. Can you just talk about that briefly?

1 A. Yes. By 2001, I had become very involved there. I was
2 running the crèche on Sunday mornings. I also went on
3 Sunday nights to the evening service and helped out
4 there as a communion assistant, I was donating money to
5 the Church, I had a real passion for wanting to do
6 God's will, but I didn't have any other Christians in
7 my immediate family or friend group, so I very much
8 looked to the Church to learn about the faith that I
9 adopted and to teach me how to live for God.

10 Q. And can you just say something briefly about the Priest
11 who abused you and you are able to name him?

12 A. The Priest who abused me was Reverend Michael van Wijk.
13 I felt that he had a lot of power over me because he
14 was almost 10 years older than me but more so because I
15 trusted him, due to the fact that he was a man of God.
16 At one point during the period of abuse, he told me
17 that he could actually see a vision of Jesus cradling
18 my deceased son in his arms. I also think the Priests
19 have a lot of power, simply for the fact that their
20 role is they are a representative of God and they have
21 an almost supernatural power in the Church because
22 things like, for example, they're the only ones that
23 can consecrate the bread and the wine for communion and
24 the clothing they wear, they're definitely or I saw the
25 Priest as being of God, representing God essentially.

26 Q. Thank you. So, without going into detail about the
27 process that you've described in your statement as
28 grooming, being bombarded with emails, all part of this
29 grief counselling and religious guidance, you say in
30 your statement that the abuse became sexual and that
31 this was happening while you were sobbing base you were
32 talking about your son?

33 A. Yes, that's true, yes.

34 Q. So, can you tell the Commission about the first
35 disclosure that you made to Nativity, paragraph 12.

1 A. Yeah. It started, I told, when I told my husband Aaron
2 what was happening, I was really confused at that point
3 and I was quoting Bible verses to him. He rang to tell
4 the Vicar, Richard he will in a, but he wasn't able to
5 get hold of him, got hold of Rev Terry Terrill and told
6 him I had been preyed on by one of his Ministers and he
7 guessed it was reverent van Wijk before Aaron said his
8 name.

9 Q. How were you feeling at this time?

10 A. For me, I was feeling really confused, a lot of
11 emotional pain, anxiety. I thought it must all be my
12 fault because van Wijk was the one that was a man of
13 God. I thought that I'd hurt everyone. That if I'd
14 dealt with my grief better, none of it might have
15 happened. I was still dealing with flashbacks of the
16 death of my son, they had increased in frequency since
17 the starting of the counselling with both the female
18 Church Council who were and also with van Wijk.

19 Q. Thank you. So, after that first phone call, what was
20 the response from the Church? If you just go to
21 paragraph 17, sorry, I should have said that.

22 A. Nobody from the Church contacted me to ask for any
23 details. I felt really isolated at this time, I felt
24 cut-off from the Church, due to van Wijk's presence
25 there. Neither of us heard anything back from them
26 until about a week later when we found a handwritten
27 note under our backdoor from the Vicar Richard Ellena
28 that said he was sorry for not being in touch and that
29 we could call him, left his phone number.

30 Q. Was the Priest who abused you still trying to make
31 contact with you?

32 A. Yes, he was still contacting me by email and phoning up
33 during the day. He kept saying that he wanted to help
34 me still and promising that he would now keep
35 boundaries. He told me that he had met up with Richard

1 Ellena, that he managed to cry at the meeting and that
2 he had Richard's sympathy and he was going to do some
3 counselling in Nelson to make things look good. He
4 told me he spent 3 hours talking with Reverend Terry
5 Terrill in a cafe in Picton and he said he made our
6 relationship sound as natural as he could and just said
7 to let him take care of it, otherwise he could get in
8 serious trouble and lose his job.

9 Q. Thank you. If you go to paragraph 21.

10 **CHAIR:** I know you've been told, Jacinda, and I know
11 it's really hard when you're trying to read something.
12 If you keep an eye on the signers and our stenographer.

13 A. Sure.

14 **MS MACDONALD:**

15 Q. Eventually, somebody from the Church came to see you.
16 Can you tell us about that?

17 A. Yes. Richard Ellena and his wife Hilary, they called
18 in.

19 Q. Did you know they were coming?

20 A. No, it was unannounced. Aaron wasn't home and it was a
21 brief visit. Vicar Ellena told me that I would be
22 forgiven. He spoke a bit about affairs. He never
23 asked for any information at all about what had
24 happened. I was afraid to speak to Vicar Ellena as van
25 Wijk had told me that he couldn't keep anything
26 confidential and that I was not to trust him.

27 Q. And did his wife say anything to you?

28 A. Yes, she asked whether I would be able to let Reverend
29 van Wijk go. This was really upsetting for me as it
30 was, he who had not stopped contacting me. I told
31 Richard Ellena this and he promised that he would make
32 him stop contacting me. They then said a prayer and
33 left.

34 Q. So, if you go to paragraph 25, please. Did Reverend
35 van Wijk keep contacting you?

1 A. Yes, he kept emailing and then sent me a new email
2 address for him and a cellphone number. He said that
3 he'd been told he wasn't allowed to email me anymore,
4 so instead he was going to email himself as a diary and
5 blog and that he would use this new email address as a
6 way for him to process everything and he told me that
7 the account password for the new email would be my
8 name.

9 Q. If you can just carry on from there.

10 A. I didn't email him on this email but eventually I did
11 check it to see if he was writing these diary entries.
12 On reading them, I thought that he was writing them
13 with the plan that I would read them, so I would read
14 them but mark them unread. On this email he setup a
15 folder called "Jacinda's writings" and it had emails in
16 it I had sent him in the past, including my personal
17 thoughts and poetry about my brief. I felt really
18 angry that he had them, and I didn't want him thinking
19 that I would be adding any more writings to that, so I
20 deleted it.

21 Q. And did you show some of this email and blog to anyone?

22 A. Yes, I told both my husband about it and also the
23 Church counsellor and also Richard Ellena.

24 Q. So, the Church counsellor that you were seeing, was
25 that something that you were paying for?

26 A. Yes, it was, yep.

27 Q. If I could take you to paragraph 33, a short paragraph
28 there about something that the counsellor had said to
29 you.

30 A. Yes. After the abuse, I had a session with the Church
31 counsellor. She already knew that there had been some
32 sort of relationship, but she thought it sounded like
33 grooming and that Richard Ellena needed to know more.

1 Q. So, you had a meeting with Richard Ellena on the 7th of
2 June 2005. So, if you just want to read from that
3 paragraph, to the end of that paragraph.

4 A. Yes. At that meeting, I found Ellena's behaviour quite
5 insulting just after we all sat down, and I was about
6 to speak he announced he needed to take a leak and he
7 left the room. He later noticed that I appeared a bit
8 fearful of him and started pulling stupid monster faces
9 and then smiled and said he was one person, Jacinda,
10 we're not all like that. I told him about the email
11 and the password for the new email blog that van Wijk
12 was writing to me. I gave him all the details and
13 thought he would access that to get evidence but
14 instead, he simply asked van Wijk about it who promptly
15 deleted it all.

16 Q. And how do you know that van Wijk deleted it?

17 A. Because Richard Ellena told me that, yeah.

18 Q. And if you want to just go to paragraph 35, just the
19 end of that paragraph, the sentencing starting with,
20 "He also said", this is talking about Richard Ellena or
21 you could read the whole of paragraph 35.

22 A. That was at a meeting with Richard Ellena when Aaron
23 challenged him over a lack of supervision of van Wijk.
24 At that meeting, Ellena admitted that he knew that
25 despite being a Christian at the time, that van Wijk
26 had a lot of sexual partners before he got married and
27 he did have some concerns about him. He also said that
28 someone in another parishioner's family had expressed
29 concerns to him about van Wijk's support of her.

30 Q. So, if you go to paragraph 37, you discuss there that
31 you gave the Vicar a written statement or complaint?

32 A. Yes. I wasn't able to speak about what happened, but I
33 did give Richard Ellena a written complaint and I also
34 gave him some printed copies of some of the emails that
35 van Wijk had sent me, including one that proved the

1 existence of the diary. This included evidence of
2 grooming and content where van Wijk stated that I could
3 trust him, that I needed to let him massage the pain
4 from my heart, that also included evidence of my trying
5 to end contact with him.

6 Q. Can you carry on with paragraph 38.

7 A. I had written this statement off my own back. I hadn't
8 been asked by anyone in the Church what had happened.
9 I was not told that it was an official complaint or
10 whether it would be part of any investigation. At the
11 time of writing it, I was also still influenced by
12 pressure from van Wijk not to get him into trouble and
13 to take some of the blame. I was also embarrassed to
14 go into the full detail of the sexual abuse as Richard
15 Ellena was the Vicar of my Church. He didn't read the
16 complaint at the meeting and I didn't speak about its
17 contents. He said it needed to go straight to the
18 Bishop and that he would do that immediately and seal
19 it up and make sure no-one else read it.

20 Q. Thank you. If we could just call up exhibit 013? Is
21 that on your screen?

22 A. Yes.

23 Q. If you could please highlight the last paragraph, if
24 you could bring it up?

25 So, this is an email from Richard Ellena to Michael
26 van Wijk. Would you like me to read this?

27 A. Yes, that would be good thanks.

28 Q. "In her six pages, Jacinda quoted many things that I
29 had shared with you, or that we had talked about as a
30 staff team. Confidential stuff that we discussed or
31 shared about each other, it was there in black and
32 white - things Jacinda said that you had spoken to her
33 about. I was deeply disappointed, and felt quite
34 betrayed, but chose at the time to just leave it there.
35 Then the same day that Aaron and Jacinda came to see

1 me, someone else came to see me about her baptism. At
2 the end of our meeting, she told me about her meetings
3 with you and her sense of real discomfort; how she had
4 met with you and said that while she spoke to you and
5 shared stuff with you as a Priest, she couldn't
6 continue that on in any other sort of relationship.
7 She then told me that you kept or calling her even
8 after she had said 'no relationship'."

9 So, another month later, on 13 July 2005, you and
10 your husband went to Nelson to meet with the Bishop,
11 Derek Eaton?

12 A. Yes, yep, we met with Derek Eaton and Richard Ellena.
13 I was anxious at that meeting about what I might have
14 to talk about. I was still feeling very upset and
15 ashamed. At the meeting I didn't talk at all about
16 what happened, but the focus was on what would or what
17 should happen, in terms of disciplining van Wijk.
18 Bishop Eaton opened the meeting by apologising for what
19 had occurred but then explained that because Reverend
20 van Wijk had resigned, that he no longer had the power
21 to hold him to account. He assured me that he had
22 removed his licence though which would effectively mean
23 he could never Minister in another Anglican Church in
24 New Zealand.

25 Q. Can you just go to paragraph 45 and read?

26 A. I later found out that it went on record that Reverend
27 van Wijk did not have a licence, but it did not say
28 that the Bishop had removed it. Instead, it had
29 written that Reverend van Wijk had surrendered it.

30 Q. And can you carry on from there?

31 A. Bishop Eaton commented that what happened wasn't really
32 serious and pretty low end, compared to what's going on
33 overseas. He said I would have to attend another
34 Church and that he could help arrange that for me, an
35 offer that I refused. I felt hurt that my children and

1 I were being expected to find another Church while van
2 Wijk and his wife and children were still at the
3 Nativity.

4 Aaron said that we were thinking of going to the
5 Police and Eaton and Ellena shook their heads and said
6 that we would not want to do that. Aaron asked why van
7 Wijk was getting counselling and why I hadn't been
8 offered any. At this point the Bishop agreed that they
9 would fund some counselling for me.

10 Aaron said that van Wijk should be held to account
11 by the Church through their own Tribunal process.
12 Bishop Eaton briefly explained a thing called Title D
13 but he questioned Aaron as to why he would want to put
14 me through that.

15 Q. What reason did he give for that?

16 A. He said it would be too hard for me, that I would be
17 rigorously questioned over what had happened, including
18 whether I had consented, and that it would mean that
19 everyone would then know about it. He also said I
20 would have to speak about the loss of my son. He told
21 Aaron not to be selfish, that he needed to think of me
22 and not himself, and he also said that justice was up
23 to God.

24 Q. Can I call up exhibit 004, please? Do you recognise
25 this Sexual Harassment Policy?

26 A. Yes, I do.

27 Q. Is that something that was given to you at the time?

28 A. No, I didn't come across this until some years later.

29 Q. How did you find that?

30 A. I think that I found it online, yeah.

31 Q. So, if you can go to page 2 of this document, please,
32 and if you can pull out the first paragraph? Would you
33 like me to read this, Jacinda?

34 A. Yes.

1 Q. "Sexually abusive relationships. Current opinion
2 suggests that a relationship is sexually abusive when
3 someone in authority or with some responsibility
4 crosses professional boundaries to make sexual advances
5 to a person for whom they have a professional or
6 pastoral responsibility. This is so even when the
7 advances are welcomed. It is always the responsibility
8 of the professional person to maintain the boundaries".

9 Now, you find out later that this policy was in
10 place at the time you were talking to the Church?

11 A. Yes, this policy I think was around about 2001 it came
12 in.

13 Q. Now, Bishop Eaton gave you reasons to not take up the
14 Title D process but did they miss anything that you
15 think is important?

16 A. Well, I thought if they had told me some of the things,
17 such as Title D does not have to be held in a public
18 setting, it can be held privately, that I could have
19 name suppression, that I could have taken a support
20 person, that I could have waited a few months until I
21 felt more ready for it. They didn't tell me that I
22 would be able to read my statement or even only provide
23 a written statement and not attend. They didn't tell
24 me I could have a lawyer and didn't suggest the Human
25 Rights Commission as an avenue.

26 Q. So, you followed up from that meeting which was held on
27 the 13th of July and you emailed Eaton and Ellena on
28 the 17th of July; is that right?

29 A. Yes.

30 Q. If we could just call up exhibit 002. This was a two-
31 page email. I just wonder if you could pull out
32 paragraph 4, that's the biggest one that's highlighted.
33 It's just under the "GRO-C". Would you like to read
34 that yourself, Jacinda?

1 A. Yes. "The final thing that concerns me is your
2 statement, Derek, that a Church Tribunal would involve
3 the questioning of my consent. My understanding is
4 that Church law prohibits sexual relationships between
5 clergy and those they are counselling regardless of
6 whether the person gives consent. The Church's need to
7 examine my consent suggests to me a complete lack of
8 understanding of the issue, which is that those seeking
9 emotional, mental and spiritual help are often so
10 vulnerable that any consent is invalidated, just as
11 consent by children cannot be taken as valid. In fact,
12 as soon as I outlined events to the Church counsellor,
13 she said that pattern of child abuse follows exactly
14 the same previous taken steps. The building of trust
15 is often someone who is in a respected position and has
16 become a family friend and dependence, and the
17 establishment of a special friendship which must remain
18 confidential, touch that is justified as some sort of
19 special care, controlling behaviours, including
20 emotional blackmail and so on."

21 Q. Thank you. That was quite a long detailed email that
22 you sent, and I wonder, did you get any response to
23 that email?

24 A. No, neither the Bishop, nor Richard Ellena replied to
25 my email. On the 2nd of August, I sent a follow-up one
26 to ask them if they got it and to remind them. Vicar
27 Ellena replied to say sorry, that he's been busy
28 working on a school play and that he had had some trips
29 away.

30 Q. Did you follow-up again?

31 A. Yes. In August, after still hearing nothing back, I
32 had to initiate contact again to ask what was happening
33 and about the promise in the meeting to provide some
34 counselling. I emailed Vicar Ellena expressing
35 frustration at the delays and I also added an article I

1 had found online that set out how Churches should
2 respond to exploitation by clergy and explained again
3 why there was no consent. He replied to my email
4 saying sorry for the delays but made no actual response
5 to the article.

6 Q. Did you eventually meet with Vicar Ellena in August?

7 A. Yes, I did. I asked him if he got my email about the
8 meeting with the Bishop and he said he did. He said to
9 me, look, if this goes public 10 years of my Ministry
10 to build up the numbers in this place will go to waste.
11 The Church still meant a lot to me. I didn't want the
12 responsibility of destroying its reputation. In this
13 meeting, I asked him who had already been given my name
14 in relation to these events and he said all of the
15 clergy, of whom there were six on the staff, all their
16 wives had been told, the youth leader and his wife
17 knew, the People's Warden and the Vicar's Warden had
18 all been told.

19 Q. At around this time, did the Church counsellor you had
20 been seeing come to you for a specific bit of advice?

21 A. Yes, she came to me concerned as a female relative of
22 her's was spending a lot of time with Reverend van
23 Wijk. She wanted to know if I considered him a safe
24 person. I said I definitely didn't consider him a safe
25 person.

26 Q. So eventually you started counselling, is that right?

27 A. Yes.

28 Q. And who funded that counselling?

29 A. The Church had offered to fund it and they gave me the
30 name of a woman, Lorraine Moffat, who worked at the
31 Bread of Life Centre but she when I told her what had
32 happened said this is sexual abuse and so is covered by
33 ACC, so ACC paid for that.

34 Q. Does that mean a bill wasn't sent to the Church?

35 A. No.

1 Q. What happened with your relationship between you and
2 the Church after this?

3 A. The Church never followed up to ask whether my
4 counselling had started. I never spoke with anyone
5 from there, never heard from anyone. I was away from
6 the Church for five years. The loss of the Church
7 community in that way was hard for me and also hard for
8 my children. It left me very unsure of myself and what
9 to believe because I'd actually wholeheartedly believed
10 the Church's teaching, that you're Brothers and Sisters
11 in Christ, that you're one big family. If one member
12 suffers, we suffer together.

13 Q. Thank you. If you could just go to paragraph 61 and -

14 A. Yeah. In 2007, I came across the book Whistle-
15 blower - Abuse of Power in the Church, a New Zealand
16 story written by Louise Deans who had experienced
17 sexual harassment in the Anglican Church. I made
18 contact with Louise. She was keen for me to take some
19 action for justice as she had been promised by the
20 Church that they now had much better processes than
21 what she had experienced.

22 Q. So, what's the first step that you took, in terms of
23 redress?

24 A. I made a complaint to the Health and Disability
25 Commission, but the Commissioner replied to say that it
26 fell outside of their jurisdiction and suggested Title
27 D.

28 I didn't trust the Church leadership and the way it
29 had been described to me was very intimidating, so I
30 didn't want to pursue that again.

31 Q. And can we go to paragraph 65 please?

32 A. I resumed contact with Louise Deans in 2007 and she
33 sought advice for me from Nicholas Davidson QC. Under
34 Louise's guidance and recommendation, I made contact

1 with a lawyer Rob Osborne via Duncan Cotterill with a
2 view to making a civil claim.

3 Q. So, you met with that lawyer, but you didn't take it
4 any further at that stage?

5 A. No, I found it too difficult to speak about.

6 Q. So, if you go to paragraph 68?

7 A. 2008, Duncan Cotterill made contact querying why I
8 hadn't been in touch and I told them that I was unable
9 to continue with the legal action.

10 Q. And was that because of the effects that you were
11 feeling at that time?

12 A. Yes, I had been diagnosed with PTSD, was having a lot
13 of problems with bad sleep, anger, nightmares,
14 memories, and I knew that this was just the start of
15 the process, so I had also started to get suicidal
16 thoughts and I was scared that I might act on those, so
17 I put it all aside.

18 Q. And then if you go to paragraph 71, there was a reason
19 that you decided you did want to return to the Nativity
20 Church?

21 A. Yes, all my children had been baptised at Nativity and
22 Aaron and I had another child and his birth got me
23 thinking about the possibility of returning. I thought
24 it was unfair on him not to be christened because of my
25 issues. I contacted Nativity to arrange this. I knew
26 then that all the staff had changed, and I thought I
27 could go back and would be able to cope and forgive the
28 past.

29 Q. Thank you. How was it when you started attending
30 services?

31 A. It was very difficult. There were lots of areas that I
32 needed to avoid. Attending services was difficult
33 because I suffered flashbacks and distressing memories,
34 so I'd always sit at the back of Church and would often
35 leave. My attendance was pretty sporadic. It wasn't

1 so much the actual Church setting but the phrases used
2 that would trigger me.

3 There are many references in Church to trusting God
4 the Father but van Wijk had told me to come to him for
5 comfort when distressed. When I hesitated, he would
6 say you can come to the Father. I learnt many years
7 later during Title D that he had taken a particular
8 interest during his Ministry training in the God
9 Attachment Theory and how a person can put clergy in
10 the place of God.

11 Q. Thank you. Now if you just pause, I'll just - just in
12 terms of how much we still need to talk about because
13 you've been through so many processes. If it's okay,
14 I'll just run through some of the people that you've
15 met.

16 There was a family Pastor at the Church and she was
17 quite helpful to you; is that right?

18 A. Yes, that's right.

19 Q. And you wrote to her to explain some of what had
20 happened?

21 A. Yes, I did because I still found it difficult to speak
22 about, yep.

23 Q. And eventually, you found the Sexual Harassment Policy
24 that we looked at earlier that was Exhibit 4?

25 A. Yes, I did.

26 Q. And then in November 2014, it is now, something
27 prompted you to make a complaint to the Police? That's
28 paragraph 83, I should have said that.

29 A. Yes. I was Chairperson of the school board at my
30 children's school at St Mary's School in Blenheim and
31 the Priest on the school board was charged with
32 indecent assault and after seeing how that behaviour
33 was dealt with by the Catholic Church and that there
34 seemed to be a process they were following, I again
35 felt the injustice of how van Wijk had seemingly to me

1 just gotten off and the Church had dealt with it
2 incorrectly and I also felt a moral obligation because
3 what if he was still hurting other people. So, I made
4 a decision to contact the Police, yep.

5 Q. And in 2016, early in 2016, the Police made a decision
6 about your case. If you go to paragraph 87.

7 A. Yes, they concluded that no charges would be laid. I
8 was stunned at this meeting because it was the first
9 time I had met the Detective on my case and this was a
10 meeting to tell me the file was being closed. I felt
11 like I had no chance to respond to the information they
12 had based their decision on, nor any chance to submit
13 further evidence.

14 Q. What did they say to you?

15 A. After various to-ing and fro-ing and discussions, they
16 said that if I wanted to have a Police case there
17 needed to either be multiple victims, an eyewitness or
18 video footage. If I didn't have any of these three
19 things, that I was wasting my time and theirs.

20 Q. If you go to paragraph 91.

21 A. Yes. Yeah, I felt that the officers didn't understand
22 the law around consent very well. They didn't seem to
23 understand misrepresentation of an act and how that
24 applied to consent, in that in my case van Wijk had
25 presented the spiritual practice of foot washing in the
26 Christian faith as a way of touching my feet and legs.
27 They didn't seem to understand how mental impairment
28 through PTSD could be relevant, even though I had
29 counselling notes that showed a diagnosis of that in
30 the days prior to the abuse.

31 Q. So, just going back to paragraph 90, you offered your
32 counselling notes that were made immediately after the
33 abuse or close after the abuse, you offered those to
34 the Police?

1 A. Yes, I offered them those, but they weren't interested
2 in further evidence.

3 Q. So, if we just move forward to paragraph 94, please.

4 A. Yes. The Police, they did say that they would review
5 my case but a year later they hadn't done that, so I
6 made a complaint to the IPCA, they accepted the
7 complaint and said that they would make sure that my
8 case was reviewed.

9 Q. So, that's the Independent Police Complaints Authority?

10 A. Yes.

11 Q. And how long was it before the IPCA responded?

12 A. Two years went by and there was very little
13 communication with me over that time. When I contacted
14 them, they assured me that they were chasing the Police
15 up and would get them to do their review but I didn't
16 feel they were very independent, in that they were just
17 asking the Police to review it themselves. Eventually,
18 I got an apology for some of the conduct of the
19 Blenheim Police, but they still didn't investigate it
20 more thoroughly or answer any of my specific queries.

21 Q. Thank you. So, it was 2009 when you finally got a
22 decision from the IPCA but if we just go back a few
23 years, if you go to paragraph 97, and you can tell the
24 Commissioners about you initiating a complaint to the
25 Human Rights Commission?

26 A. Yes. In 2016, I made a complaint to the Human Rights
27 Commission. I then amended that complaint to include
28 the Diocese of Nelson as I had learned that Reverend
29 van Wijk was employed by the Diocese.

30 Q. Now we're going to come back to the Human Rights
31 Commission in more detail, but you also wrote to the
32 Nelson Diocese in 2016 asking them to reopen your
33 complaint from 2005. So, can you just read from
34 paragraph 98?

1 A. Yes. On the 8th of May 2016, I wrote to the Nelson
2 Diocese and asked that my 2005 Church complaint to be
3 re-opened and that Title D procedure actually be used.
4 The then Vicar General, Reverend Tim Mora, was asked to
5 stand in the Bishop role due to the now Bishop, Richard
6 Ellena's, conflict of interest. I was relieved that
7 Reverend Mora agreed that there needed to be a Title D
8 process started.

9 Q. Now, we're not going to go into a lot of detail about
10 the actual format of the Title D hearing, save to say
11 that it happened and it finished in November 2016. And
12 there was a conclusion which was made in your case,
13 it's just at your statement, if you can pull up exhibit
14 005. Would you like to read that yourself, Jacinda, or
15 would you like me to read it?

16 A. You can read it, yep.

17 Q. "Having reviewed the documents and heard the evidence",
18 the one on the screen is clearly a literal
19 transcription, "Having reviewed all the documents and
20 heard the evidence, the Tribunal finds that Reverend
21 van Wijk committed conduct inappropriate and unbecoming
22 to the office and work of a Minister, including
23 committing an act of corruption and immorality,
24 committing an act of sexual harassment and disregard
25 for responsible personal relations. In particular, we
26 find that Reverend Michael van Wijk knowingly engaged
27 in sexual conduct with the complainant which she did
28 not truly consent to. He also engaged in sexual
29 abusive behaviour by crossing professional boundaries
30 to make advances to a person for whom he had a pastoral
31 responsibility. We consider his behaviour to have been
32 reprehensible and as a result of these findings, we
33 will recommend deposition. We will also recommend that
34 our findings and reasons be publicised but with the
35 complainant's name and identifying details suppressed".

1 So, what did you think about this outcome?

2 A. I thought it was a fair outcome and I agreed with what
3 the Tribunal Chair had said.

4 Q. Now if you can pull up exhibit 006, please.

5 If you could pull out the first paragraph, would you
6 like to read this or would you like me to do it?

7 A. You can do it.

8 Q. "I Venerable Tim Mora, determine that the Reverend
9 Michael van Wijk knowingly engaged in sexual conduct
10 with the complainant when she did not truly consent.
11 In doing so he engaged in misconduct by acting in a
12 manner inappropriate and unbecoming to the office and
13 work of a Minister including", pull up the next
14 paragraph, please?

15 "An act of corruption or immorality; and an act of
16 sexual harassment or disregard for responsible personal
17 relations".

18 And the Reverend was duly deposed.

19 If you go to paragraph 102, how did you feel about
20 the wording of this outcome?

21 A. I was disappointed that the wording had changed. He
22 was now found guilty of an act of sexual harassment or
23 a disregard for personal relationships. To me, the
24 change in wording meant that the finding of sexual
25 harassment was now optional. The reference to sexually
26 abusive behaviour and that he had been in a pastoral
27 role had disappeared.

28 Q. Now, there was an appeal filed against the findings by
29 Reverend van Wijk or Michael van Wijk by now. Were you
30 represented in that appeal hearing?

31 A. Yes, I was. At that stage, I decided that I would need
32 a lawyer so, yes, I had Nura Taefi represent me.

33 Q. And did you pay for that lawyer yourself?

34 A. Yes, I did.

35 Q. And how long did the appeal hearing take?

1 A. Oh, I think it was a couple of years maybe before or
2 was it a year?

3 Q. If you just go to paragraph 107, by the time of the
4 appeal, the content of the appeal, the grounds of the
5 appeal had changed, and it was now simply about
6 publication; is that correct?

7 A. Yes, right before the appeal took place Reverend van
8 Wijk changed his mind and said he now accepted the
9 findings, but he was still appealing publication.

10 Q. And did you pay all of your costs for this appeal or
11 some of them?

12 A. I paid them all initially and then afterwards I
13 approached the Church to ask if they would pay them and
14 the Nelson Diocese agreed to pay 50% but the Appeal
15 Tribunal themselves would not pay the other 50%. Their
16 view was that I didn't need to attend it.

17 Q. And so, if you go to paragraph 109?

18 A. The Title D outcome was read out at the Sunday morning
19 service at the Nativity Church in Blenheim. In
20 response to media inquiries, the Nelson Diocese gave
21 the Blenheim Sun newspaper a pre-prepared statement
22 which stated that Reverend van Wijk had been
23 disciplined for making an inappropriate sexual advance.
24 I felt that this grossly minimised the sexual violation
25 that I had experienced. I also felt that I had
26 honoured the restriction of publication set down by the
27 Appeal Tribunal, whereas the Church were saying words
28 outside of this.

29 Q. Thank you. Now, you've already discussed earlier at
30 paragraph 53 that your name was given to all of the
31 clergy back in 2005. What happened after this Title D
32 outcome was read out?

33 A. The current Vicar, Bob Barnes, then held a staff
34 meeting and again all the clergy and administrative
35 staff were told that I was the complainant. I knew

1 this because Reverend Susan Howarth contacted me and
2 asked how I felt about everyone knowing. She had
3 assumed I must have given my permission for this. I
4 had spoken to the Vicar previously about the upcoming
5 Title D announcement and had assumed that he would keep
6 my name confidential. I don't think there was anything
7 malicious in this breach of confidentiality, but it
8 does concern me that the level of training and dealing
9 with sensitive issues is still lacking.

10 Q. So now, just moving on to paragraph 111, we're going to
11 go through both the pros and the cons. We'll start
12 with the cons.

13 If you can just tell the Commission about some of
14 the negative aspects of Title D that you encountered?

15 A. Yes. One of the problems is that it's up to the Bishop
16 to decide if Title D should be used. As you know, the
17 Anglican Church is divided into several diocese based
18 on geographical areas and each diocese has their own
19 Bishop.

20 Q. Okay, thank you. If you move on to paragraph 112?

21 A. There's no lawyers provided for the Title D hearing.
22 For me, the Priest accused employed his own QC and I
23 then had to navigate the Title D Tribunal process on my
24 own, which included having to cross-examine a witness.
25 It wasn't until the appeal stage that I hired a lawyer
26 and, as I said earlier, the Appeal Tribunal would not
27 pay for any of those costs. I thought it unfair
28 because I was essentially using personal funds to
29 assist with the Church's disciplinary process.

30 Q. And what about attendance of witnesses at a Tribunal?

31 A. Yeah, the Title D Tribunal can't compel people to
32 attend or to co-operate, so the leaders involved in my
33 original complaint, Richard Ellena and Derek Eaton,
34 they simply provided written statements for my Title D

1 Tribunal. They didn't turn up in person to be
2 questioned.

3 Q. Okay, thank you. If you turn to paragraph 114.

4 A. Yeah, a Nativity Church counsellor that I spoke to in
5 2005 about my abuse by the Priest destroyed the
6 original copy of my notes in 2016. She said to me that
7 she was within her rights to do this, as they were now
8 more than 10 years old, but she had been involved in
9 the Police investigation in 2015 and hadn't provided
10 them with those notes when she still had them at that
11 point and she also knew about the legal action I was
12 taking against the Church, so I thought this was at
13 worst a move to protect the Church or at best just very
14 irresponsible. Fortunately, I had used the Office of
15 the Privacy Commissioner to obtain a photocopy of those
16 notes prior to this, so I did still have the evidence
17 but not in as high a quality as I would have liked.

18 Q. The Church counsellor, did she have another role within
19 the Church other than a paid counsellor?

20 A. Yes, she was also, at the time of my abuse she was the
21 Vicar's Warden.

22 Q. How long did the Title D process take in total?

23 A. That's another problem with it, that there's no set
24 timeframes on it. It took two years for me, which was
25 a time of prolonged stress. During the appeal part of
26 it, the communication with me was very poor. There
27 were delays and no reasons given for them. Reverend
28 van Wijk was given a 6-month extension to file appeal
29 information and no reason was given for this.

30 Q. And do you have any comment on the makeup of the
31 Tribunal itself?

32 A. At the Appeal Tribunal stage in particular, it's
33 heavily loaded with Bishops and Priests. In my case,
34 there was a Panel of five; three of them were Bishops,
35 one of them was a Priest and then a Chair. And so,

1 given the issue that we were discussing at the appeal
2 level was publication, I thought that was quite a
3 conflict of interest, given that Panel members would
4 likely have an interest in protecting the reputation of
5 the Church and one of these Bishops had also worked
6 with one of the parties giving evidence.

7 Q. Now, in your case, the Tribunal recommended certain
8 outcomes and for the most part these were followed but
9 are the findings binding?

10 A. No. So, the Tribunal is essentially the Bishop's
11 Tribunal and he can then, or she can then decide on
12 whether or not to actually take action on them. In my
13 case, the Tribunal recommended full publication of the
14 outcomes and also what occurred but the Acting Bishop,
15 Tim Mora, originally said no, he wasn't going to
16 publish the findings of fact.

17 Q. And did he change his mind?

18 A. Yes. I was able to persuade him that they should be
19 published. The reason he had decided they wouldn't,
20 was because he had had personal communication with
21 Reverend van Wijk's wife during Title D and had
22 promised her that he would protect her family.

23 Q. Now, if you go to paragraph 120, that covers the
24 literal definitions in what are called the Canons for
25 Title D. Do you have any comment on them?

26 A. Yeah. The misconduct definitions in the Canons are not
27 well defined and they cover broad categories. In my
28 case, what was repeated sexual violation was left
29 having to come under rule 3.14 which states, "An act or
30 habit of sexual or other harassment or disregard for
31 responsible personal relations". So, a sexual assault
32 is essentially defined only as a type of harassment or
33 some sort of disregard for responsible personal
34 relations. The only mention of sexual abuse in the
35 Title D Canons was in relation to children but even

1 sexual abuse of children is not listed in the
2 misconduct section.

3 Q. And if you can go to paragraph 122.

4 A. Yeah, the complaints process also makes it very
5 difficult to complain about a Bishop. These special
6 conditions for those further up the hierarchy just adds
7 to this notion that such people are immune from
8 misconduct or are somehow God-like. If a Bishop
9 mishandles an abuse complaint, as in my case, to
10 complain about that Bishop, I would require the
11 signatures of six baptised Anglicans. I told the
12 Archbishop, Philip Richardson, that my complaint was
13 mishandled but that getting those signatures was a
14 barrier. He advised that he would look into it but
15 then changed his mind when he learned of my Human
16 Rights Review Tribunal claim stating that they could do
17 it.

18 Q. I just want to make clear that the version of Title D
19 that you are talking about there is the older version
20 that was in force at the time of your hearing?

21 A. Yes, yes, there are some changes happening at the
22 moment, I believe.

23 Q. And we can come to some of those if you wish to talk
24 about some of the changes.

25 So, as far as you know, although, and we'll come to
26 this later, there have been admissions about how your
27 complaint was handled and there have been apologies and
28 we will cover that. To your knowledge, has there ever
29 been any Church discipline of the heads of the parish
30 that were dealing with you?

31 A. No, not that I know of.

32 Q. Just pull up 007, this is an article from 2002, and if
33 you could go to page 3 of that, please. This article
34 was by Richard Randerson who was at that point Vicar
35 General of the Anglican Diocese of Auckland.

1 Paragraph 6 it reads, "Church leaders, as well as other
2 professionals, lose credibility if they transgress the
3 conduct code or fail to take action to deal with the
4 transgressions of others. Resignation from office may
5 well be the appropriate course for leaders who seek to
6 sweep cases of sexual abuse or exploitation under the
7 carpet or persistently fail to act on complaints".

8 Do you have any comment to make about that?

9 A. Just my concern that the Church sometimes makes
10 statements in the public that don't translate to what
11 happened in reality.

12 Q. If you go to paragraph 125.

13 A. Another problem is that congregation members have no
14 knowledge of the standards or complaints process or
15 what Title D really involves.

16 Q. And paragraph 126?

17 A. There's also no guidelines around any financial
18 compensation for the victim. The focus of Title D is
19 on disciplining the Priest, rather than compensating
20 the victim. In my case, I would have liked to have
21 given something like a victim impact statement but
22 there was no place for that.

23 Q. Now, you did find some positive aspects of the Title D
24 process, so if you just start at 127?

25 A. Yes. The high threshold for proof required in Criminal
26 Court proven beyond reasonable doubt doesn't apply.
27 Instead, you need to prove that it is highly probable
28 the events occurred, as in civil proceedings.

29 The process can be healing for the complainant, in
30 that the institution that harmed them is dealing with
31 it and accepting responsibility and making it clear
32 that they don't tolerate such behaviour.

33 The caseload wouldn't be as heavy as the Criminal
34 Court, so cases you would think can be dealt with, with
35 fewer delays.

1 A Tribunal can address behaviours that are
2 misconduct but fall short of being criminal.

3 A Tribunal has the added understanding of context.
4 The members are familiar with the faith, the dynamics
5 between parishioner and Priest and the workings of the
6 Church.

7 Q. Is that something that you found during your hearing,
8 that that was helpful?

9 A. Yes, yes, my first Title D Panel was a mix. It had
10 like a lay person and a clergy person and a legal
11 person.

12 Q. So, if we can just go to paragraph 135, I'll ask you to
13 talk about the Human Rights Commission and the Human
14 Rights Review Tribunal. And you've already mentioned
15 that you had gone to the Human Rights Commission in
16 2016, so could you just carry on from 136?

17 A. Yes. They determined that my complaint was too late
18 because the harassment occurred in 2005.

19 Q. Okay. And then, did you then make a claim to the Human
20 Rights Review Tribunal?

21 A. Yes, I did. That was a claim for sexual harassment
22 against Reverend van Wijk and also his employers,
23 Bishops Richard Ellena, Derek Eaton.

24 Q. If you go to paragraph 138?

25 A. I was granted free representation by the Director of
26 Proceedings. Without the assistance of lawyer Nura
27 Taefi, I wouldn't have had the ability, knowledge or
28 time to rebut the arguments made by the Church.

29 Q. So, can you just tell the Commissioners what some of
30 those arguments were?

31 A. The Church had responded by their Legal Team to state
32 that God employed clergy and not them. That Churches
33 don't offer goods and services, so are exempt from the
34 Human Rights Act. That I was barred by the Statute of
35 Limitations. That the Church is not a legal entity and

1 that anyway, they took reasonable care to prevent the
2 harassment occurring.

3 Q. Can you just pull up exhibit 004, please. Back to the
4 Sexual Harassment Policy in place at the time. If you
5 could go to page 2, please. Just at the last of the
6 highlighted paragraphs which he'll read. "A person who
7 has experienced sexual harassment or sexual abuse may
8 also have rights under laws such as the Human Rights
9 Act, Employment Contracts Act and the common law.
10 There may also be a liability on the respondent under
11 the criminal law (in a complaint to the Police)".

12 If we go back to paragraph 138, you mentioned
13 earlier that your lawyer Nura Taefi helped you rebut
14 the arguments of the Church, and what did that include?

15 A. She helped me collate all my mental health records and
16 arranged for me to visit a psychiatrist to get an
17 expert opinion about my soundness of mind during the
18 years immediately after the abuse as a way of rebutting
19 the Church's position that I ought to have made my
20 claim during the time period required by the Statute of
21 Limitations. The Church, however, challenged the
22 psychiatrist's report and brought in their own
23 psychiatrist which was distressing to me.

24 Q. If you go to paragraph 139 and just read the first two
25 sentences of that paragraph, please?

26 A. The disclosure process revealed a clear employment
27 agreement between van Wijk and the Nelson Diocese. The
28 signed paperwork stated that he was employed by the
29 Nelson Diocese as an agent of the Bishop to whom he was
30 licensed.

31 Q. And if you just go to paragraph 140, please.

32 A. The defendants still argued that under the Church
33 Canons, clergy are not employed but they are appointed,
34 and said that they had just used the wrong form.
35 Fortunately, the Human Rights Act also includes

1 "agency" and if not employment, we had a strong case
2 for arguing that van Wijk was an agent of the Bishop to
3 whom he was licensed.

4 Q. At the same time as the proceedings were going forward
5 and you were providing evidence and statements and
6 briefs of evidence, there was also a negotiation
7 process going on at the same time; is that correct?

8 A. Yes.

9 Q. And, as a result of that negotiation, you actually
10 reached agreement with the Diocese?

11 A. Yes. I eventually settled with the Church and got an
12 agreement that included several important changes to
13 the Health and Safety Policy and procedures in the
14 Nelson Diocese and it included a public apology. And I
15 also insisted that the settlement amount to be public.
16 I think that without public settlement amounts other
17 survivors are left in the dark when it comes to knowing
18 if they are getting a fair amount in comparison to what
19 others have received.

20 The Church also made a public statement agreeing
21 that they are liable for their Priests under the Human
22 Rights Act as a Priest is an agent of their Bishop.
23 This acceptance of liability was important to me for
24 future survivors.

25 Q. Thank you. If you can pull up document 009, please,
26 that's the apology itself which was made public.

27 If it's okay with you, Jacinda, I will read some of
28 this, obviously not all of this.

29 If I just go to the third paragraph down, please.
30 "The office of the Bishop of Nelson accepts liability
31 under the Human Rights Act for the sexual harassment of
32 its parishioner. We accept that in his role as an
33 ordained Minister acting under the Bishop's licence,
34 Michael van Wijk was acting as an agent of the Bishop.
35 We accept that the Human Rights Act 1993 applies to the

1 pastoral services provided by Michael van Wijk, and
2 assume responsibility for Michael van Wijk's conduct".

3 And the next paragraph down, please.

4 "We deeply regret that one cloaked in priestly
5 authority, by misusing that authority and ignoring
6 priestly boundaries, has perpetrated such harm. We
7 apologise to the parishioner of this Church who
8 suffered as a result of those actions. We are deeply
9 sorry that we failed to protect her from this harm. We
10 acknowledge the hurt she and her husband and children
11 have suffered as a result and regress we did not
12 provide her with support in the direct aftermath of the
13 events, while providing significant support to Michael
14 van Wijk and his family".

15 Next paragraph, please.

16 "By March 2005 we knew some of what occurred and in
17 June 2005 we received a detailed written complaint. We
18 regret that we failed to recognise the conduct as
19 sexual harassment and attempted to minimise and excuse
20 Michael van Wijk's behaviours, despite having received
21 the separate complaint about his behaviour towards
22 another parishioner. We regret that we failed to take
23 sufficient steps to resolve the victim's complaints by
24 neglecting to follow our policy."

25 And if we can just go to the paragraph that starts,
26 "We were wrong". Next page, sorry.

27 "We were wrong to allow Michael van Wijk to resign
28 without any disciplinary action. Had we followed
29 proper procedure we would have insisted upon a
30 disciplinary process at the time, rather than simply
31 accepting his resignation and the surrender of his
32 licence".

33 And if we can go to the second to last paragraph on
34 page 2.

1 "As a result, the Diocese of Nelson is putting in
2 place additional structures to better protect and
3 support parishioners, including by bolstering and
4 improving the vetting process for ordination
5 candidates, the training programme for Ministers,
6 supervision of Ministers and the complaints process."

7 So, that was a statement that you had agreed through
8 your lawyer with the Church; is that correct?

9 A. Yes, that's correct.

10 Q. And because you'd reached agreement, the case against
11 the Bishop and the Vicar, as representatives of the
12 Diocese, was dropped?

13 A. Yes.

14 Q. Or was discontinued?

15 A. Yes.

16 Q. But you still had a case against the ex-Priest himself,
17 is that correct?

18 A. Yes, yes, I'm still waiting for the outcome of that.

19 Q. And when was that heard?

20 A. In June, early June of this year.

21 **CHAIR:** What forum is that in?

22 **MS MACDONALD:** The Human Rights Review Tribunal.

23 **CHAIR:** That's still the Human Rights Review Tribunal?

24 A. Yes, I've had the hearing but not the determination.

25 **MS MACDONALD:**

26 Q. As part of the settlement, you asked for specific
27 improvements within the Diocese of Nelson. This is
28 document ANG ending 2434 and it's page 3 of that
29 document. If you could highlight the last paragraph
30 and then we'll move on to some of the paragraphs on the
31 next page. Perhaps you would like to read these since
32 you were involved in their formation?

33 A. Yes. "The Bishop of Nelson agrees to take the
34 following steps to address sexual harassment and
35 improve safety for parishioners. To continue the

1 process of requiring annual parish reporting against
2 specific areas of safety compliance (including Police
3 vetting, referee checking and safety training of
4 volunteers under SafeHere".

5 Q. If you can go to the next page, please.

6 A. "And to continue personally to promote adherence to
7 Diocese safe Ministry procedures. The Bishop of Nelson
8 will communicate this to parishioners via various
9 channels and personnel as soon as possible and by no
10 later of 6 April 2020".

11 Q. Can you go to paragraph (b), please, the next
12 paragraph?

13 A. "To implement a system through the diocese by April
14 2021 which requires Ministers to account for their
15 time. The system will ensure better accountability
16 for, and oversight of, Ministers' time. Further work
17 is needed to ensure that any system protects
18 confidentiality while serving its desired purpose. A
19 secure digital diary noting date, time and person with
20 whom meeting is preferred".

21 Q. Why did you think that was important, Jacinda?

22 A. Because Priests are often meeting up with people in the
23 privacy of their own homes and there's no record kept
24 of who is met with and what for. And I know in my
25 case, that had there been then surely somebody would
26 have raised a red flag for somebody.

27 Q. If you go to paragraph (d), we won't go through all of
28 them but if we could go to paragraph (d) and if you
29 could read that please?

30 A. "To ensure that parishioners receive more visible and
31 detailed information about who to contact in the event
32 of a complaint. By October 2020, more detailed
33 information about the complaints process will be
34 available on parish websites as well as the Diocese

1 website. By April 2021, the Diocese will have a
2 comprehensive complaints process which includes:

3 A clearer Complaints Policy which includes a much
4 clearer description of the complaints process and what
5 a complainant might expect (including timeframes). The
6 policy will include a commitment to using the Title D
7 process to investigate all serious complaints involving
8 a breach of standards, subject to the terms of Title D
9 as revised. A plain language description of Title D
10 with diagrams of the process."

11 **MS MACDONALD:** Madam Chair, are you happy for us to
12 continue for a bit longer?

13 **CHAIR:** Are you still going on this document?

14 **MS MACDONALD:** Sorry, no, I'm finished with it.

15 **CHAIR:** If you have finished with the document and I
16 see from the brief that we're moving into the area of
17 the pros and cons of the Human Rights Review Tribunal?

18 **MS MACDONALD:** Yes.

19 **CHAIR:** I think we should take a morning adjournment.

20 **MS MACDONALD:** I think that is a good idea. Hopefully,
21 we won't have too much more to go after that.

22 **CHAIR:** I think everybody could probably do with a
23 break, so let's take the 15-minute morning adjournment,
24 thank you very much.

25

26 **Hearing adjourned from 11.34 a.m. until 11.50 a.m.**

27

28 **MS MACDONALD:**

29 Q. Jacinda, we were just talking about some of the
30 positive aspects of the Title D process for you. To be
31 honest, I can't remember if we covered paragraph 133,
32 so if we already did, my apologies.

33 A. Yeah, 133, another positive was that the Statute of
34 Limitation/Limitation Act does not apply for the Title

1 D process, so they are free to deal with historic
2 complaints.

3 Q. Can I just ask you, did you have formal name
4 suppression when you went through that process, the
5 Title D?

6 A. When you say "formal"?

7 Q. Did you have anonymity?

8 A. Yes, yes, I did.

9 Q. Non-publication?

10 A. Yes.

11 Q. So, if we go forward to paragraph 143, and you provided
12 a very clear set of, again, pros and cons in your
13 statement. So, if we start with the advantages of the
14 Human Rights Review Tribunal process as a means of
15 redress, if you start at 143 and just talk about the
16 importance of that one.

17 A. Yes. The funding was important for me, having the
18 assistance of a barrister and the Director of
19 Proceedings was a real game changer for me.
20 New Zealand is apparently quite unique in offering
21 this, although I do note it's only granted to a small
22 number of cases, particularly those that have the
23 potential to create meaningful change for wider
24 New Zealand as opposed to redress for the complainant
25 only.

26 Without that funding, I wouldn't have been able to
27 fight the Church who initially opposed liability and
28 had the resource to engage Wynn Williams to strongly
29 defend any liability. This was all draining
30 emotionally and it took up a lot of my time but at
31 least it came at no financial cost.

32 Prior to this, I had considered a civil claim
33 through Cooper Legal but my income was too high to get
34 Legal Aid, so I was forced to abandon that option.

1 I believe that without funding, the vast majority of
2 survivors would be financially barred from effectively
3 seeking justice in the civil courts when going up
4 against a well-resourced institution, such as the
5 Anglican Church.

6 This no doubt contributes to survivors settling for
7 lower amounts than they deserve and agreeing to
8 confidential agreements that hide the abuse from the
9 public because what alternative do they have?

10 Q. So, paragraph 146, you talk about mediation but, just
11 to be clear, it was really a negotiation process that
12 went on at the same time as the main legal proceedings?

13 A. Yes, that's right, and it was useful to have that room
14 for that because it meant that we could negotiate
15 outcomes that actually went beyond what the Human
16 Rights Review Tribunal could offer via the hearing
17 avenue.

18 Q. And by those outcomes, is that the improvements to the
19 process, that sort of thing?

20 A. Yes, and also the public apology.

21 Q. And if you just move to paragraph 147.

22 A. The Human Rights Review Tribunal, another advantage of
23 that is that they focused more on the survivor than the
24 perpetrator. They look at how to compensate the
25 victim, more so than focusing on how to punish the
26 perpetrator. It was also helpful to me to be able to
27 tell the Panel the effects of my abuse on my life and
28 for that to be relevant.

29 Q. If you just carry on at 148, please.

30 A. Open justice, the HRRT is open to the public. Their
31 outcomes are on the public record. Open justice is
32 held in high regard by them and any exceptions to this
33 are not taken lightly. This is in stark contrast to
34 the Church Tribunal which is held behind closed doors
35 and then the Bishop decides if the findings of fact

1 will be public and how and if they will be published.
2 You will find that there is very little on the public
3 record about Title D Tribunal cases.

4 In my experience, the Church behaves differently in
5 public than behind closed doors and survivors are
6 treated better when the Church's actions can be seen by
7 all. It appeared to me that when the media reported
8 the arguments the Church were defending my claim with,
9 they then had a change of heart, dropped most of them
10 and had a renewed interest in settling.

11 The HRRT was also more professional than the Church
12 Tribunal process. They had the power to subpoena
13 witnesses. They did not allow extensions for no
14 reasons and witnesses certainly weren't having private
15 phone calls with the Chair before the hearing.

16 Q. What about the standard of proof required in the
17 Tribunal?

18 A. The level of proof required is not as high as that
19 required for the beyond all reasonable doubt level set
20 in the Criminal Courts, so again it's more achievable
21 to prove that something is probable, particularly when
22 the cases are often historical. The impact of abuse on
23 survivors often means that such abuse is reported many
24 years after it occurs.

25 Q. And what are some of the disadvantages of the Human
26 Rights Review Tribunal as a means of redress?

27 A. For me, a big one has been the time taken. I had to
28 wait 4 years to get my hearing in early June of this
29 year and after the hearing, the Tribunal were unable to
30 give me even an approximate date of when they will have
31 their decision written up. At present, cases are
32 taking years to be written up. I understand there's a
33 backlog of cases and the workload on the Chair is high
34 because of the way the legislation sets up the Tribunal

1 and these delays make it difficult to get justice. I
2 think many survivors would simply give up.

3 Q. How was it for you?

4 A. It is emotionally exhausting being stuck in the Justice
5 System and I've felt like my life was on hold as I
6 needed to get this done in order to have the time and
7 energy to face other challenges relating to my mental
8 health and career. It's been hard trying to plan life
9 ahead, not knowing when I might finally get a hearing
10 date. And also, in my case, the media found out about
11 my claim, so for years I've had to endure speculation
12 in my local community because I have not been free to
13 simply set the record straight with a determination.

14 Q. Do you have any comment to make on public perception of
15 the sorts of things the Tribunal can deal with?

16 A. I think many survivors are unaware of the Human Rights
17 Review Tribunal as an avenue for redress. There's also
18 a misperception that sexual harassment is limited to
19 things like wolf whistling and inappropriate comments
20 in the workplace and that it would not include sexual
21 assaults or sexual abuse experienced while accessing
22 goods and services in New Zealand.

23 Q. What about the kinds of outcomes that are possible?

24 A. Although there is a wide variety of outcomes that you
25 can achieve via mediation, the Tribunal itself is
26 limited to financial payments of compensation and
27 ordering training. It cannot do things such as
28 ordering that a Priest be defrocked or stopped from
29 continuing to work as a Priest or put on a sex offender
30 register.

31 Q. Having been through both processes, the Title D process
32 which did have a formal hearing and also you did have a
33 hearing in the Human Rights Review Tribunal against
34 Mr Van Wijk, what were the differences that you would

1 say between formalities of the different processes, the
2 actual hearings themselves?

3 A. It was a lot more formal in the Human Rights Review
4 Tribunal, just in terms of those things I said about
5 you couldn't have extensions and witnesses contacting
6 people involved in the decision-making.

7 Q. Okay. And in terms of the healing itself, was it
8 similar to this sort of situation with lawyers and -

9 A. Yes, the Human Rights Review Tribunal was, yes.

10 Q. So, if you wish to, you could talk about some of your
11 own reflections on the effect of the abuse and possibly
12 just the length of time it's taken?

13 A. Yeah. I did recently read an independent review of a
14 case in the Church of England about Bishop Ball who was
15 convicted for abusing vulnerable adults. One of the
16 outcomes of that review was a statement that the trust
17 that's accorded to clergy does bring an exceptional
18 level of power, and I think that perhaps isn't apparent
19 to others and it is a power over the lives of people
20 that are seeking assistance or direction from them. I
21 could really relate to this because I viewed clergy as
22 doing God's work and that had led me to trust van Wijk
23 a great deal. I shared with him deep and intimate
24 things that I had told no other and I had trusted him
25 to guide me more than I had trusted anyone else.
26 Essentially, I had trusted him as I would trust God.
27 The breaking of this trust has made it very difficult
28 for me to allow people to get close to me or to know me
29 well. And, in particular, it's been hard to trust men,
30 the Church, and God.

31 I have found it hard to even trust myself because
32 sometimes I think I believe something, then I get
33 anxious that I am being deceived and afraid that I'm
34 going to be hurt. I have found counselling itself very
35 difficult because I find it hard to trust the

1 counsellor. I don't feel I would ever be able to get
2 counselling from a male.

3 It has also been hard living in a small town.
4 Rumour was allowed to develop because the Church
5 breached my confidentiality and there was no truthful
6 public statement made. I was in too much of a state of
7 despair and confusion to speak for myself at the time,
8 so I was left humiliated and feeling powerless and
9 totally ostracised from my Church family and unwelcome
10 even by those that did know of the misconduct.

11 I have always been diligent and conscientious, so it
12 was devastating for me to let down the families I
13 served in the Church crèche and the families I was
14 helping in my tutoring business. That business I
15 closed down when it all happened.

16 I felt that those people would think badly of me for
17 just walking away without any explanation and yet I had
18 to see these people daily. I felt like people were
19 judging me and would avoid going out and felt very
20 isolated.

21 Q. If you can go to paragraph 163.

22 A. The journey back to faith and back to Church has been
23 extremely hard. After 5 years of total avoidance, then
24 another 5 years of trying and failing, I think I have
25 finally rebuilt my faith, although I still have to
26 manage my PTSD symptoms and I still have the occasional
27 setback. I'm probably the only parishioner that's
28 counting plugs in worship rooms or know there's 26
29 trapezium shaped windows in the Church hall because if
30 I am triggered and memories start to flood my mind then
31 I count them and I try to estimate the mathematical
32 areas of them as a strategy to get through. There are
33 things I still cannot do that others can. I cannot
34 pray with others, especially with my eyes closed. I
35 can't hug male clergy, I would not let them hold my

1 hand. I struggle to call God Father and I will not be
2 anointed with oil. I will not let anyone wash my feet
3 and so on. I don't know if I'll ever be able to
4 overcome these things. I have just accepted that's the
5 way it is for me. I no longer feel bitter towards the
6 Church. I do want what is best for them and, in my
7 view, that is to bring abuse out into the light and to
8 deal with it openly and honestly, to actually take it
9 seriously and do everything they can to prevent it
10 occurring. Care of victims and the prevention of
11 further victims has to take priority over concerns
12 about things like representation and finances.

13 Q. Thank you. Now, you have been quite involved with the
14 Church in terms of changes to their processes, so if
15 you would like to go to paragraph 168?

16 A. Yes. I was able to meet with Archbishop Philip
17 Richardson and with lawyer Jeremy Johnson about the
18 proposed changes to Title D. And I asked to speak on
19 that issue at the Anglican Church's Synod in July and I
20 was allowed to do so. I was really pleased to see some
21 significant changes voted in, including the moving to
22 setup an independent Ministry Standards Commission to
23 deal with complaints. The changes are a big step
24 forward but there are some issues that still concern
25 me.

26 Q. What are some of those?

27 A. The definitions of misconduct are still not good. And
28 it also doesn't apply to volunteer Church staff, of
29 whom there are increasing numbers.

30 Q. If you can just go to paragraph 169, halfway down that
31 paragraph the sentence that starts, "Of course", if it
32 you could just read that, please?

33 A. Of course, the real proof will be to see if what is
34 written down as policy and as procedure is actually
35 applied. In my case, in 2005 there was already a

1 reasonable Sexual Harassment Policy and protocol, as
2 talked about in the newspaper articles, but that was
3 ignored. Due to the settlement agreement with the
4 Nelson Diocese, I am watching closely to make sure they
5 do meet their obligations and set actions are required
6 on their behalf to improve Church safety and complaints
7 process.

8 Q. If we can go to paragraph 174, you don't necessarily
9 have to read it, but were you happy with the apology
10 that was a result of the settlement?

11 A. Yes, I was happy with the apology, yes.

12 Q. I have already read through bits of that but if you go
13 to 175 and read that?

14 A. Yes. The apology included breaching my
15 confidentiality, failing to support me and my family
16 afterwards and giving significant support to van Wijk
17 and his family. This felt like another abuse of trust
18 in itself, because in the Church you're taught that you
19 are a Church family. You're led to believe that you
20 are valued and cared for. It led me into a state of
21 despair where I felt not just hurt but very unsure of
22 myself and confused about how to know what was even
23 real. And it does concern me that there still may be
24 this pattern in the Church when there's abuse, of
25 minimising it, trying to hide it and trying to move the
26 person on.

27 Q. You can carry on from there.

28 A. The Nelson Diocese emailed me to say they had provided
29 the Royal Commission with all the information they had
30 regarding my case and that they were fully supportive
31 of the Commission.

32 In some of the internal emails that I know they have
33 and assume have been provided, I see this pattern
34 attempted to be played out, that of the perpetrator
35 who's quietly moved to another Church. In this case,

1 it was made more difficult for the Church because he
2 did not stop his behaviour and because I didn't stay
3 away and stay quiet but rather, came forward and my
4 husband and I asked for some accountability.

5 Q. Now, if we could bring up exhibit 010, Exhibit 10.
6 This here is a handwritten note of a meeting between
7 the Bishop and Reverend van Wijk quite early on in the
8 piece, 31 March 2005. If you're happy for me to read?
9 If you could pull out paragraph 5, please.

10 Obviously, it's in note form. "Talked about
11 original resignation - (intercepted by Richard).
12 Wanted to know what happens if he resigned. Explains
13 still has ordination and if and when well could apply
14 anywhere for position".

15 Paragraph 6, please. "Discussed possibility of
16 Title D process - if other party raised the issue or if
17 Dio felt necessary but probably not if he voluntarily
18 resigned".

19 And if we can go to the next page, please, page 2,
20 and just pull up the paragraphs where it says,
21 "Agreed". "I would accept resignation if proffered.
22 The Dio would pay for counselling. I would find some
23 help for petrol/mileage to come to Nelson for therapy."

24 At that stage, did anybody in the higher levels of
25 the Church, including the Bishop, have your account of
26 what had happened, that's at 31 March 2005?

27 A. 31 March, they didn't have my written account of what
28 had happened, but they had had Aaron's phone call.

29 Q. If you could call up document ANG...1543, please. If you
30 could just pull out that first highlighted section?
31 This was an email from Peter Carrell who was quite
32 involved with education within the Ministry, is that
33 correct?

34 A. Yes, he was, I believe, the Diocese educator at the
35 time, so he was teaching the clergy and staff.

1 Q. So, he says, "A possible analogy. Sometimes when
2 people shoplift it is a deliberate and intentional act
3 of thieving. Sometimes it is an unintended action
4 because the shoplifter's mind is stressed to the max
5 and they walk out of the shop simply forgetting to pay
6 for the goods in their hand. What happened with
7 Michael seems to me to be more akin to the latter than
8 the former" and the date of that, if you could
9 highlight the date of that for me, please? That was 12
10 April 2005 and at that stage had they asked you
11 anything about what had happened?

12 A. No, nobody had asked me about what had happened. They
13 would have just been aware from Aaron's phone call
14 again that something had happened between a parishioner
15 and a Priest.

16 Q. If you could go to paragraph 181?

17 A. It was astounding to me that someone could excuse any
18 sexual interaction with a parishioner as some sort of
19 accidental action. Although Carrell did not have the
20 full details of my complaint when he wrote this email,
21 he did know that I was a parishioner and that van Wijk
22 was a Priest. He also knew van Wijk had interviewed
23 him for his ordination training in 1996 and was
24 providing him with pastoral care at the same time as
25 contributing to decisions on disciplinary measures; a
26 conflict of interest that I believe clouded good
27 judgment.

28 Q. Just keep that document up there just for a second. I
29 will just leave that, thank you.

30 So, if you could pull up document 011, please. I am
31 at 182. This is undated but it would appear to be
32 during the reporting phase, one might call it. If you
33 can pull out the third paragraph, the first highlighted
34 paragraph? Are you happy for me to read that for you?

35 A. Yes.

1 Q. "I was a little apprehensive meeting with Michael, as
2 you are both aware, because of his ability to twist a
3 conversation and place you (meaning me) in the role
4 persecutor. So I was reasonably guarded in what I
5 shared".

6 Thank you, that's all I need from that document.

7 Do you have any comment on that, Jacinda?

8 A. It was just, yeah, enlightening to know they were all
9 aware of van Wijk's manipulative personality, to the
10 extent that they were wary of interacting with him, yet
11 they didn't let this influence their decision to just
12 accept his word about what had happened with me or to
13 bother asking me what had happened.

14 Q. If we go to paragraph 184, in May 2005, would you like
15 to just read that first bit of that paragraph, please?

16 A. Yeah, in May 2005 van Wijk applied for permission to
17 officiate documents so that he could officiate at
18 weddings, funerals and the Eucharist after he had
19 supposedly been stood down from work. He was granted
20 this by Bishop Eaton who also said please be assured of
21 our love, prayers and support for you over this
22 difficult time. As a Christian, I understand providing
23 pastoral care would be the case whatever a person had
24 done but the same love and prayers and support were not
25 extended to me. More importantly, I don't think the
26 same people should be offering the pastoral care as are
27 making key disciplinary decisions, as was the case with
28 Eaton, Ellena and Carrell. You wouldn't accept a Judge
29 also acting as a support person for the accused. They
30 needed to appoint either someone independent to make
31 the disciplinary decisions or someone independent to
32 offer the pastoral care.

33 Q. If you just carry on, please, Jacinda?

34 A. It seems to me that there was a plan to gradually bring
35 van Wijk back in while moving me out to another Church.

1 Ellena sent an email to van Wijk on the 8th of June
2 2005, the day after the meeting where I had given him
3 my six-page written statement.

4 Q. If I could call up that document, please, 013, carry on
5 reading to the end of the paragraph, please.

6 A. He therefore had much more detail about me, about what
7 van Wijk had done, and had also found out that van Wijk
8 had betrayed his confidence as Vicar by telling me all
9 sorts of confidential information.

10 Q. If you can go to page 2 first of this document, the
11 email is actually a reply from Richard Ellena to
12 Michael van Wijk who, if you can just highlight the
13 bottom paragraph, it said, "I note at the informal
14 meeting we had it was agreed that the three of us sit
15 down but obviously you wanted to avoid that. I have to
16 say I deliberately not rung because I didn't want to be
17 the one to chase you up and I guess for me I am not
18 surprised that you found no time to ring, text or visit
19 me to see how things are. I guess out of sight, out of
20 mind".

21 So, if we can go to page 1, please. Just the first
22 paragraph there, not the highlighted one, the very
23 first paragraph. So, that email explains why
24 the - gives a context to the Vicar, apologising at the
25 beginning of the email about drafting a statement.

26 And then if you can go back to page 2, sorry, and if
27 you can highlight the whole of the first paragraph and
28 the second paragraph, thank you.

29 He says, "Michael, I did ask, back when we had
30 coffee in Nelson, that you don't counsel anyone - you
31 don't follow-up one-on-one with parishioners, yet you
32 consider doing just that. I did that mainly to keep
33 you safe. Your continued contact with vulnerable women
34 has put me in a very difficult position. I have tried
35 to stand alongside you when you were at your lowest. I

1 wanted to make sure that the Diocese supported you with
2 the very best of counselling. I wanted to make sure
3 that everything that happened left the door wide open
4 for you to re-enter Ministry if and when you felt
5 ready"

6 If you could pull up the second to last paragraph?
7 "I'm obviously not the person who is going to be able
8 to Pastor you through this journey as much as I would
9 love to have supported you, and yet you need that
10 pastoral support from the Church".

11 And then the highlighted section, "I would suggest
12 maybe that Peter Carrell become your supervisor and you
13 link into the parish of Wairau Valley while you make
14 decisions about where life is leading you".

15 So, if you just read your final paragraph at 187?
16 A. Ellena suggests that van Wijk moves to the parish of
17 Wairau Valley with Peter Carrell as his pastoral
18 supervisor. It seems to me that there was a plan to
19 bring him back again but van Wijk was making that
20 difficult with his ongoing behaviour around women. The
21 Church still did not consider Title D necessary,
22 despite receiving evidence from another parishioner on
23 the same day as receiving my six-page statement which
24 suggested that van Wijk was potentially a serial
25 offender.

26 Q. That's the conclusion of the formal part of your
27 statement. Are you happy to answer any questions that
28 the Commissioners have and then if you want to say
29 anything else at the end, you will be given the chance
30 to do that.

31 A. Yes.

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JACINDA THOMPSON
QUESTIONED BY COMMISSIONERS

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5 **CHAIR:** Thank you, Jacinda. I will just ask my
6 colleagues if they would like to ask you any questions.

7 **COMMISSIONER ALOFIVAE:** I just had one, if I may,
8 Jacinda. Thank you so much for the clear and
9 articulate way in which you've laid out the matters for
10 us this morning. So, your original complaint was in
11 2005, your first disclosure?

12 A. Yes.

13 **COMMISSIONER ALOFIVAE:** And thank you for the different
14 processes that you've outlined you've had to go
15 through. But the Title D process didn't happen until
16 2016?

17 A. That's right, yes.

18 **COMMISSIONER ALOFIVAE:** 2016?

19 A. Yes.

20 **COMMISSIONER ALOFIVAE:** And concludes in November 2016.
21 But yet, the documented evidence on their record, which
22 was a document that you were shown by counsel, that
23 goes back to 31 March 2005 where Michael actually
24 GRO-C, so they've known since 2005?

25 A. Mm-Mmm.

26 **COMMISSIONER ALOFIVAE:** And it's taken 11 years to get
27 to the Title D and then 4 years again after that to get
28 to the resolution we are at today?

29 A. Yes, yes. They were - in 2005, they were not keen on
30 doing Title D and persuaded us against that. It wasn't
31 until I went to the Police and was not pleased with the
32 outcome there, that I thought well I'll try Title D
33 again.

34 **COMMISSIONER ALOFIVAE:** And that was based on the
35 record that we have in front of us, them knowing that a

1 full admission or certainly an admission had been made,
2 that the perpetrator had actually admitted to his
3 behaviour with you?

4 A. Yeah, well, they knew that right back from 2005, yes.

5 **CHAIR:** My question derives directly out of that and
6 the long time it took from the first time you reported
7 the behaviour to the final resolution up here in March
8 2020. You have given compelling evidence about the
9 effect of the abuse on you. Would you be able and
10 prepared to tell us about the effect of the process on
11 you? It might be difficult to separate the two, but I
12 wonder if you can. And if you can, I would be
13 interested to hear that.

14 A. Yeah, the long timeframe that it's taken has taken a
15 real toll on myself and my family. We have a very
16 large gap between our children which has been partly in
17 regard to this because we just were too exhausted to
18 even contemplate that. And also, yeah, it's very hard
19 to plan ahead because you're always, you're kind of
20 stuck, and even now I still don't have the
21 determination from the Human Rights Review Tribunal, so
22 even today I can't walk out of here and go, "Right,
23 it's finished, it's done with" and it's very hard to
24 move on when you're stuck still trying to get outcomes.
25 I could have finished the Title D but the Church's
26 refusal to make public what actually happened or have
27 an open record of that meant that I had to carry on
28 with the Human Rights Review Tribunal to try and get
29 something on the public record that wasn't archived
30 away in a - I felt essentially that a lot of Title D
31 was a bit of a waste of time for me because that was a
32 key outcome for me to actually bring into the light
33 what had occurred and instead the Appeal Tribunal made
34 the decision to archive that, so then I felt I had to
35 carry on with the Human Rights Tribunal process to try

1 and get something on the public record as to what
2 actually occurred.

3 **CHAIR:** So, apart from the obvious matters you've
4 raised - not obvious but matters you've raised of
5 having to put important decisions in your life on hold,
6 are there any other effects that you have? What else
7 does it do, this delay? What does it do to a human
8 being?

9 A. Well, also for me, I've been wanting to address, I
10 still have a diagnosis of PTSD and I have a
11 psychologist that is wanting to work through an EDMR
12 process to help me with that but it's a very taxing
13 process and so, when I go for mental health help it's
14 you need to get this justice stuff out of the way first
15 because what we do might affect your memories, it might
16 affect your ability to cope. You know, so I've kind of
17 had to put my own healing on hold as well because I
18 need to get through all of this.

19 **CHAIR:** So, it's delayed your recovery? The process
20 doesn't sound like it's added to your recovery, it
21 seems to have delayed it?

22 A. Yes. There's been aspects of the process that have
23 been healing. It was healing for me to actually sit
24 round the table with Richard Ellena and Derek Eaton and
25 have our settlement and for them to personally
26 apologise to me and to ask my forgiveness. That
27 actually meant a lot to me, so there's been steps along
28 the way that have been helpful but it's just the
29 prolonged time that's more the issue.

30 **CHAIR:** Thank you for that. I'll just leave you now in
31 the hands of Commissioner Erueti.

32 **COMMISSIONER ERUETI:** Kia ora. Just a quick question
33 about independence and it is a matter that comes up a
34 lot in your brief of evidence about conflict of

1 interest and the issues that you experienced through
2 Title D.

3 And you mentioned there's an Independent Ministry
4 Standard Commission, can you tell us more about this
5 process set? You said it, in itself, remains flawed?
6 For example - I'll let you explain it. To what extent
7 does this shift meet your concerns about the lack of
8 independence in the process?

9 A. It is a step in the right direction, but I still have
10 concerns, in that it will still be run by the Church.
11 And everyone in the Church seems to know each other,
12 with New Zealand being a small country, so I do worry
13 about how independent that will be. It's still kind of
14 in the process of being setup, is my understanding, so
15 I have no experience of what it's like for anyone to go
16 through it or I don't think the details have been set
17 down yet as to who will be on that Tribunal or
18 Committee or whatever it is. But it is a far better
19 step than going to a Bishop who's friends with and
20 working with the Priest and expecting them to, you
21 know, juggle all those conflicts of interest. So, it's
22 a step in the right direction but I still worry that
23 the Title D process is set down for Priests, so it
24 won't cover, there's a lot of kind of lay, say a youth
25 worker or a lot of other workers and Churches won't
26 come under it.

27 **COMMISSIONER ERUETI:** You said that's growing, the
28 number of lay people in the Church is growing?

29 A. Yeah, I think Churches are struggling to find Priests
30 and they are using more and more non-ordained people to
31 carry out Ministry work.

32 **COMMISSIONER ERUETI:** I expect we will be hearing more
33 about this reform, particularly at our next hearing
34 when we look at the institutional evidence.

35 A. Yes.

1 **COMMISSIONER ERUETI:** I am also curious about your
2 contribution and how you came to contribute and your
3 experience of that, and if you felt that you were given
4 a voice through this process? Like, you spoke at the
5 General Synod, I think you said there?

6 A. Yeah, I did, and it was good to have a voice at that
7 but it was something that I had to initiate. So, it
8 would have been good if the Church themselves had said,
9 "Look, we're changing Title D, let's approach the
10 people that have been through it and hear how they
11 found it" but it wasn't like that. It was that I read
12 online they were looking at it and had to step forward
13 and say, "Can I have some input on this?".

14 **COMMISSIONER ERUETI:** Okay, that's good to know, thank
15 you, Jacinda. I'm the last one asking questions and it
16 falls on me to thank you both, Aaron for coming and
17 your tautoko for your partner and for you Jacinda for
18 your courage and persistence. It was illuminating,
19 your evidence, the many different processes that you've
20 been through from the Disability Health Commissioner
21 right through the Human Rights body and your measured
22 way of describing your experience, both the pros and
23 cons, it's very useful for us. We saw a lot of common
24 themes that had arisen over the course of the last 6
25 weeks, from both state-based and faith-based evidence.
26 We've seen some new things too through the faith-based
27 evidence which is very important for us in
28 illuminating.

29 So, I just, in short, want to thank you for coming
30 and giving your evidence and speaking in the public
31 domain. We feel your sense of frustration about life
32 being on hold for you and your whanau, so our thoughts
33 and best wishes are with you both for the process going
34 forward. So, kia ora, kia ora, kia ora korua

1 A. Thank you. Thank you also for the Commission, it's
2 wonderful to be able to be heard and to have some hope
3 that there will actually be some real changes come out
4 of this.

5 **CHAIR:** Thank you. I think it's time we took a break
6 now before our next witness, thank you.

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8 **Hearing adjourned from 12.35 p.m. until 12.40 p.m.**

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