

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

Under The Inquiries Act 2013

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

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

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

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

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TRANSCRIPT OF PROCEEDINGS

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

2 (10.00am)

3 **CHAIR:** Tēnā tātou katoa, nau mai hoki mai ki tēnei hui. Good morning Ms Janes.

4 **MS JANES:** Ata mārie, good morning Commissioners.

5 **QUESTIONING BY MS JANES CONTINUED:** Good morning, Mr Houston, you remain on
6 your previous oath and affirmation. You said at paragraph 7.67 of your evidence that
7 you're very clear in your mind about how each settlement has been reached for The
8 Salvation Army; correct.

9 A. Yes.

10 **Q.** And you have also said at paragraph 7.57 that there's no formal set of criteria for the dollar
11 amounts and that they have not been published at any stage; correct?

12 A. [Nods].

13 **Q.** You've also said at paragraph 4.71 that at times settlements are higher depending on
14 whether there may be dire circumstances, so that alludes to the discretion that you're able to
15 exercise in settlements amounts; correct?

16 A. 7.41? Yes.

17 **Q.** There have been occasions where you have been exercising the redress process, and you've
18 talked about the Grant Cameron band exercise that you went through that was in 2005?

19 A. Yes, the bands that Grant Cameron set, yes.

20 **Q.** And gave evidence yesterday that Grant Cameron did an assessment of his clients against
21 that band, you for The Salvation Army did your own assessment and some came within the
22 bands, some were lower, some were higher; correct?

23 A. Not entirely correct, so Grant Cameron actually provided their recommended bands, as said
24 in my witness statement, I can't recall if there was any discussion or negotiation between
25 Grant Cameron and The Salvation Army in reaching those bands. So we weren't aware of
26 the background of how they reached those sums.

27 **Q.** And so was that the first time that in the redress process for The Salvation Army it had
28 come to your attention that a matrix or a banding system was used by others engaged in
29 redress processes?

30 A. At the time I understood that Mr Cameron had had involvement with other large actions.

31 **Q.** And you hadn't done that exercise on behalf of The Salvation Army in terms of looking
32 internationally or at other -- no?

33 A. No, other than as I explained yesterday, about our process for looking at how we reach
34 what our settlement proposals might be.

- 1 **Q.** And you say also at paragraph 7.13 of your supplementary brief that you didn't
2 subsequently use those Grant Cameron bands for any of the other survivors but past
3 settlements in similar cases have been helpful?
- 4 **A.** Yes.
- 5 **Q.** Are you aware that in the Royal Commission in Australia, which we understand you were
6 liaising with your counterparts, that in, I think it's case 10 which was the for the Eastern
7 Territory of Australia which I understand takes in New South Wales, Capital Territory --
- 8 **A.** Queensland I think.
- 9 **Q.** -- Queensland and Australian Capital Territory?
- 10 **A.** Yes, I'd have say at this point that most of my liaisons was with the Southern Division
11 based in Melbourne, not the Eastern Territory in Sydney, but nevertheless, yes.
- 12 **Q.** But you would have been aware about what the Royal Commission in Australia was
13 looking at in terms of Salvation Army abuse in their care settings generally?
- 14 **A.** Yeah, to a point.
- 15 **Q.** Because they produced an exhibit from a Major Peter Farthing, just to give the context for
16 the Commissioners, he was a major with The Salvation Army, had been an officer for 36
17 years, was involved in the Royal Commission Response Committee, Publication Secretary
18 and also had been Secretary for Personnel 2004 to 2009?
- 19 **A.** [Nods].
- 20 **Q.** And he gave evidence about a matrix that they had put in place and talked about how that
21 was re-engineered, effectively they determined ex gratia payments, intuitively initially,
22 which aligns a little bit with what we've heard of your system; correct?
- 23 **A.** Mmm-hmm.
- 24 **Q.** And then he says that at paragraph 119 to 120, "After about two years in 2005 I sat down
25 and worked out a matrix for calculating payments. I reverse engineered starting with our
26 payment levels asking what sorts of things we based them on. I noted that those factors
27 included the age the child was, the length of time in the home the kind of abuse they
28 suffered, the impact on their later life."
- 29 I take it that you wouldn't disagree that those would be similar factors that would
30 go into your calculation?
- 31 **A.** Sure, yes.
- 32 **Q.** Then just quickly having a look at that matrix, which is a 2005 exhibit, if we can ask the
33 registrar to -- and it's a relatively simple document, but it does provide the bandings or the
34 matrix that he had calculated on the basis of what I've just read out to you. Are you able to

1 give that copy to the witness, thank you, so that he's able to -- **[Copy provided]**

2 **CHAIR:** So we know, this is guidelines for assessment of personal injury claims, is that right?

3 **MS JANES:** Yes, but in their redress, personal injury --

4 **CHAIR:** I'm just reading what the document says.

5 **MS JANES:** In their redress process, correct.

6 **QUESTIONING BY MS JANES CONTINUED:** We won't spend a lot of time, it's really just an
7 indication of the types of matrices that for this one, a faith-based institution similar to The
8 Salvation Army in a different jurisdiction. So they look at length of stay in years and there
9 is a particular amount, can you see that, for less than one year, one to three years, three plus
10 years?

11 A. **[Nods].**

12 **Q.** And that's if you're over the age of 12 and if you're under the age of 12 likewise less than
13 one year, one to three and three plus?

14 A. Sure, sure.

15 **Q.** And then they also have other amounts for aggravating factors which you'll see there in
16 counselling?

17 A. Mmm-hmm.

18 **Q.** 5,000. He gives an example of his evidence about application of that matrix and the
19 amount. Now admittedly this is a very serious incident, it relates to somebody who went
20 into Salvation Army care at the age of 12 years, was there for that over the three year
21 period, they suffered psychological, emotional and sexual abuse as well as cultural
22 alienation?

23 A. Mmm-hmm.

24 **Q.** I won't take you to it, because it's not entirely relevant for our purposes, but if you would
25 accept my word on the calculation, which is at paragraphs 122 to 126, they talk about how
26 they go about that assessment, and in this particular case age and length of stay was 20,000,
27 emotional, psychological and cultural abuse 15,000, sexual abuse 30,000, profound impact,
28 which is that part of the discretionary factor, 10,000, the Personnel Secretary's discretionary
29 offer, 95,000, counselling 5,000 and it totals 175,000.

30 The main point, though, is, would you agree that where you have a matrix where
31 you can take account of the individual circumstances but your starting point is on a
32 principled known basis, that is both useful for the organisation as well as engendering trust
33 for survivors that it is fair and equitable?

34 A. Hmm, in the case of The Salvation Army in New Zealand today on the information we've

1 gained over the last 20-odd years, it would be possible to form the basis for a matrix of
2 some sort today but not in 2003 because we had no experience.

3 **Q.** But you'd accept that particularly once you had gone through that 2003 and 2004 heavy
4 numbers coming through, that that would have been a wealth of data that would have
5 permitted a matrix to be established?

6 **A.** In saying that there's a wealth of data, out of our total number of claims it's about 110 out of
7 270 odd. You know, is that a sufficient number of claims to actually form the basis for a
8 matrix? I'm not sure. But as I've also seen in recent times, you know, the severity and
9 effects of the abuse are becoming more apparent. So I'll say again that if we were to look at
10 a matrix today we would possibly have sufficient information and data to begin that
11 process, but not then.

12 **Q.** And you'd accept it has to start somewhere, though, and it may well be an evolving
13 document, and an example of that is the Ministry of Social Development matrix. Before
14 I go there I will produce The Salvation Army exhibit as exhibit --

15 **CHAIR:** 8.

16 **MS JANES:** 8, thank you, correct.

17 **QUESTIONING BY MS JANES CONTINUED:** And we'll now look at the MSD matrix. And
18 they would be the first two to pick up on your point that this has been an evolution that they
19 started probably again around that 2005 period. Again, don't want to spend a lot of time on
20 it, but if you have a quick look you'll see that it is more sophisticated in picking up those
21 severity, major extent of abuse factors?

22 **A.** Mmm-hmm.

23 **Q.** And I'll produce this as Exhibit 9, although again it is a public document. So would you
24 accept that that transparency, that ability to have at least a starting benchmark, albeit open
25 to any level of discretion that an organisation feels appropriate, allows trust in the system,
26 allows consistency of the process irrespective of who the person is that is looking at a
27 claim?

28 **A.** Indeed, and I'd probably refer back to our discussions yesterday in regard to the fact that
29 yes, we do have a redress programme, however it is not published. And we all agreed that
30 to have a published document accessible to anybody would be very advantageous.

31 Similarly, in future I would see that if there was a matrix system that was initiated,
32 then that would form part of that overall redress disclosure, that if certain abuses were
33 suffered, then, you know, there may be a range of remedies that would be available that
34 concluded in that redress document.

- 1 **Q.** And did it occur to you in 2015 when the International Headquarters made contact with
2 you, and just for reference the document is SAL ending 230, we can look at it if you need
3 to but you may recall --
- 4 **A.** I think I recall that e-mail documentation, yes.
- 5 **Q.** So it's dated 23 January 2015, International Headquarters is obviously looking at this and
6 they have said "We'd be grateful for a copy of any template or schedule used to calculate
7 compensation payments and any supporting documentation". You'll remember that
8 request?
- 9 **A.** Mmm-hmm.
- 10 **Q.** And you replied on 26 January 2015, "We have not documented a formula as such to
11 calculate claim payments", and explain that you've utilised experience and claimant
12 expectations to strike a balance.
- 13 **A.** Mmm-hmm.
- 14 **Q.** Would you accept that there is a high level of subjectivity in how you describe the process
15 operates?
- 16 **A.** I believe that how I've described it and how it operates and, for the most part, I would say
17 that it has achieved for most people what is required from a redress process.
- 18 **Q.** And the Ombudsman in 2020 in the Crown redress context indicated at page 3 paragraph 3
19 the claimants must have access to rules, guidance and policies affecting their claims to
20 make sure they are receiving a service that is consistent and fair. I take it you would accept
21 that would equally apply to survivors coming through The Salvation Army process?
- 22 **A.** And I've consistently said that as per our discussions yesterday that we have a redress
23 process, it is not published, it should be, and we would do that. So that everybody is then
24 clear on our process and the options and remedies that are available to them. Yes, totally
25 agree with that.
- 26 **Q.** And would you accept that it's very late in the day, 20 years hence, that that is not available
27 to survivors and victims wanting to engage?
- 28 **A.** As I sit here this morning, The Salvation Army currently has no outstanding claims that
29 require settlement decisions. All claims to date have been settled by agreement. I'm
30 currently working on three or four relatively new cases in their initial stages that I'm
31 working through legal representatives with. And in actual fact, Ms Janes, I thought
32 overnight, and thank you for your input, because after my involvement with this Royal
33 Commission I will be back into that work and will be immediately able to implement some
34 of the recommendations and issues that we've discussed over the last couple of days in

1 regards to cultural sensitivity and various things like that. So I thank you for that, but I will
2 reiterate that currently there are no cases that are pending settlement terms.

3 **Q.** Would you accept, though, that, picking up on the point that you say that survivors, you
4 have settled and reached agreement?

5 **A.** Mmm-hmm.

6 **Q.** But that is in a vacuum for them, because they don't know what survivors in similar
7 institutions, similar perpetrators, similar severity, they don't know what they don't know
8 and if there's not a matrix or some public guidance they settle for whatever they think you
9 believe is appropriate?

10 **A.** That is right to a point. However, I'll draw you to a case, and I believe that I can mention
11 her name, Gloria White, she mentioned in her evidence that on the second meeting where
12 I presented The Salvation Army response to her claim, it also presented an apology and a
13 discharge. I asked, or I informed Ms White that she could gain advice on that, which she
14 did. And I can recall her statement saying that, and I can't recall the gentleman's name, that
15 a local lawyer did contact me to put my proposal for Gloria in some context, of which he
16 was entirely happy with.

17 **Q.** Because we did hear from a number of the survivors, I'm just trying to find the references,
18 but just putting the proposition, that they didn't -- they thought the settlements were low,
19 but they didn't think they had any option and actually they needed the money and so they
20 took it. You recall that evidence from a number of the witnesses both oral and written?

21 **A.** I can recall certain conversations and also the fact that those proposals were agreed to.

22 **Q.** And you'd accept it is a vulnerability for many survivors that because of their life
23 circumstances that the offer of 10 or 20 or more thousand is really quite a big deal at that --

24 **A.** 30 or 40 or 50,000 more recently, but yes, it is a big deal.

25 **Q.** And so if they don't know whether that has parity or consistency with other settlements,
26 their circumstances dictate that they do settle and they do sign a discharge for that amount
27 of money?

28 **A.** Mmm-hmm. I've, as I did with Ms White, I attempt to explain fully what our process is.
29 Also I'd add that over recent times the inquiries that we have received and claims that we
30 have received have been legally represented and, as I mentioned yesterday, legal
31 representatives today quite often will, along with a letter of history of the abuse that
32 occurred, they'll also be making recommendations to The Salvation Army as to what they
33 think the settlement figure should be.

34 For some considerable time now we have accepted what those legal

1 representatives have recommended as a settlement figure. So as I said yesterday in my
2 overall discussion about how we reach settlement agreements, I did say that as well as
3 looking at our own legal advice, that also I took some comfort from those survivors that
4 were legally represented that their representatives would be acting appropriately for their
5 clients.

6 **Q.** Obviously Janet Lowe was the first claim in 2001, at that point you must have, as an
7 organisation and individually responsible for the redress process, said what is my starting
8 point, what are the factors. Did you get advice about court awards that were known such as
9 the *S v Attorney-General* case, the *W v Attorney-General* case, they were around the
10 \$150,000 compensation mark?

11 **A.** I'm not aware of those, but remembering that Ms Lowe's first approach to The Salvation
12 Army was 2001, and as we've already discussed, the fact that we did not approach that
13 claim appropriately, it wasn't until the mid-2000s and part of the Grant Cameron group that
14 we settled with Ms Lowe.

15 **Q.** And just looking at exhibit, so if we can bring up MSC 2219. It's page 5 of that particular
16 document. And again recognising that averages bear a wealth of information underlying
17 them. So this is really just looking at years of settlement in sort of a global sense. You'll
18 see there's a total amount of settlement paid per year, count being the number of claims and
19 then the average obviously derived from that.

20 **A.** So these are the figures that you've produced?

21 **Q.** These are the figures that we've produced from your section 20 spreadsheet, so again open
22 for verification.

23 **A.** Sure, I've seen this but obviously haven't had the chance to verify it.

24 **Q.** So the question really is looking at the trends and patterns, and if you look at 2003 there
25 obviously are some variations. It jumps in 2005, which is sort of when the Grant Cameron
26 cohort is settled?

27 **A.** Mmm-hmm.

28 **Q.** 2007, clearly there is quite a big jump to 43,889, another big jump goes back down into the
29 20s, another big jump in 2011, 43,889 again, goes down into the 10s and 20s again until
30 2018 and then we have 37,500, 2019 46,111, and 2020 57,500. And nothing in 2013,
31 which must have been a good break for you in terms of workload.

32 But looking at that variation and the dips and changes -- and if it helps graphically
33 that's on page 6, so if you can move to page 6 -- but how would you help the Inquiry and
34 also survivors looking at these numbers who say "Well look, I fell in that particular year,

1 I'm not sure where I sit comparably." How should we be looking at those changes in
2 numbers to be able to ascertain consistency, parity and fairness?

3 A. Clearly graphically there are some ebbs and flows. Averaging is always difficult, but what
4 I would say is that those numbers particularly give an excellent indication of the variances
5 from year to year in the numbers of claims that we've received, other than those initial
6 couple of years. It also is an indication, and remembering I can't bring to mind all of the
7 cases and the current -- all the abuses that they suffered, but also what it's an illustration of
8 is the wide and varied experiences of survivors.

9 There are some bigger numbers there which is indicative of not only just the
10 numbers of claims per year, but also the information we're receiving about individual
11 claims, and, as I've said before, individual circumstances. Averaging's fine but it in no way
12 illustrates the overall response to individual survivors.

13 Q. And we look at that very, quite significant upward trend 2017 to 2020. Are you giving
14 evidence that the severity and nature of those particular cases has been so much greater
15 than anything that you have heard in the prior 17 years?

16 A. Not altogether, but I would say that over the last three to four years that the severity of the
17 abuses that have been suffered by those that have come forward are somewhat greater than
18 has previously been experienced. Look, I think anybody in this that's had involvement in
19 this knows the long, long lead-in time for survivors to actually say "Look, this is what
20 happened to me."

21 And there are various triggers. It may be that the Royal Commission, for example,
22 is triggering some people to say "I think I should take action." And from my experience,
23 particularly women and their experiences, it's extremely hard for them to actually admit,
24 and that's not to take it away from men, but look, some of these recent survivor experiences
25 have been most harrowing.

26 Q. And so if I'm a survivor who has settled much earlier, and you've indicated the Royal
27 Commission may be a factor, but is it possible that the Royal Commission is a factor, it's a
28 bit of a lottery, in that because there was going to be scrutiny the settlement figures have
29 increased since the Royal Commission was announced?

30 A. Back in 2017/18, with respect, I had no idea what the Royal Commission would look like.

31 Q. You didn't have an idea what it would look like because of the Australian experience that --

32 A. No, just meaning that it had no bearing on the way that I have approached survivors.

33 Q. Just before moving on, the calculation of compensation you've raised the issue about male
34 and female survivors. Something that I found surprising in looking at your figures was the

1 percentage of male claimants was 71% with only 29% of the claimants being female. Does
2 that surprise you, or are you able to explain why that might be the case?

3 A. I haven't actually done that calculation or am aware of what you're referring to, so...

4 Q. We just looked at the gender of the claims and, as I say, 71% were male and 29 were
5 female?

6 A. Without any science or technical issues attached to it whatsoever, the only thing that comes
7 to mind immediately is that for a considerable time by far the larger populated homes were
8 solely boys' homes. Other than that, I couldn't make any further comment.

9 Q. That standing back seemed to be the most likely explanation.

10 A. Mmm.

11 Q. If we can turn to page 7 of this particular exhibit, in a way this sort of marries with the
12 Australian matrix in terms of looking at -- you've talked about one of the major components
13 being the nature and severity of abuse and how that translates into the quantum. So this has
14 looked at settlement amounts by the alleged nature of the abuse and you'll see that for
15 alleged physical abuse the average is \$16,625, alleged sexual abuse \$30,449, alleged
16 physical and sexual abuse \$30,211, alleged physical and psychological abuse \$23,991,
17 alleged sexual and psychological abuse \$26,667 and physical, sexual and psychological
18 \$34,714.

19 So clearly there is a difference in terms of how you apply the nature and severity
20 of abuse. But going back to that transparency, do you accept that had you done a similar
21 exercise at some point that this could have formed the basis for a matrix that again then you
22 could have a discretionary envelope around?

23 A. I suppose my initial reaction to this is that, you know, if we were talking of forming a
24 matrix then we do have a good basis, because once again we come back to averages, but
25 we'll pass that. But in actual fact it illustrates that the settlements that we have made are
26 pretty much on trend for paying higher amounts for greater levels of abuse,
27 physical/sexual/psychological is at the top, and physical abuse is further down. So
28 trend-wise then it would be in keeping with what you would hope if you did have a matrix
29 that what the standard and ideal redress would be would match that.

30 Q. And then when we actually look at a particular example, being John Gainsford who we
31 have talked a little bit about, but when one drills down into the settlement specific to John
32 Gainsford as a single abuser, and that's putting to one side there are a lot of cases where he
33 is one abuser amongst a number of others.

34 But looking at the data that we were able to extract from your spreadsheet, there

1 were 23 cases where he was named, 12 of those there were physical, sexual and
2 psychological abuse, there were four where there was physical and sexual abuse, three
3 physical/psychological, one sexual and psychological, two sexual and one physical. So
4 what factors, how would you have applied consistency across those levels of severity and
5 payments, or how did you look at, say, the John Gainsford cohort of survivors?

6 A. I haven't got those figures.

7 Q. They would have been available to you as you were looking at other Gainsford --

8 A. Sorry, not -- yeah.

9 Q. -- Gainsford claims?

10 A. I think, and this -- as I said, I can't reference the document that you have cited, however I
11 will need to go from memory, that the severity of abuse suffered from Mr Gainsford's abuse
12 was from the very significant end to not quite so significant and variables in between. It's
13 hard for me to bring to mind all 23 cases as we speak, but as I've said, we would have made
14 a payment appropriate to the individual's circumstances.

15 Q. And so the payment ranged from \$5,000 through to \$80,000 and there were four at
16 \$80,000?

17 A. [Nods]. I remember that.

18 Q. So when you look at that particular breakdown of nature and severity in the document?

19 A. Mmm-hmm.

20 Q. How does one look at that \$5,000 to \$80,000 range and how would you -- what criteria
21 would you have applied to reach your settlement figures?

22 A. As I've said previously, and in my witness statement, we look at the overall circumstances
23 of the survivor, including the abuse that was suffered. We look at what the survivor is
24 asking for, what they need, and then a level of parity between survivors and the abuse that
25 they suffered.

26 Q. And you have said, you have accepted at paragraph 7.59 of your brief that you
27 acknowledge some errors of judgment or assessment may occur in some cases, and you
28 would stand --

29 A. Sorry, 7 point?

30 Q. 7.59.

31 A. I agree with that statement.

32 Q. And then at 7.55 you've also indicated that some claims that had been previously settled
33 were reopened in light of extenuating circumstances which became known after settlement;
34 correct?

1 A. Yes, in a way it's good that -- regretfully we have to talk of this, but you have brought up
2 some interesting aspects of our overall redress process. As I said yesterday, we use this
3 term "verification". I'm not comfortable with that because, as I explained, it wasn't a matter
4 of verifying a particular person's experiences, more it was a matter of affirming what they
5 had said.

6 In the Gainsford cases early on, 2004 maybe, a female survivor contacted us and I
7 followed our process and arranged a face-to-face meeting. At that meeting it was the first
8 occasion ever that I had heard and became aware of Mr Gainsford's offending. At that time
9 we settled for what we thought was appropriate.

10 Clearly events escalated in terms of Mr Gainsford, it became more and more
11 apparent as to his activities and as we know he was arrested, charged and sentenced.
12 Within that sentencing there were three charges of rape. Following the sentencing we were
13 approached by the survivors and the outcome for them was completely different in light of
14 the fact that we were now aware, totally conclusively, of what the extent of abuse -- of the
15 extent of his abuse was, we were able to adapt our process to accommodate that
16 information.

17 **Q.** Just on that point, again looking at the information provided under John Gainsford it looks
18 like the date of the first claim was 2003, and it talks about that person first contacting The
19 Salvation Army in 93 and then again in 2003?

20 A. Yes, Colonel Gribbet.

21 **Q.** Yes, we don't need to go down that except we don't know whether he existed.

22 A. He doesn't, I've triple-checked there is no, and never has been a Colonel Gribbet.

23 **Q.** But just on that, it is actually an important point and I don't make light of it, but if The
24 Salvation Army in 93 received a letter containing allegations addressed to a Colonel
25 Gribbet, one assumes that does not get forwarded on to somebody who will take it seriously
26 and do something with it?

27 A. Once again, that -- the witness -- sorry, evidence bundle was the first time I'd actually set
28 eyes on that letter. The survivor at our subsequent face-to-face meeting, and I can't
29 remember exactly when that occurred, however, she had indicated that she had, through her
30 support people, had approached The Salvation Army in 1993. Look, then I just have no
31 idea what, if anything, happened.

32 **Q.** It's an important point to know that there was at least some information in 2003 about John
33 Gainsford and the allegations, because I will then go to that 2004 case that you raise,
34 because it is quite an interesting case study about how The Salvation Army dealt in that

1 particular circumstance. So if we can go to witness 250026. The name's redacted but
2 hopefully you will be able to have a sense of -- but it's really the principles rather than the
3 name, but it is a female complainant, the letter is dated 26 July 2004, Grant Cameron to
4 McElroys. It notes a particular Salvation Army survivor in Australia had been granted
5 AU\$45,000 and in this particular case who had also been abused by Mr Gainsford at
6 Temuka. Grant Cameron goes through an analysis of their cases and why, in his opinion,
7 he is representing that there should be comparability. Can you see that?

8 A. Is there any further pages?

9 Q. Yes, we can go to the second page thanks.

10 A. Look I'm not familiar with this letter.

11 Q. So would it have been the case that McElroys would send letters between lawyers that you
12 were not consulted about or had knowledge of?

13 A. I probably had knowledge then, but I just can't recall this individual letter today.

14 Q. Because the response then is at witness 250025. Just while that's pulling up, just curious
15 that that letter references US\$45,000 and the information we've received the highest, there
16 is one Australian and it's AU\$22,500. I'm not sure whether that's a record issue or...

17 A. We have paid survivors in Australia more than once.

18 Q. We only have information on one payment.

19 A. Okay, the probable reason behind that is that the payment has been illustrated in
20 New Zealand dollars in the spreadsheet not Aussie dollars, I would suspect, but we've
21 certainly paid more than one.

22 Q. Okay, that's useful to know, thank you. So in this particular case it is quite a high amount,
23 AU\$45,000, and then we see in this particular document, just if you could pick up the date
24 for me please?

25 A. Sorry, this is 2004.

26 Q. Yeah, so it's in reply to the Grant Cameron letter to McElroys?

27 A. Are we talking an Australian resident or --

28 Q. This is a New Zealand resident.

29 A. A female?

30 Q. A female.

31 A. Right, okay.

32 Q. But Grant Cameron is saying look these cases in terms of length of residence, severity of
33 abuse, impact, effectively they should be line ball if one were applying consistent criteria.

34 A. Right.

- 1 **Q.** And you'll see that, perhaps if you can call out -- thank you, that would be helpful. So we
2 look at paragraph 2 you'll see, and I think you would accept at 2004 The Salvation Army
3 was still relying on the Limitation Act defence?
- 4 **A.** Clearly it states it there. I would say more that, as we discussed yesterday, that The
5 Salvation Army was still insured for claims at that point. So McElroys' response would be
6 in respect of that aspect as well.
- 7 **Q.** And at paragraph 4, the last sentence, it says "The Army declines to draw overt
8 comparisons with other claimants". But the question really is, if you do not draw overt
9 comparisons so that there is comparability, parity, consistency, how do you reach your
10 settlement amounts?
- 11 **A.** Well, I think that this falls into the category, as we've earlier discussed, around forming the
12 basis for a matrix. We simply didn't have the information back then. Nor at this point, nor
13 in 2004 we would have, at that point, wouldn't have had all that many comparisons to
14 make.
- 15 **Q.** At paragraph 6 it talks about an offer made to this particular person which it's said to be at
16 the top of the range. No other claimant has had such a clear-cut limitation barrier?
- 17 **A.** I think I do recall this case now, and yes, at that time that payment would have been in
18 keeping with a recently high payment, yes, I'm pretty sure I recognise who this survivor
19 may be.
- 20 **Q.** If you do recognise it, this survivor actually ended up getting 80,000?
- 21 **A.** Yes, okay, that confirms it then, thank you.
- 22 **Q.** So the question really is, had there been consistent, principled, known criteria, and she may
23 well have accepted 25 because she didn't know that there were higher amounts being paid.
24 So how can a survivor have any level of comfort or trust in the process where there can be
25 just such a very big variation in what they're initially offered and what eventually is settled?
- 26 **A.** Well, I think as you mentioned, it was an interesting test case, I think you said, or, sorry,
27 interesting --
- 28 **Q.** Case study.
- 29 **A.** -- case study of the previous case, but then 2004 we didn't have the information. We
30 weren't aware of the severity and multitude of abuse events that occurred. Now I think that
31 we have that background, we have that information and our approach is far more consistent.
32 We haven't got the reliance or the, is it the right word, the dependency on insurance, we
33 have experience. I believe we are doing things better now than then. We have learned.
- 34 **Q.** Just looking at the date of claim for the John Gainsford, there are seven in that 2003/2004

1 period, so how have you over time -- that's quite a body of knowledge that was coming to
2 you over that very short period of time and obviously later as well, but in that 2003/2004
3 the name must have been hitting you seven times with the circumstances of that particular
4 perpetrator and the nature and severity of the abuse. What did you do to try and ensure that
5 consistency and parity, even at that stage before 2006 conviction?

6 A. Well, as I mentioned yesterday and in my witness statement, that I was communicating
7 almost daily with our legal advisors around different claims. Once again, these dates,
8 which, you know, I haven't been able to verify, of course there's the added complication
9 then of when claims are notified and when they are paid, you know, being different
10 circumstances. But look, the point being that, you know, I did converse regularly in
11 attempting to reach parity, and relativity for claims and claims payments, at the time that
12 we were settling them.

13 Q. And you've said that some claims were reopened in light of, as we've said, the extenuating
14 circumstances?

15 A. Three of them, yes.

16 Q. Apart from the Gainsford cases, which you did reopen and re-look at?

17 A. Mmm-hmm.

18 Q. And just before we move on from that, if we can call up SAL806, this is a document from
19 27 February 2007, so the conviction was I think mid-2006. So this was clearly a
20 consideration when you were re-looking at the Gainsford trials post-conviction, does that
21 sound right in 2007, February?

22 A. It's 2005.

23 Q. 2005, sorry, I have got the wrong date.

24 A. Just for the record that's a letter from me to Detective Tracey Miron in Timaru, yes.

25 Q. That's not the document I'm after, we will try and find the right document.

26 A. Just while you're doing that, I suppose there's a couple of stems of activity around the
27 revisiting of claims, and I mentioned yesterday that as more information became available
28 to us we've attempted quite vigorously to re-establish connections with survivors that we
29 had earlier declined because of the fact that over time more and more information has
30 become available to us, and regretfully there were some survivors that we were not
31 conscious or not aware of what they were telling us in the past, however we are now
32 re-looking at those cases in light of new material. As I've said, to date I have contacted,
33 re-engaged and made redress settlements with four of those people.

34 So once again, we've talked about the fact that we've reacted and reopened cases in

1 absolute situations where somebody's been sentenced for a crime. This is also actually
2 reviewing and re-establishing contact with those that we may not have treated so well then.

3 **Q.** And you've actually jumped exactly to where I was wanting to take you, is that you have
4 undertaken that review of the declined claims?

5 **CHAIR:** Before you do, can I just clarify with Mr Houston; when you say that you were not
6 aware or conscious of what the survivor was saying, what do you mean by that?

7 **A.** Well, not aware. So and I think I talked about the verification process yesterday and the
8 fact that it's become a lot easier, and I've illustrated that this morning with Mr Gainsford,
9 where the first time I ever became aware of his offending was from a survivor that came
10 forward. Now of course if Mr Gainsford is mentioned then we have a body of
11 knowledge --

12 **Q.** But what did you mean when you say you weren't aware or conscious of what the survivor
13 was saying. Does that mean that at that time you didn't believe the survivor who was
14 bringing a claim but you subsequently found and believed them to be because learned about
15 Mr Gainsford later, is that what you're saying?

16 **A.** Yes, and there have been other perpetrators in that situation.

17 **Q.** Thank you.

18 **QUESTIONING BY MS JANES CONTINUED:** I think just picking up on that point, though, it
19 puts us back in the Janet Lowe frame, she's the first one to come forward, there is that level
20 of disbelief and there is quite a range of evidence about -- it was going to be under process
21 issues but I'll jump to it now because it's been raised in that -- we heard from Roy Takiaho
22 at paragraphs 101, 106 and 116, he felt that there was no accountability, not properly
23 acknowledging anything, that sense of Mr A paragraph 25 felt disbelieved, he felt that The
24 Salvation Army view was of gold-digging claimants. We have Mr N, paragraphs 87 to 88
25 and 101 to 102, felt that the Salvation Army process was cold and disbelieving. And they
26 span that whole -- so we're not talking just the early 2000 period, we're talking claims that
27 went into, you know, the 2010s, where again there was that sense of disbelieving.

28 So how do you manage, you first get Janet Lowe, you get your first Gainsford, how
29 can you improve your process so that they are not met with that disbelief and have to wait
30 for that body of knowledge to develop before they're actually treated with the respect and
31 the belief that they deserve?

32 **A.** Certainly I mentioned that Ms Lowe's case was a catalyst for change and in some
33 situations. But I would concede that, you know, some of our interpretations and some of
34 our responses to those, to survivors, even up to 2010, were regrettable. That would not

- 1 happen today.
- 2 **Q.** So you've looked at your declined claims and you've already come up with four that need to
3 be revisited?
- 4 **A.** No, no, that's four that I have already re-engaged with and settled. So there are three or
5 four others that we're actively looking for through their legal advisors. Clearly it's not a
6 simple matter of retrospectively then trying to re-establish connection with these people,
7 but we have made it clear to their legal advisors that we are open and willing to re-look at
8 their claims.
- 9 **Q.** And I'm understanding from your evidence that there is an acknowledgment that those four
10 were declined but on a re-look should not have been declined because you've settled?
- 11 **A.** Yes, and as much as our historical record-keeping is circumspect in some areas, as you're
12 aware by our claims files that we have -- on almost every file there is a verbal recording of
13 the face-to-face meeting. So once reconnection is made it's not a matter of the survivor
14 having to go through the entire process again, we already have that information. So it's a
15 matter of reconnecting. If the survivor's agreeable and all of them have been so far, that
16 I meet with the survivor again. I not only apologise for the way in which we initially
17 treated their claim, I apologise for the abuse that occurred and present a settlement proposal
18 to them. But without having to go through the entire, you know, questioning process again.
- 19 **Q.** And just looking at that whole revisit situation, you may not be aware, and don't expect you
20 to, but in the Crown evidence, Ministry of Social Development has a revisit policy which is
21 publicly available?
- 22 **A.** Right.
- 23 **Q.** Describing very much, as you have, that if new information comes to light after you've
24 settled we will re-look at your case?
- 25 **A.** Mmm-hmm.
- 26 **Q.** Would you consider that that is something that would also be valuable for Salvation Army
27 survivors to know what circumstances they could approach you to have their case reviewed
28 rather than you being the one to instigate that?
- 29 **A.** Certainly, and albeit the number of declined cases relatively is very low, and also albeit you
30 can say that one declined case is one too many and I would agree with that, but we're doing
31 our best. But sure, if that information was available and possibly as part of, not wishing to
32 go back to it again, but the publishing of our redress process, it could be part of that.
- 33 **Q.** What I'm really suggesting is wider than the declined policy. So I'm actually looking at the
34 settled policies --

- 1 A. Okay, sure, yes.
- 2 Q. -- where they were settled, perhaps new information has come to light, or there is now
3 greater acceptance of those claims.
- 4 A. Sure, and I think Colonel Walker actually made comment on that yesterday.
- 5 Q. And again, you may or may not be aware of this because you engaged more with the
6 Southern Territory in Australia rather than the Northern Territory --
- 7 A. Eastern, sorry, Eastern.
- 8 Q. Eastern, absolutely, thank you for the correction. So there was the case study 5 and case
9 study 10 which took place in Australia January to March 2014 and The Salvation Army
10 Eastern Territory following that public hearing made a public commitment on its website
11 that they would review amounts previously paid to survivors who received redress to
12 ensure all survivors had their case considered against the same standards for payments to
13 ensure equity, fairness amongst survivors?
- 14 A. Mmm-hmm.
- 15 Q. And that was for claims settled at any time after 1990 that had not been reviewed by that
16 2014 date?
- 17 A. Mmm-hmm.
- 18 Q. Would you accept that as your process has evolved it is probably time to make a similar
19 commitment to claimants in terms of the knowledge that you have gained and whether that
20 parity and consistency actually is a fair objective that has come about in practice?
- 21 A. Yes, it would, and I go one step further and from my knowledge I understand that in
22 Australia that, you're quite right, that cases can be revisited. And I might be getting
23 confused here, but I've also heard that survivors in Australia, to actually take advantage of
24 that situation, virtually have to re-traumatise themselves by completing a 35 page document
25 which they once again have to outline the abuse that they've suffered to pinpoint accuracy,
26 who did it, when, how, why etc, which would be quite daunting to do it again for anybody.
27 As I've explained in our four cases we would not expect them to have to go through that
28 process all over again, because we've got the information.
- 29 Q. And Colonel Walker yesterday spoke in glowing terms of your meticulous records and that
30 you had cap -- he said Murray has captured all the information, it's clearly documented, we
31 know exactly where it is, we know exactly how to source it. He did say that if something
32 happened to you he would be confident they'd be able to search through the record-keeping,
33 and while it may take a bit of time, another person would be able to capture the critical
34 information?

- 1 A. Absolutely, and to assist in us responding to the Royal Commission, all claims files up to
2 late last year have now been all digitalised, so not only have we got, you know, those
3 original paper files, they're all available on a digital basis as well. So yes, we have that
4 information.
- 5 Q. So under provisions of strict confidentiality, Salvation Army could engage an external third
6 party, not re-traumatise survivors, but would be able to go through the records that you
7 have and be able to do that analysis of parity and consistency across time?
- 8 A. That wider decision around independence would be a decision for the wider Salvation
9 Army.
- 10 Q. Because would you understand that probably a survivor would not want you to do that
11 exercise because you were the person who was involved in the initial decision-making?
- 12 A. I can't speak for them on that.
- 13 Q. But you would accept it may -- the exercise might have greater trust if it were done by
14 somebody who was not the initial decision-maker but was a reviewer?
- 15 A. I would accept that.
- 16 Q. Just turning to -- the non-monetary and that discretion element is so important and accept
17 that that is an integral part of the process and values that you stand by. But looking at how
18 you connect survivors to those services, whether they are sourced from Salvation Army
19 social services or elsewhere, how and where is that captured, because somebody would
20 need to be able to understand what you were thinking?
- 21 A. Mmm-hmm.
- 22 Q. And why -- obviously the compensation is one thing?
- 23 A. Mmm-hmm.
- 24 Q. The counselling is another, the legal contribution?
- 25 A. Yeah.
- 26 Q. But other services, where could somebody capture, review and understand your thinking on
27 those non-monetary aspects?
- 28 A. Clearly that would form part of and be attached to our written redress policy that would be
29 made public.
- 30 Q. So again, if you had an external reviewer, very much as we saw from the Australian one,
31 you could see what the discretion amount was?
- 32 A. Yeah, and through our -- through the experience we've had so far, we could give examples
33 of what, you know, that non-monetary type redress may look like. And there's been --
34 maybe over time we have funded seven or eight survivors for tattoo removal, for example,

1 which has been an important part of the removing the remnants of a life that they're actually
2 trying to leave behind. We've funded hearing aids, dental work, obviously counselling, but
3 also life coaching skills etc. So we could give some round examples of what it is, but of
4 course each, you know, every circumstance is different, individuals may require something,
5 but I suppose what the communication should be is that if there is something that would
6 benefit you, please let us know.

7 **Q.** So we heard from Mr A that he would -- while initially he was grateful for the money --

8 **A.** Mmm-hmm.

9 **Q.** -- what actually would have been of more value to him is a life coach?

10 **A.** Yes.

11 **Q.** And talking about your prison reintegration here, so how does that get offered and how do
12 you connect your survivors into those social services?

13 **A.** So once again it's -- when I'm engaging with survivors now, it's a matter of, you know, I
14 would offer that to the individual. But in terms of Mr A, once again, that was a regretful
15 response. Today it's different in two ways, in that one we would be more than willing to
16 connect Mr A with the services that he wished. And that's two-fold, one because we would,
17 and two because the services in that area that The Salvation Army runs is far more known,
18 far more sophisticated and far more successful than what it was, the reintegration process.

19 Look I -- roughly the success figures around that transforming of prisoners back
20 into normal life is roughly 60% success. So it does work. And in actual fact one of the
21 survivors that I have reconnected with just recently in Invercargill Prison, offered him that
22 service which he had actually heard about within the prison but just wanted to know how he
23 made that connection. So once again, it is something that we could document and make
24 part of that redress, that whole redress plan.

25 **Q.** Because listening to the Salvation Army evidence about the redress process over the last
26 couple of days, you'd accept that it's very dependent on you as an individual person?

27 **A.** Yes.

28 **Q.** It's very dependent on the records kept by you and known to you?

29 **A.** Indeed, but within those records, as you mentioned before, there's sufficient information
30 there, both written material, correspondence and verbal recordings to gain a complete
31 picture of the survivors' experiences and what the response of the Salvation Army has been.

32 **Q.** And it seemed that there was not a lot of transference of perhaps knowledge and expertise
33 from The Salvation Army social services in terms of cultural matters or dealing with
34 dealing with people with disabilities. It seemed a little bit like, certainly to this point, that

- 1 the redress process operates as a silo separate to the rest of the Salvation Army services.
2 Would you accept that is an impression that is fair looking back in hindsight?
- 3 A. I would agree that there are certain areas that if we had have interacted sooner then the
4 process may have been more streamlined.
- 5 Q. And just very quickly rounding out that revisiting, so you've revisited for the Gainsford
6 ones?
- 7 A. [Nods].
- 8 Q. What other circumstances have you re-looked at quantum, did Raymond Vince conviction
9 lead to that at all?
- 10 A. My recollection is that any survivor that I have engaged with in regards to Ray Vince was
11 after his conviction. So I think that was 2008; is that correct? So I have engaged with at
12 least one or two survivors and that was after that conviction. And from memory that was
13 actually discussed at the face-to-face meeting, and also from memory I do recall the
14 settlement in one situation was, or took that conviction into -- not specifically, but it
15 certainly was discussed at the interview. Also from recollection that that survivor was
16 legally represented and the legal representative recommended what a settlement might be,
17 so yeah.
- 18 Q. And where time is marching there is a wealth of information you've provided to us, can't in
19 any way do justice to that wealth of data and examined in great detail at this particular
20 hearing?
- 21 A. Sure.
- 22 Q. So I'm just going to go through some areas that might be something that survivors would
23 like to just hear about and understand, so really just some short propositions. So, for
24 example, at paragraph 3.6 to 3.9 of your evidence you accept that delay risked causing
25 further upset to survivors, and you talked yesterday in your evidence about sometimes
26 being able to settle in a matter of days and in your written evidence sometimes less than
27 two weeks, but acknowledging some take longer?
- 28 A. Yes, although once again with that body of knowledge, with the support of Salvation Army
29 leadership and the decisions that I can make, today, you know most settlements would be
30 made within, and I give myself a bit of leeway here, but within two to three months at the
31 most.
- 32 Q. So when we look at three cases that took 10 years or more to settle, you'd agree that is just
33 not an acceptable timeframe?
- 34 A. Those three cases were when?

1 **Q.** There was one that took 11 years, one 12 years and one 10 years looking at your
2 spreadsheet. So just looking at that 238 claims, 12% took 18 months or longer. Would you
3 find that surprising and disturbing for the survivors that so many took so long?

4 **A.** Yeah, I think I would suspect that you giving those numbers, over 10 years? Okay.

5 **Q.** Three over 10.

6 **A.** But there was a period where, you know, we talked briefly about yesterday that there was
7 some complexities around the settling of claims which did elongate that process. That
8 certainly wouldn't happen today.

9 **CHAIR:** What sort of complexities Mr Houston? Was it about verifying the --

10 **A.** No, I'm referring to our relationship with Cooper Legal.

11 **Q.** So you're saying that negotiations with lawyers took -- those cases took longer, is that what
12 you're saying?

13 **A.** They did for a period.

14 **Q.** Thank you.

15 **QUESTIONING BY MS JANES CONTINUED:** I was only going to very briefly touch on the
16 complexity with Cooper Legal, it was in relation to reliance on the limitation --

17 **CHAIR:** Come to it when you're ready, Ms Janes, don't feel you need to deal with it at this
18 moment, as long as you are going to deal with it.

19 **MS JANES:** I am going to and I will do it now.

20 **QUESTIONING BY MS JANES CONTINUED:** It's in the context, Mr Houston, that in 2008
21 that there were eight civil claims, I will shortly find the document for my friend. But
22 McElroys wrote to the Legal Services Agency on behalf of the Salvation Army indicating
23 that they believed they would all be subject to the Limitation Act and therefore really
24 asking them to look at the legal services payments.

25 **A.** If it helps --

26 **Q.** You accept that was not probably very helpful?

27 **A.** If it helps, I'm familiar with that correspondence so you don't necessarily have to bring it
28 up, but that was a defence, but there were wider issues and, you know, you may recall some
29 complexities and some uncertainties with legal services at that time and McElroys were just
30 trying to ascertain what the position actually was around legal services and Legal Aid in
31 general. But as you say, there were six to eight proceedings against us which were
32 involved in that. However, ultimately all of those claims were subsequently settled by
33 agreement.

34 **Q.** But you'd accept for a survivor --

- 1 A. That letter was abrupt. And I accept that.
- 2 Q. Thank you. And you'd accept also for a survivor that being legally represented and the
3 threat of Legal Aid being removed is a traumatising and distressing circumstance?
- 4 A. Indeed.
- 5 Q. Just returning to our very sort of quick propositions, noting that we're heading timewise;
6 again, can't really go into the complexities of comparisons of settlements, but on analysis,
7 would you accept that there are a number of very high settlements that relate to
8 Mr Gainsford, The Nest, Whatman, that other claimants would say that they had
9 comparable circumstances at least in terms of setting, perpetrator, time, severity, who then
10 got much lower settlements and there's a sense of inequity and justice?
- 11 A. On the spectrum and timeline of settlements that's more than possible.
- 12 Q. Just looking, nothing much may turn on it and it's really just asking if there is an
13 explanation, but again, limitations on averages, so you may not have an answer, but I'll just
14 quickly ask the question.
- 15 A. Mmm-hmm.
- 16 Q. We've talked about the male claimants versus the female number of claimants, but the
17 average payment for a male was \$27,891.67, the average payment for a female is
18 \$31,329.08, not a lot in it, but any sense of how or what factors might play into that?
- 19 A. Severe -- this is notwithstanding, as I've already said, that any difference in gender. I
20 would hope that everyone would agree that prolonged severe sexual abuse on, as it was
21 then, young girls, is abhorrent and our settlements reflect that.
- 22 Q. And you'd accept a lot of survivors, not necessarily in the evidence that you've heard, but
23 that the Commission has heard, that for males, serious sexual assault and abuse is horrific
24 for the same reasons but also a lot of other psychological consequences, would you accept
25 that equally male and female sexual abuse is abhorrent at any level?
- 26 A. Ms Janes, I've sat before well in excess of 150 survivors and know first-hand the effect of
27 that abuse, whether it be male or female.
- 28 Q. And again, I don't know whether you are able to describe, when one looks at the
29 comparisons of the settlements by setting, The Nest and The Grange are at the far end of
30 the average settlements?
- 31 A. So what far end sorry?
- 32 Q. So they're at around the 40,000 average settlement for The Nest?
- 33 A. Okay.
- 34 Q. Around 38 for The Grange. So is that a possible factor that led into the higher female

1 settlements in that the settings where females, Grange and The Nest, just trying to get a
2 sense of why some of the settings are so far disparate?

3 A. Have to just pinpoint that a little more, I didn't quite get the point.

4 Q. And again it's a disservice to everyone in that there is a wealth of knowledge, so I may
5 actually not pursue that point because it is too complex in this particular setting.

6 CHAIR: It is complex. Does it occur in the numbers that you have produced?

7 MS JANES: It previously did, it doesn't currently.

8 CHAIR: It doesn't currently, I think I understand why.

9 MS STEVENS: And I think this points to it because there is an issue around the way that that's
10 been done and the averages. So, for example, some of these we have a lot higher numbers
11 of people in boys' homes and it's just creating a --

12 CHAIR: I've trodden on some delicate ground here and I appreciate I've waded into something,
13 I do get that. Ms Janes, I'm going to leave it to you. I think the point is whether you
14 accept, Mr Houston, that there may be differences in levels, again averaging, different
15 levels of payments to survivors depending on which institutions they were in.

16 A. Yes, and taking that into account, I would suspect that, and I'm not 100% sure, but for
17 example, The Grange and the Florence Booth home in Wellington were both girls' homes.
18 From my recollections of what both ex-staff and survivors have said that, for example, at
19 those girls' homes, as much as some forms of abuse did occur, which is unacceptable, the
20 prevalence of various types of abuse may have been reduced because of the staffing and
21 who that may have been. If I can sort of say in a roundabout way.

22 Q. So in some cases what you're saying, I think, is that the abuse was more prevalent and
23 wasn't mitigated by other staff members being kinder or more vigilant, is that what you're
24 saying?

25 A. I suppose what I'm really saying is that at the girls' homes there was less likely to be a
26 significant male presence on those premises, whereas Temuka, of course, was entirely
27 different, yeah, so that's what I'm saying.

28 MS JANES: I suppose that's what we're grappling with, because where there was sexual abuse it's
29 interesting that where there isn't a male presence --

30 A. Mmm-hmm.

31 Q. -- can probably surmise that it's more psychological, physical?

32 A. Physical, yes.

33 Q. So that's why we're really trying to get a sense of why the sexual abuse prevalence in other
34 settings, the averages are lower, whereas in the less sexual abuse homes they are at the

1 highest level of average payments?

2 A. Okay --

3 Q. I'll let you reflect that on that over morning tea.

4 **CHAIR:** Shall we take a break, give you an opportunity, and if you wish to speak, of course, to
5 counsel and to discuss this further please do, I don't want to close it down, but equally if the
6 evidence is not ready then we won't go any further. Thank you. We'll take the morning
7 adjournment for 15 minutes.

8 **Adjournment from 11.34 am to the 11.53 am**

9 **CHAIR:** Yes Ms Janes.

10 **QUESTIONING BY MS JANES CONTINUED:** In the time we've got available I'm just going
11 to do some very short topics with you, Mr Houston.

12 A. Sure.

13 Q. We've spent quite a bit of time with Colonel Walker on the Limitation Act so I don't want
14 to spend a lot of time with you. Would you accept that we have seen that certainly the
15 letters to claimants or their representatives still alluded to the Limitation Act bar through to
16 letters in 2009, Mr A being one example in 2009?

17 A. Yeah, I think over time, and I'm sure that our counsel provided this material, but I think
18 you'll find over time that our letters and/or responses and letters to survivors have changed
19 considerably over time and, as we've talked about, because of, you know, insurance
20 considerations and various other things like that, we did include material around limitations
21 and what it meant. Over time we continued to mention the Limitation Act but said that
22 we're not taking that into account.

23 And look, I can't remember exactly when it is, but early in the 2010s and 11s
24 maybe, even maybe a bit later, I just don't know, that we removed any reference to
25 limitation or indeed many legal remedies that we may have had altogether. And as I said
26 yesterday, you know, legal implications just do not drive our responses today.

27 Q. We'll just quickly pull out a document SAL1036, and this is a letter from yourself to
28 Cooper Legal, 14 September 2009. It's in relation to six of their clients. We did see this
29 particular letter a couple of times in individual evidence, but this is the full letter, you'll see
30 that there are six claims that are being dealt with in this particular letter. Just a couple of
31 things that I'd like to highlight, because in terms of what your thinking was and how you
32 were responding to claimants in 2009.

33 So at page 1 paragraph 1, if we call that out, it just notes that you've given
34 thoughtful consideration to each claim, do not believe we have any legal liability to the

- 1 claimants because of at least limitation issues and in some cases Accident Compensation?
- 2 A. Sure.
- 3 Q. So that's just consistent with the evidence that you have given that even when you take that
4 non-legalistic approach, those legal defences still do factor in to some degree?
- 5 A. Clearly because we mentioned it here, but regardless of that, we continue to make offers.
- 6 Q. And you talk about taking into account the seriousness of the allegations and other
7 comparable claims. If we can just skip over then to page 1 paragraph 4 and you talk about
8 not being prepared to make offers of compensation to some in particular of those
9 claimants?
- 10 A. Mmm-hmm.
- 11 Q. Because it involved punishment. And then I've got a noting that amounts inclusive of legal
12 costs not anticipating this will be the start of a **[document shown on screen]** -- ah, thank
13 you. So this really is indicating quite an intransigent approach in that it is a take it or leave
14 it offer, all inclusive, won't be contributing to legal costs?
- 15 A. As I said in our previous session, that was a particularly blunt and brutal letter and one that
16 we would not even consider writing today. That period we've talked about the fact that
17 there were, you know, other considerations that were occurring around legal services etc.
18 And as I said, we just wouldn't do that today.
- 19 Q. And it highlights again, disparity of outcomes for some survivors in that?
- 20 A. Sure.
- 21 Q. Some had their legal costs paid, even some of the Grant Cameron ones a number got their
22 legal costs paid, others did not, Cooper Legal likewise.
- 23 A. And certainly today we actually have an arrangement with legal advisors that, you know,
24 we will pay 50% of -- make a contribution of 50% at the least, other circumstances we pay
25 more. So once again, we've progressed from what some could describe as harsh conditions
26 through to being that more survivor-focused and providing a redress package that is
27 actually meaningful and will make a difference.
- 28 Q. In the information you've provided, contribution to legal costs ranges from \$300 to just
29 actually over \$10,000. What is the criteria and circumstances that you make a decision to
30 contribute to the legal costs and the level, because I'm sure most of the survivors will want
31 to know particularly those who didn't get a contribution why they didn't?
- 32 A. So the question doesn't arise these days, so that if the survivor is legally represented the
33 bottom line is we will, you know, we will contribute 50% at the minimum. We may
34 discuss that further. But that just forms part of our redress response.

- 1 **Q.** And if you're looking at the total compensation or acknowledgment redress package, you'll
2 accept that looking backwards, that could make quite a significant difference to those who
3 settle earlier and didn't get legal contributions?
- 4 **A.** Yes, and you mentioned that we've paid, what, \$500 to \$10,000.
- 5 **Q.** \$300 to \$10,000?
- 6 **A.** Okay, sure, that's dependent on the degree of difficulty, I suspect, with that particular claim.
7 Albeit, you know, today as I've said, generally all claims through legally represented, all
8 survivor claims through legally represented sources are settled quickly and amicably.
- 9 **Q.** Because in the oral evidence and also the written evidence Mr Timpson had to pay \$4,000
10 from his settlement, Mr A had to pay \$3,750, so the actual amount that they received was
11 quite substantially in proportion diminished because of those -- you'd accept that?
- 12 **A.** Yes.
- 13 **Q.** Just very quickly looking at some of the process issues that have been raised by survivors in
14 terms of engaging with The Salvation Army?
- 15 **A.** Mmm-hmm.
- 16 **Q.** There are a number, and we have covered it slightly so it's really just putting it to you, that
17 a number felt that the allegations were minimised and, even in our discussion this morning,
18 the first Gainsford complainant, Janet Lowe. So a number of claimants when they have
19 come forward have just had the sense that the Salvation Army has minimised liability, and
20 we look at those letters saying no legal -- can you accept that for survivors, having come
21 forward, again, very courageous step, to have that type of response is painful, hurtful,
22 enhances the sense of grievance?
- 23 **A.** As I said yesterday, what I've learned to discover is that one of the biggest fears of any
24 survivor is that they won't be believed. I've learned that. And certainly our responses are
25 reflective of that today. And I will reinforce that at least twice, certainly at the face-to-face
26 meeting, that I believe the accounts that they have told me. And secondly, in our written
27 response I'll also re-emphasise that in that letter.
- 28 **Q.** Just moving on to the next little topic, can you confirm for us when McElroys and the
29 insurers were disengaged, if I can put it in those terms?
- 30 **A.** Yes, I've had a think about that and -- so we sort of went from a situation where almost --
31 not almost; every claim was passed to McElroys and the insurers. And so a lot of the
32 responses were predicated around what their thoughts were. And our policy had certain
33 clauses around retroactive periods. Like initially -- or not -- retrospective periods. So
34 before these claims became apparent we had an unlimited period where we could make a

1 claim of this nature. Of course when these claims started mounting, particularly around 03,
2 4 and 5, then gradually that insurance cover was withdrawn, but along the way there were
3 other nuances where there might have been a limit on each claim, or they may have
4 increased the deductibles for any given claim. So there was a period there where the terms
5 and conditions that we may receive each year were uncertain.

6 The other thing, of course, is that with these insurance policies that the claim is
7 registered, the year that it's registered, so that might be, for example, 2004, however the
8 settlement may have occurred later than that, and that figure would show up later as an
9 insurance payment because it was registered earlier.

10 So look, what I'm really saying, is that I'm not exactly sure when the insurance
11 cover was withdrawn completely, but it would have been prior to 2010 I think. Now from
12 there, so, you know, we had legal advisors that were acting for them and they sort of
13 gradually, you know, withdrew from providing advice to us.

14 **Q.** And we won't go to it because we did see this document yesterday and I don't know if you
15 were here, but in 2003 there is a document where there was mention of the insurer being the
16 person that would be compensating and -- the quick question is, do you accept that mention
17 of the involvement of an insurer and compensation being at the behest of insurer has a
18 pretty chilling and barrier-like effect?

19 **A.** Yes, so I don't need to see a letter, I'm familiar with what that wording was and it would be
20 somewhat disconcerting.

21 **Q.** And again, don't want to spend a lot of time on it, but just want to check that another barrier
22 that we have seen in the documents that was imposed or felt to be imposed by The
23 Salvation Army is requirement for psychiatric and medical records to justify, again it was
24 in that legalistic framework?

25 **A.** Yeah, and actually that -- now that you've brought that up, that was another catalyst to our
26 insurance cover ceasing, because once again, I'm not a technical expert, but in terms of
27 making a claim of this nature back then, there were two basic criteria that the insurers
28 required. The first was limitation, the second was that the survivor had to present with
29 some form of physical, psychological or mental illness for that to be a valid claim.

30 So there was from time to time -- we did ask for those reports, but, look, once we'd
31 already said that we were not going to take into account the limitation, there was also little
32 point in gaining reports that I'd have to say at the end of the day really made no impact on
33 our response anyway. So I can't recall the last time we asked for that, you might be able to
34 bring that up in documentation, but maybe 2009, 2010.

- 1 **Q.** I think that would be right.
- 2 **A.** So look it's just not a feature of what we needed to --
- 3 **Q.** So that is not a requirement any further?
- 4 **A.** No, no.
- 5 **Q.** Again, won't really touch too far on it, but one of the issues for many survivors is
6 attendance at interviews and attendance at interview where there is a Salvation Army
7 officer in a uniform?
- 8 **A.** Yes.
- 9 **Q.** And I'm just trying to find the outside date, 2017. Just for the record it's SAL2080, that
10 seems to be when you were communicating officers would not attend in uniform?
- 11 **A.** What year was that?
- 12 **Q.** That was -- so SAL2080 is --
- 13 **A.** 2080, I thought you said 2018.
- 14 **Q.** No, this is in 2017. So it's a request from Cooper Legal for two clients to not attend an
15 interview with you face-to-face?
- 16 **A.** Sorry, is that in regard to uniform?
- 17 **Q.** In the same one you say that they wouldn't be attending in uniform, so it seems -- let's take
18 it in two parts.
- 19 **A.** Sorry, what year was this?
- 20 **Q.** 2017. So by then you had abandoned the uniform?
- 21 **A.** Long before.
- 22 **Q.** Long before?
- 23 **A.** Yeah, yeah, I was thinking there's actually some correspondence from Cooper Legal
24 probably as far back as the early, maybe 2010/11 where they had voiced that it was
25 inappropriate for officers to wear uniforms and we adopted that from then I'm sure.
- 26 **Q.** Although there is a document, witness 250012, which is 1 February 2011, it's a letter where
27 they've queried your role, you've outlined the process, and say that at page 2 paragraph 2 "a
28 senior uniformed Salvation Army officer would accompany me on my visit"?
- 29 **A.** Can we just go back to the first paragraph.
- 30 **Q.** Yes, of course.
- 31 **A.** That was 2011.
- 32 **Q.** Yes, 2011.
- 33 **A.** Okay, as I said, I'm not exactly sure of the date, but it was around about then that it became
34 clear that it was entirely inappropriate for whoever was accompanying me to be wearing a

1 uniform. So look I'm sorry, I'm not pinpoint on the dates, but certainly from there on it
2 would not have occurred unless a survivor had requested that. And that has happened from
3 time to time.

4 **Q.** And you would certainly accept that you were aware of the intimidating and threatening
5 perception of survivors in being confronted by a uniform at a much earlier stage, so it took
6 a number of years for that to be recognised and withdrawn?

7 **A.** Well, in retrospect it's very similar to the Royal Commission's ruling on religious garb for
8 this hearing. That, of course, something like a uniform or other religious attire can be a
9 trigger, so yes.

10 **Q.** And that issue of having to attend a face-to-face interview seems to be a consistent theme,
11 again we don't really have time to go, but quite a range of communication where the request
12 has been made not to have a face-to-face interview and the response is no, that is a
13 cornerstone of our process, you must attend?

14 **A.** Sure. Remembering that, you know, some of these instances I've just heard of around this
15 particular hearing. However, that was -- that particular e-mail to Cooper Legal, it was in
16 response to one particular issue around a survivor not wishing to meet face-to-face. As far
17 as I'm aware it's only happened twice and those survivors, including the one that we refer to
18 there, have subsequently met with us.

19 I can see under certain circumstances that might be a daunting process and -- but
20 as I explained yesterday, it was seen as a cornerstone because we did want to show that we
21 were empathetic, that we wanted to listen, that we wanted to impart verbal apologies at the
22 time. Although I must say just in recent times that I have actually accepted two survivor
23 claims without them having to go -- well, I'll define that. One late last year of a survivor
24 from The Grange had actually been through the Historic Claims Unit and they had on
25 record, similar to what we have, a verbal recording of her evidence. Just before coming to
26 this Commission last week I got another call from the Historic Claims Unit with a similar
27 circumstance.

28 In relation to the first survivor, I've said look, if the material is already recorded
29 that I can identify and have sufficient information to make a decision, we will not insist on
30 the survivor having to go through that process again. And as I said, just last week I have
31 reiterated that to another member of the Historic Claims Unit saying that if you have this
32 material recorded that it's sufficient for me to make a decision, then I'm more than happy to
33 accept that.

34 The only additional thing I've mentioned is that in keeping with that empathetic

1 approach, I've said, and it's completely up to the survivor and in this case the first survivor
2 I'm talking about, did wish to meet with us, I said look The Salvation Army would still like
3 to meet with the survivor, but for the purpose of presenting our redress proposal, letter of
4 apology, and to deliver a verbal apology. No pressure, they don't have to. And the first
5 survivor I did meet with, it was a very constructive meeting, I've yet to hear back in regard
6 to the very current situation.

7 **Q.** So I'm hearing you say that from this point forward the process can be much more flexible,
8 survivor-focused and respecting their --

9 **A.** Yes, the whole purpose of that face-to-face meeting was, as I've explained, it's two-fold, to
10 be empathetic. We wanted to listen first-hand to the survivor's experience. We also wanted
11 to convey our regrets and apologies. But on the other hand it enabled us to gain the
12 information we required first-hand to be able to make a response.

13 **Q.** Because if I can put a hypothetical to you, that overnight someone has reached out to the
14 Commission, they are considering making a claim but don't feel safe doing so if they must
15 attend a face-to-face interview?

16 **A.** Mmm-hmm.

17 **Q.** So for that person and any others who may find themselves in the same position, what are
18 you able to say about how you would adapt your process to meet their needs and ensure
19 they are not retraumatized?

20 **A.** Sure. Interestingly, and in talking about approaches to the Royal Commission from
21 survivors, to my knowledge there's maybe been two or three because I've already been
22 approached by another survivor that was in first contact with the Commission. I've since
23 engaged with that survivor and we have made a settlement. So thank you for that referral.

24 But if there are other circumstances that people are not comfortable, I do believe
25 that we still need a mechanism to be able to hear of the experiences of the survivor. As
26 long as we can do that then we can be flexible and that will be important.

27 **Q.** Again just quickly changing topics into the one of records, you outlined the process that
28 you go from appeared on the whole to be a relatively efficient process in terms of retrieval?

29 **A.** Mmm-hmm.

30 **Q.** Would it surprise you then firstly that there was the evidence from Janet Lowe who
31 requested her file first in 19 -- obviously you weren't there, the process wasn't in place --
32 requested the file in 1983 but it was denied to her and then she had to request them again in
33 2001, a couple of complaints to the Privacy Commissioner?

34 **A.** Yes, although there are a couple of stems to that. So Ms Lowe was looking to gain her

1 personal records and secondly, and I can recall vaguely some correspondence where Ms
2 Lowe had brought up the issue of the payments that her father was making on behalf of her
3 and her brother that was in the home. Two and a half shillings a week from memory, but
4 anyway, that's beside the point. But Ms Lowe had also requested more general information
5 about, you know, where those funds went, how they were applied etc, etc. And I do recall
6 some correspondence around that in attempting to ascertain some material around that. So
7 there were two strains of material that she was looking for.

8 **Q.** And there are a couple of cases where it took longer than a year to provide records. Would
9 that be because they were hard to locate or what would explain that long period?

10 **A.** If that was in my time --

11 **Q.** Yes, that was.

12 **A.** It was, okay, the only thing I can think of off the top of my head is there were two or three
13 occasions where survivors made a claim against the Salvation Army but then, and I'd
14 looked for files and couldn't find them, but then it actually transpired that they are known
15 today by a different name than they were in the home, so once we ascertained the name of
16 the person who was in the home, then we were able to provide the files. I can't off the top
17 of my head think of any other reason why it would take that long to provide survivor
18 records because usually it's done within a few days.

19 **Q.** And we had a range of evidence both oral and written, I'll just quickly -- it came from Janet
20 Lowe, Darren Timpson, Roy Takiaho, Mr L, and Mr N all raising the concern that from
21 their perspective it felt like the Salvation Army process was really get them in, pay them,
22 get them out, with the main point being that there was no follow-up or support. Are you
23 able to -- firstly, what would you say to them about that lack of follow-up and what
24 claimants going forward could expect to be different?

25 **A.** I think we touched on this yesterday, but certainly Mr A at the time, Roy Takiaho, I can't
26 recall the other two, maybe I can, I'm just thinking, but anyway, Mr A and Mr Takiaho
27 were in prison and I can actually very vividly recall Mr Takiaho's evidence and around the
28 sourcing of suitable and appropriate counselling within the prison system. And also that if
29 we are once removed from the survivor, ie through legal representatives, it's just not
30 possible to actually provide any follow-up, although in saying that, and, you know, if the
31 legal representative was willing, and in actual fact I've had no requests from any legal
32 advisor to follow-up on behalf of their client, so if there were requests from the legal
33 representative that their client maybe did want follow-up of some sort, or some additional
34 redress, then we would be willing to do that.

1 I think the other thing, though, is that over time I found that there are other
2 survivors who, once they have engaged with The Salvation Army and followed through
3 with this process, they don't really want anything more to do with us. And that's their
4 decision.

5 **Q.** Would there be a simple expedient of asking them so that there is an invitation and an
6 option and a personal choice?

7 **A.** For sure.

8 **Q.** And then in our last remaining little topic we're going to go to apologies, which actually is
9 a huge topic on its own which we've heard a lot about.

10 **A.** Mmm-hmm.

11 **Q.** But there are just some very quick thoughts that it would be useful to gain from you.

12 **A.** [Nods].

13 **Q.** So looking at the information that we have, there are a number of apology letters where the
14 apology letter is a significant time after the settlement by more than three months. So, for
15 example, there were 11 where the apology came more than two years after settlement and
16 two between one and two years. Can you outline why apologies and settlements were so
17 disparate in time?

18 **A.** Today, as I've explained, apologies are actually made verbally at the face-to-face meeting.
19 That is -- in our response there's a short form unreserved apology and maybe if the survivor
20 requests it there is a stand-alone apology. Further back and looking at some apologies that
21 were delivered through legal representatives, there was some delay there where there was
22 sort of a mid-step, I can't really recall why, that between settlement and then providing the
23 apology.

24 There was also a period around the Grant Cameron cases where, look, we just fell
25 down there, that what we said we would do and follow through with, being a transcript or
26 copy of the interview along with the letter of apology, was not delivered when we said it
27 would. However, once that was drawn to our attention by a member of parliament we very
28 quickly worked to providing those letters of apology and the other material that they had
29 requested.

30 **Q.** What is the systems breakdown that leads to -- take a step back. Would you accept that
31 healing, the apology and any other redress, needs to be proximate in time, it can't really,
32 you know, it's detrimental to drag on for a couple of years because you have to stay
33 engaged in that mindset and can't move on?

34 **A.** Yes, I certainly acknowledge that, yes.

- 1 **Q.** And so what would be the breakdown in the systems that led to such big gaps between
2 settlements and apologies, given for a lot of survivors the apology actually is the critical
3 component?
- 4 **A.** Certainly, and look, I'll reiterate that just wouldn't happen today. Looking back to that
5 time, once again it's my recollection that we just failed to deliver in those 10 or 11 cases.
- 6 **Q.** And the converse also happened in that there are a number of apology letters that came a
7 significant time before the settlement, being more than six months, so we had three where
8 there was an apology two years before settlement, one over five years, two over three years.
9 Can you describe again why the system delivered apologies so far in advance of settlement?
- 10 **A.** The only -- once again, so this was when?
- 11 **Q.** This was in your period of tenure.
- 12 **A.** But earlier on?
- 13 **Q.** I don't have the dates, I can look at them quickly if that helps?
- 14 **A.** I'm just thinking, once again off the top of my head, how that may have occurred is that you
15 may recall me describing yesterday that contacts were coming from a number of sources by
16 phone, by e-mail, and it may have been that we actually engaged with survivors. We talked
17 and issued apologies and actually there is one case that comes to mind that at the time the
18 survivor said "Look thank you, you know, you listening to me, issuing an apology is
19 sufficient for me." But then they've gone away and thought about it a little more and have
20 come back to the Salvation Army a little later and said "Actually, we do believe that
21 appropriate redress would be appropriate." That's a scenario I can recall occurring in a
22 couple of cases. So we've engaged with them initially, you know, we've come to an
23 agreement, we've issued an apology but then they've had a change of heart at which stage
24 we have engaged with them again.
- 25 **Q.** And just for your information, in the record these occurred in the period 2004 to 2014, so
26 there were a number over the years?
- 27 **A.** I would think that would be the reason why.
- 28 **Q.** And in 2006 there was a public statement, just for the record rather than to bring up, is
29 NZP7273, a public statement on 21 December 2006 by Salvation Army Officer Ross
30 Gower. It's in relation to the Gainsford conviction, but the salient point is it says that
31 whenever sexual abuse victims are paid compensation they always receive a written
32 apology as well. When a settlement is made, is it the policy or practice that an apology is
33 always accompanying that settlement, or -- because there are circumstances where there
34 were settlements but no apology letters and quite a number of them. If I can just give you

1 some context perhaps before you answer?

2 A. [Nods].

3 Q. When we look at those 41 out of those 238 claims, so 17%, where there is a common
4 perpetrator, some received apologies, some didn't. For example, out of the Gainsford
5 victims 18 out of the 23 got apologies, Blanche Christopher five out of six got apologies,
6 McCready four out of nine got apologies and there are other examples. So why would
7 known perpetrators where there was a body of knowledge, why would some get apologies
8 and others not?

9 A. So there's two forms of apology, three actually. So there's a verbal apology at a
10 face-to-face meeting, there is an unreserved apology within the body of our response, our
11 full response letter. So there's a paragraph that unreservedly apologises. And then there's a
12 third level where a specific and separate written apology and specific apology is written.

13 Why in some cases there are no apologies, I can't answer that. The only thing
14 I might add is that within the body of that response letter there may -- there will be an
15 apology, there may not be a separate apology. Without looking at files I couldn't comment
16 any further. But today, as I said, in every single case at a face-to-face meeting we reiterate
17 the fact that we believe the survivor, we apologise for the abuse, and that's also in a
18 separate letter if the survivor requests that.

19 Q. And we heard a range of evidence from both oral and written witnesses that for them the
20 apology letter they received just did not have meaning?

21 A. Mmm-hmm.

22 Q. It was not worth the paper it was written on, it brought no closure. We did have conversely
23 Gloria White's example where the process was flexible, she was able to ask for one that met
24 her needs. So really the easy question is, at the point that you reach settlement, or are going
25 to reach settlement, apology forms part of that redress?

26 A. Yes.

27 Q. Best to ask them how an apology would meet their needs?

28 A. Indeed.

29 Q. You'd agree?

30 A. Yes.

31 Q. I'm actually going to stop there so that the Commissioners have some time to ask questions
32 before the lunch adjournment.

33 **CHAIR:** Thank you Ms Janes.

34 **COMMISSIONER ERUETI:** Tēnā koe Mr Houston. I had a question about the very formative

1 first stages about whether you consider doing a global settlement it's sometimes called, like
2 the Lake Alice settlement perhaps setting up a panel, you know what I'm talking about?

3 A. I do. And in actual fact in the evidence bundle there is a letter from John Miller it is, isn't
4 it? Yes, John Miller, who is proposing exactly that. I suppose from the evidence over the
5 last couple of days that we didn't adopt that global form of responding to claims. However,
6 I think also I'd have to state that, and I think Colonel Walker actually mentioned it as well,
7 that under no circumstances has any settlement proposal been rejected by The Army.

8 Q. But in brief, why did you opt for that singular individual survivor approach as opposed to
9 global?

10 A. I suppose, you know, in the wider context of redress, and look I'm no expert, but I did sort
11 of mention something of it yesterday when it came up about the independence, that of --
12 and maybe an independent body, which is I think something that should be considered, but
13 also there should be an option for survivors to actually engage directly with the institution
14 that, you know, was responsible for that abuse, to enable more personalised forms of
15 redress.

16 Q. Thank you. Sticking with those first formative stages, trying to get a sense of who you're
17 engaging with and thinking about the process and designing the process. So we've heard
18 about the role of lawyers and insurers, but were you able to engage also with Māori given
19 the large numbers in the homes, other survivors?

20 A. Regretfully at that point we did not.

21 Q. But at a later stage, as you develop it organically, are you able to talk about survivors and
22 Māori to get the input into the content of the process and the procedure?

23 A. As I've said, other than the redress process, some survivors have not wished to engage with
24 Salvation Army again. However, it is certainly something that we could consider for those
25 survivors that would be happy to engage with the Commission. And I mentioned maybe
26 yesterday the fact that we organised a meeting with a survivor whom we'd already been
27 through the redress process, he wanted a verbal apology, he was a Māori, at that point we
28 could have engaged with him about the process, yes.

29 Q. And I'm trying to understand what of the, you know, like the fundamental values
30 underpinning the redress scheme. Because I see all this activity within the governance
31 structure about the Treaty dating back to 2005 and different iterations in the strategic plan,
32 but that seems to be separate and apart from your process. So I'm just wondering in terms
33 of the underlying principles, is there a role for the Treaty or Christian values or what
34 underpins it?

- 1 A. You mean then?
- 2 Q. Then and throughout, and today.
- 3 A. I mean certainly the process, albeit as I've explained I'm a lay person, but it is on the
4 underlying Christian principles of the Salvation Army that we wished, in the ways that we
5 have engaged with survivors, and attempted to change that over time to better suit their
6 needs.
- 7 Q. And I don't think there's been an external review of your processes at any point has there?
- 8 A. No.
- 9 Q. I wonder too about the unrepresented claimants. You said 50% of them are represented I
10 think that's largely Cooper Legal.
- 11 A. Mmm-hmm.
- 12 Q. Do you have a sense of how many of them are Māori?
- 13 A. You mean overall?
- 14 Q. Yeah.
- 15 A. Look, 35, 40%.
- 16 Q. Okay, yeah, thank you. And on data on the ethnicity, it hasn't been gathered, but you are
17 planning on doing that going forward?
- 18 A. [Nods].
- 19 Q. The other puzzle for me is the relationship between your redress scheme and the complaint
20 process that comes under -- I think Colonel Walker administers that, we talked about that
21 was it yesterday, early yesterday.
- 22 A. Yes.
- 23 Q. I'm wondering with your process it's largely orientated towards the children's homes which
24 closed, the last one in 1999?
- 25 A. Yes.
- 26 Q. But have you had any claims come to you from survivors outside of that context, so, you
27 know, as part of the corps, as part of the interactions that you have through your social
28 services arm?
- 29 A. Yes, I have and it would be fair to say that in more recent times in terms of our addressing
30 claims overall outside the children's home scenario, that I have been involved in some, yes.
- 31 Q. Yeah, I'm just struggling with where does one go in that context, to the complaint process
32 that Colonel Walker spoke of, or to your process and who --
- 33 A. Yes, I think, you know, looking at the Officer Review Board, which I think was discussed,
34 but also just with survivors from corps activities. In my experience so far I can't see a huge

1 difference in what survivors might be looking for in terms of a redress process and the
2 outcomes, you know, it's fundamentally the same.

3 **Q.** But we find that in terms of process and content they differ.

4 **A.** Yeah, it's hard to comprehend, but that complaints process that Colonel Walker was
5 describing was more to do with the officership and claims or complaints against officers,
6 which traditionally had followed a different path.

7 **Q.** My last question is about the matrix that counsel spoke of before from 2005 developed by
8 The Army in Australia.

9 **A.** Oh, yes.

10 **Q.** And quite a few components to that.

11 **A.** Mmm-hmm.

12 **Q.** I just wondered with your description of your process about whether you took into account
13 the length of time that someone was in isolation in the homes?

14 **A.** You mean isolation from family?

15 **Q.** I mean in secure within the homes.

16 **A.** You mean like in a cage?

17 **Q.** Where children are locked away in secure or in isolation.

18 **A.** Well, yes and no. So unlike maybe State institutions there's no -- sorry, just as an aside, for
19 those buildings that exist I had visited them and looked at them, for example Hodderville in
20 Temuka, I've actually been through the homes, there was no secure room as such. There
21 have been statements where survivors have said that they have been locked in a, like in a
22 bedroom or locked in some other facility where there's a door, but there's no -- am I getting
23 this right, there's no sort of secure facility as such contained in a home.

24 **COMMISSIONER ALOFIVAE:** A seclusion room I think is --

25 **A.** Yeah, there was no seclusion room.

26 **COMMISSIONER ERUETI:** Let's say just being placed in a room and locked in there.

27 **A.** Right. There have been a couple of occasions where survivors have said "Look we were
28 put in a room of some sort", yes.

29 **Q.** It doesn't seem that is part of your matrix, if you like, that up employ in arriving at a figure?

30 **A.** It has been taken -- where somebody has been forcibly removed and put into whatever
31 confinement, if you like, we have taken that into account in our process. Sorry, I was just
32 struggling when you said in isolation.

33 **Q.** Sure, okay, thank you. Another component they have is cultural separation.

34 **A.** Yes.

- 1 **Q.** Do you want me to unpack that?
- 2 **A.** [Nods].
- 3 **Q.** You do?
- 4 **A.** Well, if what you're talking about I have experienced on a couple of occasions and certainly
5 with a survivor that I visited in Melbourne, you know, his concern, he said he was not
6 abused physically or sexually, it was around the isolation from his culture and the fact that
7 when from time to time boys, or in this case boys, were allowed to spend weekends and
8 time with members of the public and their family situations, that always he found that he
9 was placed with a Pākehā couple, for example.
- 10 **Q.** Yeah.
- 11 **A.** So yes, I'm aware of that.
- 12 **Q.** And so when you have someone, say Māori or Pasifika, that's always a component that you
13 apply?
- 14 **A.** If it is relevant then absolutely.
- 15 **Q.** Thank you very much Mr Houston, appreciate it, thank you.
- 16 **COMMISSIONER ALOFIVAE:** Mr Houston, thank you for your evidence and your honesty in
17 your answers. I've just got a couple of questions, just a point of re-clarification over the
18 ethnic data.
- 19 **A.** Yes.
- 20 **Q.** Was that just in the residences space or does that also cross-over into your corps activities
21 where the data is not collected ethnic specific?
- 22 **A.** Look I can't give you the detail, but I know for a fact that whatever process we have for
23 recording corps activities today, then definitely ethnicity is recorded and I think
24 I mentioned yesterday that Māori and Pasifika make up 12.5% or thereabouts. So in
25 relation to us not accurately recording that is solely related to those statistics I have on
26 children's homes.
- 27 **Q.** Okay, thank you. And then just I'm interested in a forward perspective really, because
28 you've really been afforded an autonomy which is quite unusual and it's been a singular role
29 and one that you've carried out, in light of your evidence and all of the documentation that's
30 been submitted, you've been able to really powerfully describe things that you've seen,
31 things that you've heard, so you've really accumulated a wealth of knowledge over the last
32 20-plus years, which actually probably makes you an expert in your organisation.
- 33 **A.** Some would have a differing opinion.
- 34 **Q.** Actually, taking that and in light of the comments that you've shared this morning but also

1 that Colonel Walker expressed yesterday, that redress is a process that really crosses all of
2 your business lines, not just the children's residences which are now closed?

3 A. Yes, for sure.

4 **Q.** What's your perspective of what a survivor-centric redress should actually look like then for
5 The Army? We've heard snippets all the way through, there should be an apology, there
6 should be a wrap-around service, but given what you know and not waiting until the
7 recommendations that come through from the Royal Commission, what are some of the
8 things that you could actually shape up now based on your knowledge, taking The Army
9 forward?

10 A. Well, I think the one thing that has been sadly lacking is that cultural element and the
11 realisation and acceptance that different ethnic groups would like to be treated in different
12 ways. Also as much as I think for a redress process there needs to be one, you know, to --
13 for a number of reasons that I've already described around parity and gaining, you know,
14 the right information to be able to make accurate and decisions that make a difference. But
15 I think overall if that's made clear to the survivor and also that they can come completely
16 unhindered in terms of what they have to say to us then, you know, that would be a very
17 powerful tool to be incorporated in a process.

18 **Q.** So your learnings then could actually be quite influential to the rest of The Army's corps
19 activity?

20 A. I believe it probably would be, and maybe this Commission, there may be people from the
21 Salvation Army who are viewing this right now to say that if we'd only known that, we
22 could say that to others within the overall organisation of the Salvation Army.

23 **Q.** Thank you Mr Houston.

24 A. Thank you.

25 **COMMISSIONER STEENSON:** Tēnā koe Mr Houston.

26 A. Afternoon.

27 **Q.** Thank you for your thoughts and discussion in the last couple of days. I just have a couple
28 of points of clarification. So I'm still not clear on, and as Sandra has alluded to, you have
29 over time become an expert in your own right in this area; but I'm just trying to understand
30 over time in developing the process who exactly was engaged with it, because it sounds like
31 there wasn't Māori, Pacific, disabled groups involved, there was insurance and lawyers, but
32 internally and externally, I'm just trying to understand who else was involved in developing
33 that process, other than survivors and really cutting your teeth on how that went?

34 A. Sure. I think I said that right from the start there was, you know, our Territorial

1 Commander Shaw Clifton at the time, who was an extremely directive man, there was the
2 Personal Secretary or Personnel Secretary and also the Secretary For Programme, all of
3 whom were the, in lay terms, they were the bosses of, you know, various sectors of
4 Salvation Army activities. They were and myself were involved in forming this process
5 early on, right back in 2001, 2002 to 2003. And although we have adapted and changed,
6 that initial process is still enduring today albeit we have changed it, we attempt to be
7 flexible, and certainly after the last two days and also reading the principles of what a good
8 redress process should look like in your interim report, that that will enable us, I think, to
9 make those changes necessary to make it an even more, I suppose, acceptable and
10 accommodating process for survivors from any phase of Salvation Army activities either
11 historic or present.

12 **Q.** Thank you. And so not outlining or putting in writing the process, because I think you've
13 outlined it in your statement.

14 **A.** Mmm-hmm.

15 **Q.** It appears to have been applied somewhat consistently, but the thinking behind why it
16 wasn't documented is still not quite clear, I think you talk about being flexible, but there's
17 still been some flexibility applied. So...

18 **A.** To be honest I can't really answer why we haven't documented it. I suppose I've been too
19 busy working in it.

20 **Q.** Thank you. Just one last question, or clarification really. So you talked about offering
21 survivor services that the Salvation Army already provides.

22 **A.** Sure.

23 **Q.** Which obviously would be quite useful to a lot of them, and that you offer that to them.
24 How is that determined and how does that kind of occur? Is it in the meetings you kind of
25 decide that they might be -- or do they say to you something; how does that work?

26 **A.** Looking at The Salvation Army overall there's one thing that hasn't been mentioned, and
27 there are many survivors that are -- and look admittedly I have not done any research into
28 this, it's anecdotal evidence from survivors, but there are a number of survivors that have
29 mentioned that they are using the wider social services of the Salvation Army. For
30 example, food, also budgeting, community ministries, the family stores, they're actually
31 using those as an individual. In terms of those non-monetary settlements related to the
32 redress process, I suppose it would be fair to say that comes around by talking about a
33 survivor through what their needs are, you know, establishing that this would be really
34 helpful for me in a current situation. So you know, I would agree to that. So it does occur

- 1 in those meetings, yes.
- 2 **Q.** So you wait for them to ask or you offer?
- 3 **A.** Not all the time.
- 4 **Q.** I'm just trying to understand because, as we heard yesterday, some cultures are very
5 whakamā so very shy to ask?
- 6 **A.** Indeed. I do refer to the fact that we can do things outside of, you know, what is strictly
7 monetary counselling, and apologies, you know, there are other things we can do. And as
8 I said, it's also come about as our own services have developed as well, and I referred once
9 again to the prison reintegration service, which is very useful to many people.
- 10 **Q.** Nga mihi nui ki a koe.
- 11 **A.** Thank you.
- 12 **CHAIR:** Mr Houston, I have the last opportunity to speak and I just want to encapsulate
13 something I think the Commissioners have all felt throughout this process of listening and
14 hearing you and indeed Colonel Walker. I think it's quite plain that in the early 2000s you
15 were taken terribly by surprise.
- 16 **A.** Mmm-hmm.
- 17 **Q.** And I think you've said that it was almost unimaginable that such allegations could have
18 been true but you quickly came to realise that they were.
- 19 **A.** It was unfathomable.
- 20 **Q.** Unfathomable were exactly the words you used. And then the reaction of the Salvation
21 Army was, having got through the lawyer's part and all the rest of it, to develop a process.
22 I accept that throughout the development of that process you've made it better, that you
23 have strived in a very real way and a very sympathetic way to make it more empathetic,
24 more flexible, more survivor-focused, to the point that you're still saying yes, you've
25 learned things and we will continue to develop.
- 26 **A.** Mmm-hmm.
- 27 **Q.** That is all accepted and understood. The problem that I have is, and Commissioner
28 Steenson used the words you were cutting your teeth in a way through this process.
- 29 **A.** Mmm-hmm.
- 30 **Q.** Developing it as you were running it, and also you said that you were -- in a way you were
31 too busy working on it, on the individual cases to stand back and be able to oversee. Do
32 you accept all of that?
- 33 **A.** Yes, mmm-hmm.
- 34 **Q.** That's the strong narrative that's come through. From the survivor perspective, can you see

1 and accept that with all the best intentions that you and others had in doing this, that you
2 left survivors in your wake, that people were not deliberately but inadvertently and
3 unfortunately harmed by the very process that you were trying to develop. Would you
4 accept that?

5 A. As our Commissioner said earlier on, we won't duck and weave, neither will I, so I have
6 been responsible for this process for the last 20 years, so those criticisms I certainly take on
7 board directly.

8 Q. Thank you for that, I appreciate your candour in doing so. Are there any other questions
9 arising? Ms Stevens, no; Ms Janes?

10 **MS JANES:** No thank you.

11 **CHAIR:** We're right on 1 o'clock, we've finished with you but I want to say something before we
12 finish. This is Ms Janes last hoorah. Ms Janes has been with the Royal Commission from
13 very early days and has been the most extraordinary contributor from a legal perspective,
14 not just a legal perspective, to our work. She was highly active during our very first
15 contextual hearing, which was, talk about cutting teeth, was a learning experience for all of
16 us, she guided us through that, and then she stayed on to contribute and indeed lead the
17 redress hearings and investigation. And she did so underresourced and in very difficult
18 circumstances and we want to acknowledge that, Ms Janes, and to thank you and to say that
19 you are -- I think we'd give you the most valuable person award, not player, because this is
20 not a game, but you are a most valuable person and we deeply appreciate the effort you've
21 had. I think, I don't like to speak for survivors, but I know from our experience that we've
22 seen you interacting with survivors and how deeply grateful they have been for your
23 empathetic, sympathetic and intelligent response to them. So we wish you all the best and
24 we are sorry to lose you but very grateful for what you've done for us.

25 **MS JANES:** I feel very humbled and deeply from the bottom of my heart, thank you and the
26 Commissioners for the support and a pleasure and a privilege to have been engaged with
27 you and also the work of the Inquiry.

28 **CHAIR:** Thank you, Ms Janes, go well. We'll take the lunch adjournment.

29 **Luncheon adjournment from 1.03 pm to 2.07 pm**

30 **CHAIR:** Afternoon Ms Anderson.

31 **OPENING STATEMENT BY MS ANDERSON**

32 **MS ANDERSON:** Thank you. Tēnā koutou katoa, ngā rangatira mā e huihui nei ki te kaupapa.
33 Ngā mihi mahana ki te mana whenua o Tāmaki Makaurau, ko Ngāti Whātua. Ko Katherine
34 Anderson ahau. Greetings to the Commissioners. I acknowledge the mana whenua of this

1 place, Ngāti Whātua and greetings to everyone is in attendance today and watching via the
2 live stream. My name is Katherine Anderson. As many in this room know, I'm counsel
3 assisting leading the Anglican investigation. I have members of my team with me, Kirsten
4 Hagan, Lorraine MacDonald and members of the in-house team that have been supporting
5 this work.

6 Before I move formally into the part of the opening I'm going to pause and make
7 certain acknowledgments. First, as I've indicated in my opening, Ngāti Whātua, mana
8 whenua of this place and who are guiding us through their waiata and words of wisdom at
9 the beginning and close of each day.

10 Importantly, I acknowledge the victims and survivors who have come forward and
11 who have given us witness statements and those who have appeared and given oral
12 evidence at the hearings last year. I mention those witnesses Jacinda Thompson, Neil
13 Harding, Jim Goodwin, Ms M, Robert Oakly, Ms C, Louise Deans, Margaret Wilkinson
14 and Mrs D. I also acknowledge all those other victims and survivors who have been abused
15 in the care of the Anglican Church and their whānau and their friends who support them
16 through the work of the Inquiry.

17 I wish to warmly encourage those who have not yet come forward to the Inquiry to
18 do so to the extent they feel that it's appropriate and timely for them to share their
19 experience so as to assist with this important work of the Inquiry. I also acknowledge those
20 others attending, including members of victim and survivor groups and of course, as I've
21 mentioned, the much wider community that's watching this on live stream.

22 In relation to this fourth public hearing of the Commission in the second phase of
23 the faith-based redress hearing process, what you're going to be hearing from, and as you
24 know, are the Anglican witnesses who are attending. They're going to be talking about the
25 Church's responses to disclosures of abuse in their care.

26 I want to make the point, as Ms Janes did in her discussion and opening, is that what
27 occurs in this hearing is not the sum total of the Inquiry's work. So for those who are
28 watching, there's other investigations, other researchers, other policy work going on and the
29 investigation continues. So to the extent somebody watching this part of the hearing thinks
30 something has not been intended to by the Inquiry team, I can assure them that that work is
31 continuing and the mahi is significant.

32 In relation to the Church witnesses that you're going to be hearing from today,
33 they're part of a large Church in New Zealand. It has at least 300 parishes and over 30
34 schools associated with the Church. There are seven Tikanga Pākehā diocese and five

1 Tikanga Māori diocese. Tikanga Pasifika, a part of the Church, has four episcopal regions
2 but those are outside the physical boundaries of New Zealand. That is two in Fiji, one in
3 Tonga and one in Samoa.

4 Given the hearing constraints, the time constraints, we are not hearing from all of
5 the witnesses who have given evidence on behalf of the Anglican Church. So who are you
6 hearing from today? First up will be Bishop Ross Bay. I understand, from my colleague,
7 that his preferred way to address him is Bishop Ross. Then you'll be hearing from Bishop
8 Peter Carrell, again who prefers to be called Bishop Peter, the Most Reverend Philip
9 Richardson, who's Archbishop of Tikanga Pākehā part of the Church, his preferred mode of
10 address is Archbishop Philip, and the Most Reverend Donald Tamihere, whose preferred
11 form of address is Archbishop Don.

12 There's a joint evidence statement of the three primates of the Church, and this is a
13 unique feature of the structure of the Anglican Church. Because under constitutional
14 arrangements in 1992 the Church was split into three cultural streams. These constitutional
15 arrangements are unlike any other Anglican Church, often known as the Church of England
16 in other jurisdictions. So it's unlike any other governance arrangements for Anglican
17 Church in the world, and in fact unlike any other faith-based institution in New Zealand.

18 How these constitutional arrangements affect responses to victims and survivors
19 will be of great interest to the Commissioners as you hear this evidence, for many reasons,
20 but including the extent to which the principles of tikanga Māori, Te Tiriti, the Treaty of
21 Waitangi were and are incorporated into relevant redress processes.

22 Unlike the Catholic Church where control levers stretch back to Rome and The
23 Salvation Army, that you just heard about, which has links to a head office in London but
24 has a reasonable degree of self-determination here; the Anglican Church really has
25 autonomy and self-determination here, subject to the terms of its constitution, which, with
26 small limitations, it can change.

27 In this regard, responsibility and accountability for both the design and the
28 implementation of safeguarding the redress policies and processes sits with the individuals
29 and the institution they represent here in New Zealand. You will hear what's commonly
30 referred to as Title D. This will be mentioned in evidence in questioning in this part of the
31 hearing. This is a reference to the canon law provisions applying to both Tikanga Māori
32 and Tikanga Pākehā parts of the Church. These set standards of behaviour and processes
33 for responding to complaints of abuse and other matters.

34 You'll recall that Jacinda Thompson gave evidence last year about the problems she

1 encountered with this Title D process and how she thought the process could be reformed.
2 You will hear evidence from the Anglican Church witnesses about this Title D process,
3 which historically has rarely been used by the Church, has been reformed. You will no
4 doubt be very interested in the upcoming evidence about those reforms and the principles
5 that they're designed to focus on and the improvements that are intended through that
6 process.

7 I wanted to turn to the voice of the survivors, this is a fundamental part of the
8 Inquiry's activity, so before we move on to hearing from the Anglican witnesses I thought it
9 helpful just to give a summary of some of the key themes that emerged through the
10 evidence that we heard last year.

11 In relation to the topic of trauma-informed engagement and support and responses
12 to disclosure of abuse, it was a very clear theme emerging from the witnesses, the redress
13 processes need to be attuned to the trauma survivors are experiencing, not just the abuse
14 they suffered, and that's necessary to prevent further trauma.

15 That trauma may have evolved over decades as it can take a survivor years into
16 adulthood to reveal the abuse they suffered as a child. This was very eloquently described
17 by Neil Harding, who was 55 when he gave evidence, about the abuse he suffered as an
18 11 year old. We know from the evidence that the first responses to disclosure are critical
19 and need to offer the appropriate support and access to information about the choices
20 available to survivors and the next steps they may decide to take and what support is
21 available to them along that way, and that word "choices" is important, because we'll be
22 looking, through the process of the evidence, about what did they know about the processes
23 so that they could make informed choices about how they wish to engage.

24 In terms of safeguarding, you heard that safeguarding of or preventing the future
25 abuse of others was and remains a key motivation of survivors coming forward. They want
26 to know with certainty that others will be protected from experiencing what they have. We
27 heard this repeated many times. And questions were asked, what did the Church know,
28 when, and what steps did they take to protect others? Did the Church utilise available
29 secular safeguards?

30 In relation to the investigation and assessment, the themes that emerged in there is
31 that there's a very differing and at times inadequate or inconsistent levels of information
32 available to survivors about how their reporting abuse would be investigated and assessed.
33 Many survivors were left in the hands of the individual they were dealing with, with no
34 clarity about the choices available to them.

1 Nor do they have supported access to advisors to assist them in navigating those
2 processes. The survivors uniformly raise issues about access to information held by the
3 institution, they want to see the records the Church has held about them. That includes
4 during the period in care, but also about the information being gathered in the process of
5 investigating their disclosure. They want to understand the reasons underpinning the
6 decisions made about them and the abusers involved.

7 In short, survivors are seeking transparency, accountability and fairness when it
8 comes to the investigation and assessment of their abuse.

9 Another, and the final point that I'll make here, is an important point for survivors
10 was the need for an acknowledgment. We've heard the importance of a role of a
11 meaningful apology can play in the process of responding to a disclosure of abuse in
12 working with trauma.

13 When hearing the evidence that you're about to hear from the Church witnesses, you
14 will want to keep in your mind these survivor voice and themes that have emerged and they
15 will no doubt affect the questions that you may wish to ask of the witnesses as we proceed
16 over the next few days.

17 In terms of redress outcomes that just focus on the temporal abuse and not on the
18 survivor as they are now, we've heard from the survivors, and the final point I make about
19 those themes is that it's unlikely to be helpful to, in a meaningful way, to manage the
20 trauma they're experiencing which is a lifetime trauma, it's not a moment in time.

21 With those survivor voice themes to the fore I now conclude and pass you to
22 counsel for the Anglican Church, no reira, tēnā koutou, tēnā koutou, tēnā koutou katoa.

23 **CHAIR:** Kia ora Ms Anderson. Good afternoon Ms Guy Kidd.

24 **MRS GUY KIDD:** Ttēnā koutou katoa, ko Mrs Guy Kidd ahau, ka tu mātou ko Ms India Shores,
25 mo to General Synod Te Hīnota Whānui of the Anglican Church of Aotearoa New Zealand
26 and Polynesia.

27 **COMMISSIONER ERUETI:** Tēnā koe.

28 **MRS GUY KIDD:** I would now like to bring to the front and introduce to you Archbishop Philip
29 Richardson of New Zealand and Archbishop Donald Tamihere of Aotearoa who would like
30 to mihi the Commission. Thank you for that opportunity.

31 **CHAIR:** Kia ora.

32 **OPENING STATEMENT BY ANGLICAN ARCHBISHOPS**

33 **ARCHBISHOP TAMIHERE:** (Waiata) Ahau e inoi atu nei, akona mai e te atua kia tino pono
34 taku kii, kāti I tau.

1
 2 (Kōrero) Heoi anō he mea tika kia tukuna ki ā ia te kaihangā o te rangi me te whenua te
 3 whakamoemiti te whakawhetai nō reira kei te mihi ake, ki ā ia te puna o te oranga te ariki,
 4 te atua. Ā (inaudible), tēnei te mihi atu kia koutou te Kōmihana ki ā koe e te Tiati, te
 5 Heamana nei rā te mihi ki ā koe ā, kia koutou katoa e hika mā. Nā koutou I waihangā tēnei
 6 wāhi mā mātou kia pūpuri ki tēnei tikanga ā mātou ā tātou hoki ki te mihi I ngā mihi kā tika
 7 kia koutou huri noa ki te hunga katoa ā kua rūpeke nei ki te kaupapa o tēnei rangi nō reira
 8 nei rā te mihi atu ki ā koutou, nei rā hoki te mihi ki ō tātou mate hūhua, rātou mā kua wehe
 9 atu ki tua o te ārai nō reira, rātou ki ā rātou huri noa ki ā tātou tēnā koutou, tēnā koutou kia
 10 ora huihui mai tātou katoa. He mea tika kia waihangatia tēnei wāhi nō te mea he kaupapa
 11 tapū tēnei, he kaupapa tapū tēnei ā, kia koutou, kia mātou katoa hoki. He kaupapa tapū kua
 12 tapūngia e te kōrero ā mā te hunga kua ngaukino e te ringa weriweri o te mahi tūkino ā, he
 13 mea kua tapūngia hoki ā, e te mahi tika o ngai tātou katoa nei ki te whakautu ki ā rātou I te
 14 manaakitanga o te ātawhai me te aroha ā I runga I te whakaaro, te wawata me te inoi kia tau
 15 ihō te mauri o te atua kaha rawa ki runga ki ā rātou me te noho ana ki raro I te pānga mai o
 16 te mahi tūkino ā ki ā tūkuna atu ki ā rātou ngā mea e tāria ana te rongoa me te hōhou I te
 17 rongoa mā rātou. Nō reira tēnā koutou e te Kōmihana nāu kua waihangā tēnei wāhi mā
 18 mātou ki te tuku mihi kia koutou ki tō tātou atua ki tēnei whare katoa. Tēnā koutou, tēnā
 19 koutou ā kia ora hoki mai koutou katoa.

20 **COMMISSIONER ERUETI:** Tēnā koe.

21 **CHAIR:** Tēnā koe.

22 **ARCHBISHOP RICHARDSON:** We begin by acknowledging God, the life source in whom
 23 each person's very image is held and therefore sacred. We want to acknowledge the
 24 Commission, to acknowledge each one of you with gratitude for your work. We want to
 25 acknowledge those who are assisting you. We want to acknowledge that this is a sacred
 26 space, a tapu space, sacred and tapu first of all because of the courage of survivors who
 27 have come and told their stories, shared their pain. Sacred also because of the
 28 responsibility and the obligation that we carry to acknowledge that and to manaaki that.

29 **ARCHBISHOP TAMIHERE:** (Kōrero) Anā, ka whakamutu I tēnei wāhi nā runga (inaudible)
 30 himene ā rātou.... (Waiata) - E te ātua, kua rūia nei ō purapura pai hōmai e koe he ngākau
 31 hōu kia tūpu āke ai. (Kōrero) Nō reira āpiti hono, tātai hono ratou te hunga wairua kia
 32 ratou, āpiti hono tātai hono, tātou ki ā tātou e tuia, ki runga I te tika, ki runga I te pono I
 33 runga hoki I te aroha tēnā koutou kia ora hoki mai tātou katoa.

34 **CHAIR:** Kia ora.

1 **COMMISSIONER ERUETI:** (Kōrero) E tika ana kia mihi atu ki ā kōrua e ngā rangatira ā tēnei
 2 tē rā nei te Kōmihana tēnei te mihi mahana ki ā kōrua ā me te Pīhopatanga ki te Pīhopa
 3 Matua/Mātāmua me ngā Pīhopa o Aotearoa. Mauria mai o koutou mana, o koutou
 4 wairuatanga o koutou tikanga ki wāenganui ia mātou ā, nō reira nau mai hāere mai ngā
 5 mihi nui ki ā kōrua, kia koutou mā

6 **OPENING STATEMENT BY MRS GUY KIDD**

7 **MRS GUY KIDD:** I speak as counsel for the Anglican Church and as an Anglican and as
 8 someone who has been in the criminal justice system caring for and working with
 9 survivors, men, women and children for the last 25 years. Centrally and primarily
 10 I acknowledge the survivors of the Anglican Church, I recognise the abuse they have
 11 suffered and the trauma that continues.

12 The General Synod, Te Hīnota Whānui, which is our governing body of the
 13 Anglican Church, wrote to the Prime Minister of New Zealand in a letter in March 2018
 14 asking for the Anglican Church and its agencies to be included in this Inquiry and we are
 15 very pleased to be here.

16 At that stage as you will recall the Inquiry was only to address abuse in State care.
 17 Archbishop Philip Richardson, who you've just heard from, also met with the then
 18 Commission Chair, Sir Anand, and spoke publicly of this Church's desire to be included in
 19 the Commission.

20 This Church is intent and determined on engaging fully with the Commission within
 21 its terms of reference. Archbishop Donald and Archbishop Philip have issued statements
 22 encouraging Anglican institutions to support survivors of abuse and care to share their
 23 experience with the Royal Commission, and I repeat that request for those people to come
 24 forward who may not have come forward so far should they choose to.

25 In order for the Commission and for our Church to learn as much as we can about
 26 what has happened in the past and why, the Anglican Church decided to waive legal
 27 privilege in its documents and provide the Commission with communications between
 28 itself and its legal advisors. It also encouraged other Anglican entities and schools to do the
 29 same. Just for the lay people watching this, these are communications which the law
 30 protects and treats as privileged so as to encourage free and frank discussions between
 31 lawyer and client. So often they are unguarded, they are just meant for the legal advisor or
 32 vice versa. But some of those letters and communications will be put to witnesses so we
 33 can learn about what has happened.

34 Now, we represent the Anglican Church, the Anglican Care and social service

1 organisations and most Anglican schools in New Zealand. Archbishop Philip Richardson
2 has outlined in detail, and it's in my opening address where those particular references are.
3 But just in general, we first represent the Church proper being comprised of the General
4 Synod, Te Hīnota Whānui, and five Amorangi which comprise Tikanga Māori, so those are
5 geographical areas which comprise Tikanga Māori, and the seven diocese which comprise
6 Tikanga Pākekā.

7 Each amorangi and diocese is headed by a bishop. Tikanga Māori is headed by an
8 archbishop which is currently Donald Tamihere and Tikanga Pākeha is headed by an
9 archbishop which is currently Philip Richardson.

10 We represent six social service agencies throughout the country, one of which is an
11 organisation run together with the Catholic Church. In relation to schools we represent 30
12 schools throughout New Zealand affiliated with the Anglican faith. Some of these are
13 integrated, some are private institutions. Some, to put it in general terms, are closer to the
14 Church, some are further away. And I'm speaking in terms of governance and
15 responsibility.

16 I do wish to acknowledge, as my learned friend Ms Anderson, Counsel Assisting,
17 has mentioned, evidence which has been filed on behalf of the Church that we're not going
18 to hear from orally but which is before the Commission, particularly so that survivors
19 listening are aware of that. There has been evidence filed by representatives of three
20 schools to respond to the accounts of three survivors. And individual apologies have been
21 sent in private to survivors that we heard from the schools.

22 Evidence has also been filed for this hearing from Mr Kevin Brewer, who is the
23 Chair of the Trust Board for the Anglican Trust for Women and Children which operated in
24 Auckland. His evidence in part addressed and responded to the survivor evidence of
25 Margaret Wilkinson and GRO-A-4 and GRO-A-1. They spoke poignantly regarding their
26 experiences in St Mary's Home and Brett Home and I understand that the Commission may
27 well return to those topics.

28 Mr Brewer attended the hearing in December and listened to those survivors of
29 abuse from the Anglican Trust for Women and Children and its predecessors and in his
30 statement he said the following and I would like to say this to the survivors. Mr Brewer
31 says:

32 "I apologise to those survivors and all individuals that have suffered from abuse or
33 neglect while in the care of the Anglican Trust for Women and Children. The Anglican
34 Trust for Women and Children's response to hearing of the suffering of survivors has at

1 times been entirely inappropriate and unreasonable. I apologise for that as well. I thank
2 survivors for providing the Anglican Trust for Women and Children with the opportunity to
3 listen to their accounts, to try and make things right, and to learn from past mistakes.

4 Independent expert evidence was commissioned by the Anglican Church from Dr
5 Stephen Winter of the University of Auckland. His report has been filed and it was our
6 attempt to provide some help to the Commission. He's an independent expert professor
7 who has evaluated and commented on different options for the delivery of redress.

8 Evidence was also filed from the Bishops of Auckland and Christchurch and the
9 Archbishop of New Zealand on behalf of the Church and a joint witness statement of what
10 is called the primates which is another name for the Archbishop of the Anglican Church of
11 Aotearoa New Zealand and Polynesia has also been filed.

12 You are going to hear from the witnesses which have been selected by Counsel
13 Assisting the Commission and the first witness you will hear from is the Right Reverend
14 Ross Bay, the Bishop of Auckland. He has been Bishop of Auckland for 10 years and
15 Auckland starts at the top of Cape Reinga and goes down to a line underneath Auckland
16 until we get into Waikato. He was ordained as a priest in 1989.

17 The second witness is the Right Reverend Dr Peter Carrell, the Bishop of
18 Christchurch. He has been Bishop of Christchurch for two years. He was ordained first as
19 a deacon in 1986 and a priest in 1987.

20 The third witness you will hear from is the Most Reverend Philip Richardson who is
21 Bishop of Waikato and Taranaki and also the Archbishop of New Zealand. He was first
22 ordained as a bishop in 1999 and first held the role of an Assistant Bishop of Waikato in
23 Taranaki, then co-equal Bishop of Waikato from 2008 to 2018 when there was an equal
24 sharing arrangement there, and then sole Bishop of Waikato and Taranaki since 2018. He
25 was appointed Archbishop of New Zealand nearly eight years ago in 2013.

26 Finally, the statement of the primates will be read and the primates are the Most
27 Reverend Philip Richardson, Archbishop of New Zealand; the Most Reverend Donald
28 Stephen Tamihere, Archbishop of Aotearoa; and the Most Reverend Fereimi Cama,
29 Archbishop of Polynesia. And I have also spoken there of Archbishop Donald Tamihere.
30 He was appointed Bishop of Tairāwhiti in 2017 and Bishop of Aotearoa Archbishop and
31 primate in 2018.

32 These witnesses, as you will have realised, were all appointed as bishops this
33 century. Many of the documents will relate to cases which occurred before they assumed
34 their positions of responsibility and in relation to which they have no personal knowledge,

1 but they will do their best to respond to the questions as best they can.

2 I turn to the topic of what is described as discipline. Church canons covering the
3 discipline of clergy and office bearers in the Church date back to 1865. The document is
4 known as Title D of discipline. The first version of relevance to this Commission is dated
5 1949. It decreed that in every diocese a Bishops Court was established to have and exercise
6 jurisdiction over all members of the Church who have assented to the authority of the
7 General Synod. So the people who have assented to the authority of the General Synod are
8 clergy and those who have bearing office within the Church.

9 Title D provides for offences and it's important to note that this governs all issues of
10 discipline within the Church, so it might govern issues relating to the content of a sermon
11 as well as other issues of significance. Back in 1949 the offences governed by improper
12 conduct were any crime which is a crime under the Crimes Act, an act of adultery, an act or
13 habit of dishonesty or immorality, or any gross indecency of life or conversation,
14 drunkenness, any culpable disregard of the obligations recognised by law in reference to
15 family relationships.

16 As society has changed the Church has changed and we have adapted, as has the
17 criminal law, to changes in society. And various versions of Title D have been
18 promulgated over the years. In 1992 for the first time the offences governed by improper
19 conduct that I've referred to had added to them as an additional matter, any act or habit of
20 sexual harassment or disregard for personal relations. And I comment that that change
21 reflects what was happening in society in the late 1980s and early 1990s with a burgeoning
22 of understanding regarding sexual harassment.

23 Mediation had been adopted within the diocese prior to and separate to Title D.
24 That came about probably when the lawyers in society were appreciating the benefits of
25 mediation. So then in 2000 Title D formally included mediation within it.

26 Finally — we will look at these matters in more detail obviously, but finally in 2020
27 we have a very significant change of the creation of a Ministry Standards Commission. It
28 was a critical change which has taken power away from the bishops to an independent
29 tribunal and body and the bishops are required to follow the recommendations of that
30 tribunal. In doing so, that has assisted in avoiding the internal conflict that was always
31 there between the bishops as the pastor of the priests with their pastoral care for priests
32 conflicting with their care for members of their church and survivors, and that conflict is
33 acknowledged

34 I note that survivor, Jacinda Thompson, spoke at the General Synod of the Anglican

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

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

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

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

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

19 **CHAIR:** Tēnā koe Ms Guy Kidd.

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

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

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

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

25 A. Afternoon Commissioners.

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

27 A. Thank you.

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

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

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

32 A. That's right, yes.

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

34 A. Correct.