

A statement from the former Bishop of Nelson, Derek Eaton; the former Vicar of Blenheim, Richard Ellena; and the current Bishop of Nelson, Steve Maina

This statement forms part of a settlement agreement between a parishioner of the Anglican Church and the Bishop of Nelson in respect of proceedings filed in the Human Rights Review Tribunal. The proceedings relate to historical events involving a minister working in the Nelson Diocese. The statement is made jointly by Bishop Steve Maina (the current Bishop of Nelson), retired Bishop Richard Ellena (then Vicar of the Nativity parish, Blenheim), and retired Bishop Derek Eaton (then the Bishop of Nelson).

In 2016 an Anglican Church Disciplinary Tribunal found that in 2005 Michael van Wijk engaged in misconduct by acting in a manner inappropriate or unbecoming to the office and work of a Minister, including: “(a) an act of corruption or immorality; or (b) an act of sexual harassment or disregard for responsible personal relations”. The Tribunal found that the complainant did not truly consent to sexual contact at the time it occurred. Michael van Wijk’s conduct toward the complainant was disgraceful and involved a breach of the trust placed in him and a misuse of his priestly authority. Michael Van Wijk’s ordination was revoked as a result of this process.

The office of the Bishop of Nelson accepts liability under the Human Rights Act 1993 for the sexual harassment of its parishioner by one of the Church’s ministers, Michael van Wijk, in the course of providing her with pastoral services. We accept that in his role as an ordained minister acting under the Bishop’s licence, Michael van Wijk was acting as an agent of the Bishop. We accept that the Human Rights Act 1993 applies to the pastoral services provided by Michael van Wijk, and assume responsibility for Michael van Wijk’s conduct.

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

We were not aware of Michael van Wijk’s conduct at the time it occurred in February and March 2005, however by March 2005 we knew some of what occurred and in June 2005 we received a detailed written complaint. We regret that we failed to recognise the conduct as sexual harassment, and attempted to minimise and excuse Michael van Wijk’s behaviours, despite having received a separate complaint about his behaviour towards another parishioner. We regret that we failed to take sufficient steps to resolve the victim’s complaints by neglecting to follow our policy. We

acknowledge that we should have investigated her complaint fully, informed Police when issues of consent were raised and instigated formal Church disciplinary processes. We were wrong not to fully inform the victim of these processes and to dissuade her from using them. We apologise for disclosing the complainant's name to Church staff in circumstances where it should not have been disclosed.

We were wrong to allow Michael van Wijk to resign without any disciplinary action. Had we followed proper procedure we would have insisted upon a disciplinary process at the time, rather than simply accepting his resignation and the surrender of his licence. We were wrong to decide not to give full reasons to the congregation for Michael van Wijk's departure. We acknowledge this led to sympathy for Michael van Wijk, and speculation about what had occurred which compounded the harm suffered by the parishioner and her family. We deeply regret that this occurred.

Over the years these failings have caused the parishioner and her family additional hurt and for that we are sincerely sorry.

Between 2016 and 2019 we defended the Human Rights Review Tribunal proceedings brought by the parishioner and did not accept liability for what occurred. We now recognise that our defence of the claim prevented reconciliation between the parishioner and the Church, and we regret the time it has taken to reach a position where we can now achieve that reconciliation. Our deepest wish is that this occur.

Our failures have caused the complainant additional hurt and prolonged her suffering over a period of many years. For this we are truly sorry. We are paying the complainant \$100,000 in recognition of the gravity of humiliation and hurt she has suffered and in recognition that the way we handled her complaint was badly flawed.

We have read the parishioner's account of events and listened to the resulting impact on her life. We have spent many hours considering what we could have done to prevent this from occurring and how we could better have dealt with the situation that arose.

As a result, the Diocese of Nelson is putting in place additional structures to better protect and support parishioners, including by bolstering and improving the vetting process for ordination candidates, the training programme for ministers, supervision of ministers, and the complaints process. We as a Diocese will do all that we can to prevent such actions from occurring again and to deal appropriately and sensitively with any complaints which may arise.

Please join us in our prayers for the ongoing healing of those concerned.