

**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, 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
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AUCKLAND

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TRANSCRIPT OF PROCEEDINGS

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Hearing opens with waiata and karakia tīmatanga by Ngāti Whātua Ōrākei

(10.03 am)

CHAIR: Tēnā koutou katoa, nau mai hoki mai ki tēnei hui tūmatanui, koutou kua tae mai ā tinana otirā koutou e mātakitaki mai i tā wahi, tēnā koutou katoa. Welcome to everybody at the resumption of this hearing into the faith-based redress held by the Commission into abuse in care. I'd just like to welcome everybody who has come as counsel, as representatives of survivor networks and representatives of the various faith-based institutions, in particular if there are any survivors in the room or watching, welcome, welcome, welcome to this resumption of hearing.

I'd just like to give the opportunity to each of my fellow Commissioners to also say a few words. I have Dr Erueti, I have Ali'imuumua Sandra Alofivae and Julia Steenson. We'll start with Dr Erueti.

COMMISSIONER ERUETI: Tēnā koe e te rangatira. Tēnei te mihi nui ki ā koutou katoa. Ko te mihi tuatahi ki te kaikarakia, nānā te mana o te karakia, ki ā koutou e ngā roia, e ngā rangatira, e ngā mōrehu kua tae mai ki te tautoko i tēnei kaupapa, tēnei te mihi nui ki ā koutou katoa. Ko Anaru Erueti tōku ingoa, nō Taranaki. Kā nui te mihi.

COMMISSIONER ALOFIVAE: Fa'atalofa atu i le pa'ia ma le mamalu o le aofia ma galuega ese'ese fa'atasi ma pa'ia eseese ekalesia ua mafai ona fa'atasi mai lenei aso. Morning, talofa lava, Sandra Alofivae.

COMMISSIONER STEENSON: Tēnā koutou katoa, ko Julia Steenson tōku ingoa, ko Ngāti Whatua rāua ko Waikato ōku iwi. Ngā mihi nui ki ā koutou mō te mahi i tēnei ra.

CHAIR: Mr Mount.

MR MOUNT: Ata mārie e te Tiamana, tēnā koutou e ngā Kōmihana, tēnā tātou katoa. I'm here today as counsel assisting. We have a team at the benches with me, Hanne Janes, Katherine Anderson, Winston McCarthy, Tom Powell, Lauren Eastlake and Emma Powell from the in-house solicitors team.

CHAIR: Thank you. Other counsel?

MS STEVENS: Tēnā koutou katoa, ko Jenny Stevens tēnei. I appear on behalf of the Salvation Army with Mr Gale and Ms Laing.

CHAIR: Thank you Ms Stevens.

MRS GUY KIDD: Tēnā koutou katoa. Mrs Guy Kidd together with Ms Shores for the Anglican Church, Anglican Care organisations and most Anglican schools. Thank you.

CHAIR: Thank you Ms Kidd. And Ms McKechnie.

MS McKECHNIE: Mōrena rangatira. Counsel's name is Ms McKechnie, I appear with

1 Mr Winsley for the Catholic bishops and congregational leaders.

2 **CHAIR:** I think that is all the counsel we have, are there any other counsel wish to make an
3 appearance? Then I think we have Survivor Network here.

4 **MR HEASLEY:** Morena Madam Chair, tēnā koutou, tēnā koutou, tēnā koutou katoa. We are
5 the spokespeople for the Network of Survivors of abuse in faith-based institutions and their
6 supporters.

7 **CHAIR:** Those are all the appearances, thank you very much. Then Mr Mount. I invite you to
8 make your opening statement.

9 **OPENING STATEMENT BY MR MOUNT**

10 **MR MOUNT:** Thank you. Tēnā koutou katoa. Madam Chair, the topic of redress has been a
11 priority for this Inquiry almost since we started and there are a number of reasons for that.
12 Firstly, because survivors told us that it is a priority for them. It is also an area with great
13 potential for practical meaningful recommendations that this Inquiry can learn about from
14 survivors and from institutions and recommend to Government and to institutions.

15 And we as an Inquiry have been very clear that we do not want survivors, or the
16 Government, or the faith-based institutions to wait a day longer than is necessary to hear
17 those recommendations and to be able to act on them. So it has been a key priority for us
18 from the start.

19 This will now be, I think, the fifth public hearing in which we have considered the
20 topic of redress. We heard evidence on it at our contextual hearing in 2019, we've had now
21 two hearings focusing on the survivor experience of redress, first State-based survivors then
22 faith-based survivors last year. We heard, of course, from institutional witnesses from the
23 State last year and now it is the turn of institutional witnesses of the faith-based side.

24 When I talk in these terms about State and faith-based, it is not to overlook the
25 fundamental connections that exist between those two groups. Of necessity, we have had
26 State-focused hearings and faith-based hearings, but we of course recognise that from the
27 survivor perspective, many people experience aspects of both State care and faith-based
28 care.

29 I mention the public hearings not to overlook the other important modes of
30 engagement this Inquiry has on the topic of redress and we have already received public
31 submissions in response to a call for submissions last year. But in coming months, we will
32 see a number of public engagements on the topic of redress, which will move the Inquiry
33 into that other very important mode that we have, which is the informal public mode, quite
34 different to this formal public mode that we're in at the moment.

1 And in that mode, we expect to hear from and to listen to survivors once again as
2 they tell us about what it is that they want to see in relation to redress, as well as academics,
3 researchers, and those from institutions, but very critically, there will be engagement with
4 our Māori communities with those from the Pacific community and from those with a
5 disability perspective on the topic.

6 Many will have seen in Tāwharautia: Pūrongo o te Wā, our interim report, that the
7 Inquiry has already signalled a number of principles that we see underlying effective
8 redress from a State lens and in that interim report we summarised, in a preliminary way,
9 much of what we have heard on the topic of redress, particularly from the State-based
10 evidence, and many of those themes which I won't repeat in this very short opening, but
11 many of those themes will resonate in the evidence that we hear in the faith-based context
12 as well, again emphasising how connected those topics are.

13 We have a little over two weeks now set aside now to hear from, I think, 11 or 12
14 witnesses in this phase of the hearing. There is a focus on three faiths, on The Salvation
15 Army, on the Anglican Church and on the Catholic Church. I want to acknowledge the
16 work of the team within the Royal Commission that has worked so hard to prepare this
17 phase of hearings. In particular Katherine Anderson leading our Catholic and Anglican
18 teams, Hanne Janes, doing the same work, both in terms of our redress team, but in this
19 phase preparing The Salvation Army evidence; very ably supported by a group including
20 Jane Glover, Kirsten Hagan, Lucy Wesley-Smith, Rebecca Harvey-Lane and many others
21 whose names I won't mention but they know who they are.

22 The evidence itself will be heard in three blocks, we start today and tomorrow with
23 The Salvation Army, then we hear from the Anglican Church from Wednesday through to
24 perhaps a little bit of Monday and then after that the Catholic Church.

25 There will be substantive opening addresses at the beginning of each block. So
26 shortly Ms Janes will give an opening on the Inquiry's behalf in relation to The Salvation
27 Army and then on Wednesday Ms Anderson will open in relation to the Anglican Church
28 and again next week in relation to the Catholic Church.

29 And there will also be openings on behalf of those institutions at the appropriate
30 time. Having said that, there will be openings in relation to each faith. The one exception
31 to that is the Network of Survivors of Abuse in Faith-Based Institutions and their supporters
32 and, as you've seen, we are joined by Dr Murray Heasley and Liz Tonks and I believe the
33 next step in the process will be for them to give an opening address from their perspective.

34 I'm happy to deal with any questions you might have at this stage. Other than that

1 I'll hand it back to you.

2 **CHAIR:** Thank you, Mr Mount. Are there any issues anybody wishes to raise? No? Thank you.

3 **MR MOUNT:** Thank you.

4 **CHAIR:** Dr Heasley, Ms Tonks, have you divided the labours between yourselves?

5 **MR HEASLEY:** We have.

6 **CHAIR:** We haven't welcomed you in particular, Ms Tonks, but thank you for coming and we
7 look forward to hearing your opening statement.

8 **OPENING STATEMENT BY NETWORK OF SURVIVORS**

9 **MS TONKS:** Madam Chair, Commissioners, thank you for this opportunity to come here and
10 speak on behalf of survivors of faith-based abuse in our network. The network is inclusive
11 of victims and survivors and secondary victims of abuse as children and vulnerable adults,
12 their families, whanau and supporters. It also includes advocates, researchers and expert
13 advisors, local and global.

14 This hearing they see as the ultimate test of whether the churches will put survivors
15 ahead of perpetrators. Survivors see it as a bookend hearing, a moment of historical
16 significance when they will find out whether the churches will do what is right. How they
17 respond to the evidence of survivors of abuse in their institution who reported to this
18 Inquiry, and to the churches themselves, will determine if their response is life-affirming or
19 life-destroying.

20 Anyone who has listened will have heard what survivors have repeatedly said. No
21 survivor should ever experience the re-trauma they have of being required to report their
22 abuse, have it investigated and negotiate redress with the institution that failed to keep them
23 safe. The reporting, investigation and redress negotiation processes the churches have put
24 them through are further trauma-inducing and remain unfit for purpose. Survivors have not
25 received appropriate or adequate redress that reflects the seriousness of the abuse and the
26 harm suffered.

27 The impacts of survivors, their trauma and their need for redress is not historical, it
28 is current. Abuse in institutions is not historical, it is still happening today and
29 safeguarding protocols are still not adequate.

30 We heard the same messages from survivors of abuse in State care when they gave
31 witness to their experience. They spoke of the terrible harm they suffered that has affected
32 them for the rest of their lives, the many hurdles they had to overcome and further trauma
33 they suffered when they lodged their complaints.

34 They confirmed that the State and those responsible for our State institutions,

1 knowing the harm these survivors experienced, still made their path to redress tortuous and
2 traumatic. Their experiences were acknowledged and validated by the supporting evidence
3 to the public hearings from Cooper Legal and others and in the interim report released by
4 this Commission.

5 Those who have listened to survivors of abuse in faith-based care will have noted
6 the same pattern of institutional barriers running through their claim experiences and how
7 they too face the might of well-resourced institutions whose priority is protection of
8 reputation and financial resource.

9 Survivors in our network face the same systemic hurdles as their fellow survivors in
10 State care. They all encounter the road blocks presented by systemic issues not addressed
11 in the justice system, ACC, mental health and addiction services, legal services, with the
12 statute of limitations, financial support services and obstruction by ministries and church
13 institutions.

14 They face the same barriers created by policies, protocols and procedures not being
15 fit for purpose, or the lack of them, or the misuse or lack of adherence to them by the
16 leaders, authorities and in the institutions they are forced to report to. This has already been
17 evidenced to this Inquiry.

18 Survivors abused in State and faith-based care have made it clear; apologies from
19 institutions who were responsible for their care are hollow. They have asked for real
20 action. This action must include information the institutions have denied them so they can
21 make sense of how their abuse could happen. It allows the institution to be held
22 accountable for not protecting them and for how they responded.

23 Survivors are asking for financial acknowledgement they're entitled to and need to
24 lift them out of the vulnerable position they find themselves in. They need to know what
25 action has to be taken to prevent future abuse. They share the view that this must be
26 included in their redress.

27 While the circumstances of abuse may vary, it is universally accepted that survivors
28 suffer from many of the same lifelong impacts, regardless of the institution responsible for
29 their care at the time the abuse happened. Like survivors abused in the care of the State,
30 many of our survivors belong to those vulnerable groups that this country has judged, or
31 learned to ignore, or considers to be in the too hard basket; the vulnerable that perpetrators
32 target.

33 Survivors ask that this hearing end this Commission separating State from
34 faith-based abuse and recommend the Government do the same. The result if not will be

1 the status quo, whether churches continue their hollow rhetoric and wait for this Royal
2 Commission to pass before returning to their usual modes of practice of which survivors are
3 casualties.

4 **CHAIR:** Thank you Ms Tonks.

5 **MR HEASLEY:** While Pākehā make up the larger number, Māori and Pasifika are
6 disproportionately represented in the numbers of those abused in both State and faith-based
7 institutions. To attempt to impose a State-based/faith-based division in considering abuse
8 in care inflicted on Māori and Pasifika children is absurd and unsupportable on historical,
9 legal, cultural and spiritual grounds. It is a mockery of the Treaty of Waitangi.

10 The abuse, wherever it occurred, at its core is a spiritual abuse, an assault on wairua
11 and mauri, on mana, on whānau. Whatever form the abuse took against Māori and Pasifika
12 tamariki, it was abuse against Māori and Pasifika children. All of it is a State
13 responsibility.

14 This is also true for Pasifika communities who have the highest rates of professed
15 Christians in New Zealand at 67% in the 2008 census. Roughly half the numbers of tangata
16 whenua, Pasifika make up a disproportionate number of vulnerable and victimised children
17 and are the very least likely to complain when abused for deep and complex cultural
18 reasons. Frances Tagaloa gave powerful testimony about this in the redress hearing, and
19 may I acknowledge her presence here today with her beloved I believe.

20 **CHAIR:** As do we.

21 **MR HEASLEY:** Whether a Māori child was abused in a State care facility like Kohitere, Feilding
22 or the faith-based facility of Hato Petera, a Māori child or Pasifika child was abused and his
23 or her life sabotaged and upended in an appalling and horrendous manner by institutions
24 which should have protected them.

25 Refusal to accept responsibility for this abuse and to artificially compartmentalise
26 this abuse violates our obligations under the UN Convention Against Torture ratified in
27 1989 and the UN Convention on the Rights of the Child ratified in 1993.

28 The Treaty of Waitangi assigned power as State power, kawanatanga, and
29 indigenous chiefly power, tino rangatiratanga. What is less obvious is the equally
30 devastating and pernicious effects of the usurpation of religious power allowed by the State
31 in all its iterations from national to local government level, from 1840 to the present. This
32 appropriation by foreign invaders, like the Anglican and Catholic missionaries, afforded
33 control by Pākehā society over Māori spiritual life, over wairua specifically and mauri, or
34 the life force in general.

1 This expropriation is no trivial matter and there were noticeable acts of resistance
2 against this by such movements as Te Ua's Pai Mārire 1863, Te Kooti's Ringatū movement
3 1868 and the Rātana movement in 1918.

4 This evisceration of Māori spiritual life was remorseless and State-approved. The
5 most powerful expression of this took the form of French Marists from 1838 onwards who
6 targeted Māori as both Society of Mary priests and later FMS Marist teaching brothers,
7 putatively celibate men guided by yet another female exemplar, Mary, mother of Christ.

8 The church's colonisation of Māori did not operate in a vacuum. It was and is an
9 integral and indivisible component of New Zealand society. Indeed, in 1975 church
10 schools began integration into the State system and had their operational costs borne by the
11 State. Without this intervention, these schools would have gone belly up.

12 Thus, the role of State and faith-based institutions were inextricably intertwined like
13 two eggs whisked in an omelette. The churches gained acceptance to operate differently
14 within the wider community to the point where they had more consideration than even the
15 communities of indigenous people.

16 The separation of State and faith that has enabled historically will continue if this
17 Commission allows the State to abdicate its responsibility for all children and vulnerable
18 adults whatever the offending institution.

19 **MS TONKS:** Before this hearing we put a proposal from our survivors to the authorities of the
20 churches giving witness in this hearing. We ask them to act now, to use this hearing to
21 make our survivors needs their priority, to endorse the call from survivors abused in both
22 State and church institutions to urgently set up a body, Commission or similar entity with
23 statutory authority to receive complaints, require investigation, refer for prosecution where
24 appropriate, access records and determine appropriate redress that is consistent and reflects
25 the seriousness of the abuse that happened and the harm it caused, regardless of the
26 institution responsible for their care and require it be provided.

27 This body would also be responsible for audit and oversight of institutions who care
28 for children to have policies and procedures in place required by statute to protect children
29 from harm, investigate and hold institutions accountable where they fail and provide a
30 public audit report to Government. This body would be based on the principle of inclusion,
31 the Treaty of Waitangi, accessible, impartiality, transparency, consistency, timely access to
32 redress, human rights and natural justice. Survivor experience evidenced already to this
33 Inquiry that the current systems are none of the above.

34 This Commission, the State and the churches have been given a clear message by

1 survivors abused in both State and faith-based institution; the establishment of an
2 independent body is needed now and cannot wait.

3 The usual response from the churches was reflected in the reply of our request by
4 The Salvation Army and I quote. "We appreciate that delay is costly for survivors and that
5 a prolonged Royal Commission process risks further traumatising survivors." However,
6 they go on; "our current view is that the Royal Commission must be given an appropriate
7 window in which to investigate relevant matters and make formal recommendations on
8 redress that all parties can then consider."

9 The Salvation Army, you know from the services you run for those suffering
10 addiction, homelessness, poverty, that victims of abuse are overly represented in the
11 numbers of those needing your services and they cannot and should not have to wait. To
12 wait on the Commission to validate the solutions you already know are needed is to kick
13 the can down the road and risk it getting destroyed before it reaches its destination.

14 This is history repeating itself. The churches took the same or similar positions on
15 the abuse crisis when we first approached them, and left victims, their advocates and the
16 media to drag them kicking and screaming into this Inquiry.

17 We have not had the courtesy of a response from the Catholic and Anglican
18 bishops. Survivors do not trust them not to take a similar stand. They fear the churches are
19 hoping that this Commission will keep its focus firmly on the State or that the State
20 initiative to work towards a centralised body announced by Minister Hipkins progresses
21 without involving them. The result will be victims return to silence and the churches again
22 carrying on as usual.

23 Accountability and redress for abuse that has occurred and prevention of further
24 abuse cannot be achieved if there are not limits placed on such a body that restricts which
25 victims are listened to and excludes any institutions where abuse took place. It would be a
26 mistake to set up a body that is not culturally inclusive or separate State abuse from that of
27 other institutions.

28 Separation of State and church is archaic and when it comes to abuse and redress, it
29 is simply wrong. The church authorities and leaders had the opportunity to join in the call
30 and advocate for survivors for their inclusion when Minister Hipkins made his
31 announcement. But as they did when this Royal Commission was first announced and
32 limited to State care, they remained silent.

33 They are protected by a wider culture of silence and tolerance in New Zealand, the
34 church laity reflects the culture of a wider society and are still ignorant or disbelieving of

1 the extent of the problem. Until now and this Commission, the churches in New Zealand
2 have received little or no pressure to address the abuse that happens within their
3 institutions.

4 Professor Carolyn Quadrio, expert in survivor trauma reporting to the Australian
5 Royal Commission stated the problem. "They are very similar in one country and another
6 and very similar in one faith group and another. Much as some of the faith groups at the
7 time said, 'we don't have that problem', all of those faith groups have since had problems
8 that have been widely reported in the media." She thinks what we learned is -- sorry, "I
9 think what we learned -- she says -- is what is well-known, that it's a global problem and it
10 occurs in every faith group in every country."

11 The grooming that takes place in church institutions is not just of a child or a
12 vulnerable adult, it involves grooming of the family and the community where the cleric or
13 religious establish themselves as respected and trusted members of those communities,
14 schools or organisations.

15 The churches like the State will argue abuse is historic and children's homes such as
16 St Joseph's orphanage in Dunedin, or institutions such as Bramwell where abuse occurred,
17 no longer exist. Children abused in church institutions were not all captured in orphanages,
18 boarding schools, seminaries where the perpetrators have authority. Children were abused
19 in the communities where they lived, on the marae, in their homes, in their local churches
20 where they were altar boys or belonged to church choirs, or were abused at the day school
21 or the sports meetings they attended.

22 The usual pattern of perpetrators and the institutions that harbour them is to target
23 these vulnerable and needy. The current example, Dilworth. The support entry is used; the
24 result, abuse. The consequence; lifelong trauma, the loss of adult potential, loss of ethnicity
25 and culture and for survivors encultured into the churches, loss of their spiritual and value
26 framework for living.

27 Steve Goodlass, survivor, talks of this. "I am a victim who lives with the abuse
28 I suffered in the Catholic school. The supposed rock that my values were based on were
29 smashed beneath me leaving me wondering where I am, who I am. I feel like I am a
30 doughnut, I have this big empty hole in the middle where once there was a centre, a core of
31 values and faith. My church has left me to fill that hole by myself, an outcast, a person they
32 simply want to forget."

33 There will never be redress for victim survivors while the churches are not required
34 to acknowledge and dismantle the systems that enable abuse and create barriers for

1 survivors seeking redress. Jacinda Thompson, who you heard in phase 1 of this Inquiry,
2 abused in the care of the Anglican Church, observes:

3 "Many survivors will struggle to trust the church to care for them and to make fair,
4 unbiased decisions. The church has an appalling track record in this area and there is little
5 consequence to when they fail to follow their own policies. At the end of the day, their
6 redress for survivors shouldn't depend on which institution harmed you", she says.

7 She continues; "No-one would say it was acceptable for the Survivors Network to
8 investigate abuse claims and determine redress. There would be cries of bias and yet we
9 seem to be contemplating leaving the churches to continue in this role." She makes a point.

10 The response of the Ministry officials under cross-examination in phase 2 of the
11 State redress hearing confirms they had not listened to survivors of State abuse. The
12 excuses, rationales and offensive rhetoric for unforgivable past actions put forward by
13 officials and authorities in the Ministry and their representatives were debunked by this
14 Commission during cross-examination, but not before they caused further re-traumatisation
15 to their survivors.

16 Will the position taken by the witnesses for the churches represented in this hearing
17 be different? On behalf of our survivors we ask them. Please do not put survivors abused
18 in faith-based institutions through the same re-trauma. They have been through enough.

19 **MR HEASLEY:** Commissioners, the world is watching this Royal Commission here in
20 New Zealand. Our network is part of a wider global network and the organisation Ending
21 Clergy Abuse Global, made up of over 17 nations and five continents; we are on its
22 assembly. ECA Global will soon have NGO status in the UN recognised under the
23 Economic and Social Commission.

24 The thought that faith-based abused children would be excluded from any
25 independent authority is unthinkable and would have disastrous international repercussions
26 for New Zealand's reputation abroad.

27 There is an assumption we as a nation will do the right thing, given our current
28 status as a world leader in fighting Covid. Let us know this expectation is fulfilled and we
29 can prove to be just as effective in dealing with the sexual abuse of children, State or faith,
30 the world expects nothing less.

31 Our network is focused on what would appear to be something very basic to a
32 healthy, self-aware society; a search for truth and justice. Kia meatia te haepapa ahakoa te
33 hinga i te rangi. Let justice be done, though the heavens fall. This truth may be painful, it
34 may be deeply troubling, but this is what this Royal Commission is pledged to reveal

1 without fear and without favour.

2 The churches, like the State ministries, have left survivors unacknowledged and
3 struggling and silenced. The abuse they have suffered has been known about for decades,
4 for two millennia by the churches and have been covered up or left to the State to provide
5 the redress required.

6 Survivors cannot wait. There is sufficient evidence now which shows the
7 Government leading institutions to deal with the abuse of children in their care has failed.
8 Current systems that exist are failing to provide redress. The current processes for
9 complaints and seeking redress are traumatic and not survivor-informed. Survivor evidence
10 to date and that gathered from institution records where they exist has confirmed the
11 common impacts that have not been addressed.

12 The Commission has already noted the massive human and financial cost to
13 survivors in this nation. Survivors need the complete package of redress and they need it
14 now.

15 The Salvation Army will be the first to have this opportunity. Jan Lowe, who you
16 will remember gave stunning evidence in the redress hearing, Salvation Army survivor,
17 abused in their care reminds you, and I quote:

18 "They didn't investigate themselves when complaints were made about sexual
19 abuse. They chose to cover it up and I don't hear anything from them that they won't do the
20 same again. The lying is the part that really annoys me. They lied about the assailants
21 claiming they were dead and they weren't, and gave one of these assailants a funeral with
22 full Salvation Army honours. They haven't earned any respect or any trust. We don't want
23 them investigating themselves because they covered up. There has been no intent on their
24 part to have it out in the open."

25 Murray Houston deals with all complaints and redress. He is not a member of the
26 church but employed by them to do this work. Jan and the other survivors abused in
27 Salvation Army care are waiting to hear his response to their testimony and whether
28 Colonel Gerry Walker, when he appears, will endorse the call for an independent body.

29 The Anglican Church witnesses will follow. A church that had no centralised
30 process for complaints and redress, forcing survivors to report to the vicar of their local
31 church and have the local bishop decide whether it would be investigated.

32 Until January of this year when they introduced a protocol that has remarkable
33 similarities to the Catholic Church "A Path to Healing", including all its current flaws and
34 limitations, a process that has been exposed by the Catholic survivor witnessed in the last

1 hearing as traumatising, insufficient and mirroring the flaws in the State redress process.

2 You will then hear from Catholic Church witnesses, one bishop and representatives
3 of the congregations and orders and administrators of their complaints processes. The
4 bishops and their legal counsel will continue to obscure who was truly responsible by
5 jointly representing the bishops and the congregations as if they all have authority.

6 While it may suit the bishops to delegate responsibility and have the benefit of
7 congregations and orders sharing their significant legal costs, or ultimately the cost of
8 financial redress, there can be no doubt about who is in charge. It's on the bishops, period.
9 No ifs, buts or maybes. Will the five bishops -- it was six now five -- be standing here next
10 week to witness proceedings and accept their accountability to our survivors, and if not
11 why not?

12 We trust that you will hold these church institutions accountable. We ask that you
13 not be tempted to engage with them in debate of their rationalisations about their "historic"
14 response or accept their proposals for tinkering with their systems like deck chairs on the
15 Titanic; shifting. While this public hearing focuses on The Salvation Army, Catholic and
16 Anglican Churches, you will know of evidence of the same devastating harm and
17 similarities of systemic issues preventing redress for survivors of abuse in other faith-based
18 institutions; Gloriavale, the Jehovah Witnesses, Presbyterian, Hindu, Islam, Latter Day
19 Saints, Methodist, Sikh, Baptist, Pentecostal, Jewish abuse survivors to name just 12
20 churches or institutions.

21 Commissioners, Government, and the public of New Zealand; survivors have
22 spoken. We have heard their testimony, they have provided you evidence of what is
23 urgently needed. There is no going back. As aptly stated by the Chair of the Australian
24 Royal Commission, and I quote:

25 "Although the primary responsibility for the sexual abuse of an individual lies with
26 the abuser and the institution they were part of, we cannot avoid the conclusion that the
27 problems faced by many people who have been abused are the responsibility of our entire
28 society."

29 Fa'afetai lava; Malo 'aupito e tokotaha kotoa pe; vinaka vakalevu kemuni na turanga
30 kei na marama; maraming salamat sa inyo lahat; ka nui te mihi ki a koutou. Thank you.

31 **CHAIR:** Tēnā kōrua.

32 **COMMISSIONER ERUETI:** Tēnā kōrua and thank you for your powerful words and so apt at
33 framing our hearings over the coming weeks and bringing to the forefront all these
34 important kaupapa, in particular the survivors and their experience.

1 I just feel compelled to make one brief observation. Mr Heasley, I think you talked
2 about the idea of Māori being disproportionately impacted or a large minority, if you like. I
3 think you'd agree it's an oversimplification to say that that is the impact on Māori when we
4 know from the data we have to date that in certain institutions, particularly out of home
5 care, which is the kaupapa we are discussing over coming days, starting with The Salvation
6 Army and the residences, that Māori were the majority in particular institutions and the
7 majority over particular periods of time.

8 So I just wanted to make that clarification before we go on, because it's very
9 important for us. And we're still gathering data. But I just want to mihi you both, ngā mihi
10 nui ki a kōrua for your strong and clarion call for immediate action. Acknowledged,
11 message received, tēnā kōrua.

12 **CHAIR:** I now call -- sorry Ms Janes, I'm sorry, I forgot you, I beg your pardon.

13 **OPENING STATEMENT BY MS JANES**

14 **MS JANES:** Tēnā koutou ngā rangatira o te pae, o te tēpu tēnā koutou katoa ā, huri noa ki te
15 haukāinga, e ngā mōrehu tēnei te mihi ki a koutou. E nga kaitautoko i tēnei kaupapa
16 whakahirahira, tēnā koutou, tēnā koutou, tēnā tātou katoa.

17 **CHAIR:** Kia ora.

18 **MS JANES:** Greetings to the Commissioners and to those at the table, to the mana whenua and to
19 the survivors, greetings to you and to the supporters of this very important issue, greetings
20 to us all.

21 We have heard the powerful resonance of the survivor voice which is at the heart of
22 the work, so acknowledge the opening statement of the network for survivors. It has
23 framed what we are here for and what we will be looking at over the coming days and
24 weeks.

25 Counsel for The Salvation Army will give the opening statement shortly, so I will
26 be very brief. I acknowledge all of the survivors but especially those who gave evidence on
27 behalf of the Salvation Army. We had Mr A, Janet Lowe, Darren Timpson, Gloria White,
28 Roy Takiaho and Ms B and we also acknowledge those who provided written statement
29 who have not been heard and all of the other survivors who have given private session
30 evidence to the Commissioners.

31 In this particular phase of the hearing we will hear from two witnesses for The
32 Salvation Army, Colonel Gerald Walker, who is an Officer of the Salvation Army, holding
33 the position of Chief Secretary for New Zealand, which is second in command to the
34 Territorial Commander who has responsibility for The Salvation Army in New Zealand,

1 Fiji, Tonga and Samoa.

2 Once Colonel Walker has completed his evidence it will be placed on the website
3 and helpfully he has provided, at Appendix 1, a very useful summary of the operation and
4 particularly the governance structure which I know the Commissioners have read but that
5 will also be available to the public. So I will only give a very brief context rather than
6 going through that in detail.

7 Murray Houston, who is the Commercial Manager for The Salvation Army and also
8 manager for the Royal Commission response, will then give evidence. He is a lay or
9 civilian employee rather than a congregational member of the Salvation Army. He has had
10 primary responsibility for the claims process, particularly relating to the children's homes,
11 and Colonel Walker will give a bit of evidence about redress processes for the
12 non-children's homes.

13 By way of very brief context, you will hear The Salvation Army is a religious and
14 charitable organisation. Its beginnings date back to 1865 in East London where it was
15 originally named The Christian Mission. It was renamed The Salvation Army in 1878 and
16 commenced work in New Zealand in April 1883.

17 London remains The Salvation Army's International Headquarters. It pursues its
18 work in New Zealand under two broad categories, general work and social work. General
19 work is directed to the religious aims of The Salvation Army, while social work is directed
20 to its charitable, social and community objectives. So you will hear primarily it falling into
21 that category.

22 The Salvation Army has a quasi-military command structure with a General
23 comprising the most senior Salvation Army internationally who has responsibility for
24 directing Salvation Army's work over 131 countries.

25 In keeping with the Military structure, clergy in The Salvation Army are known as
26 officers and hold various ranks. Ordinary members are known as soldiers, both officers and
27 soldiers wear The Salvation Army uniform.

28 The Salvation Army of New Zealand falls within the South Pacific and East Asia
29 zone and has its Territorial authority in Wellington. The focus of this hearing is on
30 Salvation Army's redress processes in respect of claims relating to care within the period
31 1950 to the late 1990s, but the Commission has discretion to look at periods before 1950
32 and after the 2000s.

33 You'll primarily hear about claims in children and young persons' care where they
34 were placed either by the State or voluntarily by the parents or guardians as this is the

1 setting most claims have arisen. You will also hear most of those homes were closed by the
2 end of 1999.

3 There are other claims outside of those children settings which come within the
4 terms of reference, such as The Salvation Army's Bridge Programme which provides drug
5 and alcohol rehabilitation services to vulnerable persons as well as within corps which is
6 their congregational settings.

7 The Commissioners will also recall that you heard evidence from Ann-Marie
8 Shelley during the Catholic Church phase of the survivor evidence. She gave evidence
9 about abuse that occurred in a Bethany home for unmarried mothers in Wellington.

10 The Commissioners will recall that, in addition to the evidence you will hear, The
11 Salvation Army also provided a public submission in the call for those in late November
12 2019. So that is also evidence available to the Commission as you consider its approach to
13 redress.

14 The evidence is scheduled to run today through to about midday on Wednesday.
15 Just in terms of housekeeping, we will follow the same hours, subject to the Chair and
16 Commissioners' directions. We will now have the opening from Salvation Army.

17 But just for those listening on the live stream, I do want to again emphasise the
18 message that Mr Mount QC gave, that there will be lots of questions that survivors and
19 victims and other stakeholders may have that cannot be covered in this particular hearing.
20 We want them to be assured that work goes on outside of these public hearings and so
21 anything that they have concerns about if they do not hear it over the next two and a half
22 days, it does not mean it's not being addressed and considered vital to the work of the
23 Commission.

24 I now invite Ms Jenny Stevens to open on behalf of the Salvation Army.

25 **CHAIR:** Just before you do, just two points. I think that last point is well made and the
26 Commission is always open to hearing from survivors, and even if we've heard from you in
27 a private session or by way of a witness statement or by way of public hearing, if you feel
28 there is a gap that has not been covered, the door is not closed, please feel free to get in
29 touch through our contact centre and we'll be very happy to hear that.

30 The second point, Ms Janes said that the witnesses who have given statements other
31 than those who are being heard today or heard earlier have not been heard, of course I want
32 to reassure those people that indeed they have been heard, that all their statements are
33 carefully read and accumulated with all the other evidence. So even though you're not
34 being here publicly you are heard and I want to make that point very strongly.

1 Thank you very much Ms Janes. Ms Stevens.

2 **OPENING STATEMENT BY MS STEVENS**

3 **MS STEVENS:** Mōrena and greetings to Commissioners and to everyone who's here today,
4 including those watching on the live stream. On behalf of the Salvation Army, we want to
5 expressly acknowledge survivors and also to thank the Survivors Network for the opening
6 that they have just given. That has been very much heard by us. Thank you,
7 Commissioners, for the opportunity to make this opening statement.

8 As you've heard over the next two days, maybe two and a half, you'll hear evidence
9 from two Salvation Army witnesses. Their evidence focuses on explaining the redress
10 process that The Salvation Army has been engaged in over the last nearly 20 years. And as
11 noted by Ms Janes, that's largely in the context of receiving and responding to claims of
12 abuse in children's homes that were historically operated by The Army.

13 As was acknowledged when I addressed you very briefly in phase 1 of this hearing,
14 The Army knows and acknowledges that abuse occurred in its children's homes. It is to
15 The Army's profound regret and shame that children were abused whilst in its care and
16 Colonel Walker, on behalf of the Salvation Army, will say more about that very shortly.

17 The modern day Army has been addressing the fact that historical abuse occurred
18 through a redress process since the early 2000s. In December you heard from Ms Janet
19 Lowe about her experience of abuse whilst in an Army-run children's home and her
20 experience then of seeking redress from The Army in relation to that abuse. She was one of
21 the first formal claims of this nature received by The Army.

22 At the time that her claim was received, there was shock within The Army and there
23 was admittedly disbelief about what she was saying had occurred. Because of the threat of
24 legal action, civil legal action, insurers were called, lawyers were instructed, harsh legalistic
25 and uncaring letters were sent.

26 Ms Lowe was quite rightly not happy with The Army's response to her claim and
27 she began to see if there were others in a similar position to her. While The Army was still
28 engaging with Ms Lowe in 2003, another significant event happened for The Army in
29 relation to redress. A TV show aired in New Zealand about abuse that had occurred in The
30 Salvation Army homes run in Australia. This again highlighted the scale of the issue in
31 New Zealand as many people came forward telling of their experiences in New Zealand run
32 Salvation Army children's homes.

33 This became a very important time for The Army. Towards late 2003 leadership at
34 The Army fronted to a rightly concerned, deeply concerned public, and to individual

1 survivors. A phrase was coined in quite an early media interview by the then Territorial
2 Commander of the Army that the Army would not duck or weave on this issue. They
3 wanted it all brought out and put on the table. They said that they would take whatever
4 responsibility they could for The Salvation Army of yesterday.

5 So it became that a redress programme was established. That redress process was
6 not a fully formed or perfect process from day one and there have been missteps along the
7 way. But some principles did emerge for The Army at a very early time. That included the
8 importance of personally fronting up about empathetic listening, about the importance of
9 apologising for what had happened and about being ready to engage with survivors about
10 what The Army could do to assist them, including discussing financial compensation with
11 survivors who sought it.

12 These principles have endured within The Army. Fronting up and meeting with
13 survivors to hear first-hand of their experience has been a cornerstone of the Army's
14 process from that early time.

15 Another principle that endured and was established in the early days is that The
16 Army does not require confidentiality about the allegations made or the terms of any
17 redress made. For its part, of course, The Army respects the confidentiality of all survivors,
18 but it has not been a term of The Army's engagement with survivors.

19 In time, at this early time The Army began to recognise that a legalistic approach to
20 claims couldn't sit alongside that empathetic and healing process that it wished to engage
21 in.

22 For many years now The Army has engaged with survivors by largely putting to one
23 side legal matters such as the civil legal standard required to prove claims, or the impact of
24 limitation periods or the ACC scheme on a survivor's ability to seek redress. In short, The
25 Army has recognised that it has a moral responsibility to provide redress for survivors in its
26 care and it has endeavoured to resolve all claims directly with survivors and to avoid any
27 need for survivors to seek redress through the courts.

28 While the redress programme has evolved over the last 20 years, as I say, its core
29 elements have remained relatively consistent, as have the oversight and involvement of an
30 employee of The Army, Mr Murray Houston. And you'll hear from Mr Houston as a
31 witness tomorrow. You've already heard his name mentioned a number of times by
32 survivors. He has provided two written statements that, as Ms Janes has indicated, will be
33 made available, I understand, on the website in due course.

34 He has been noted is an employee of the Army not an officer, and for some

1 survivors that has been an important distinction. For The Army itself, it has brought a
2 degree of separation and objectivity to its process. Mr Houston's evidence will focus on
3 how The Army has dealt with and responded to claims, including how the current redress
4 process operates and the evolution of that.

5 Prior to hearing from Mr Houston, you will hear from Colonel Gerry Walker who,
6 as Ms Janes has just said, is the current Chief Secretary of the Army. He has also provided
7 two written statements. He has been involved in responding to claims of abuse in several
8 different contexts, given his various roles within The Army which he will shortly explain to
9 you. And he will provide evidence from a leadership perspective of how the redress
10 process operates.

11 He'll also explain The Army's policies and procedures relevant to redress and
12 relevant to the management of alleged perpetrators of abuse.

13 Before we call those two witnesses, we just wanted to again acknowledge the
14 courage of the survivors who have come forward and given evidence. The Army has heard
15 their testimony and is committed to doing better in the future. It has already begun to
16 consider how its redress process can improve in light of the evidence and both Mr Houston
17 and Colonel Walker will provide some reflections on that when they give their evidence.

18 The Army recognises that one size does not fit all and that there is more thinking to
19 be done and work to be done on how to ensure its redress process adapts to meet the needs
20 of individual survivors.

21 Some survivors have also raised wider and more fundamental concerns, including
22 about the tone and nature of some of the correspondence they've received and the Army
23 acknowledges that its process has not been perfect in the past and it hopes that it has
24 already learned from some of those earlier missteps and the evidence and questioning at
25 this Royal Commission has been instructive in this regard already.

26 The Army finally wishes to reiterate its commitment to working with supporting
27 and learning from this Royal Commission's recommendations.

28 I did want to acknowledge Ms Tonks' reference to the exchange of correspondence
29 in relation to the call for an independent body. It's certainly something the Army is not
30 ruling out, but has indicated it wishes to hear or give this Commission opportunity to hear
31 from all interested parties and to learn from those recommendations.

32 I did want to note that the Army assured the Survivors' Network in that letter that in
33 the meantime it is not standing still, it is seeking to address the concerns raised and adapt its
34 own processes and to control what it can in the meantime.

