



13 May 2024

Tēnā koe

Official Information Act request

On 14 April 2024, your request was transferred to the Ministry of Social Development to respond to. You requested a briefing note sent to the Minister for Social Development and Employment in January: 15 January 2024 All-of-Government Response to Gloriavale 1312026.

I have considered your request under the Official Information Act 1982 (the Act). Please find a copy of the following document attached to this letter, in response to your request:

- Briefing – *The All-of-Government response to Gloriavale*, dated 20 December 2023

Some information has been withheld under section 9(2)(a) of the Act in order to protect the privacy of natural persons. The need to protect the privacy of these individuals outweighs any public interest in this information.

Further information is withheld under section 9(2)(g)(i) of the Act to protect the effective conduct of public affairs through the free and frank expression of opinions. I believe the greater public interest is in the ability of individuals to express opinions in the course of their duty. Please note that Annex One of the Briefing has also been withheld in full under section 9(2)(g)(i) of the Act.

I will be publishing this decision letter, with your personal details deleted, on the Ministry's website in due course. If you wish to discuss this response with us, please feel free to contact OIA_Requests@msd.govt.nz.

If you are not satisfied with my decision on your request, you have the right to seek an investigation and review by the Ombudsman. Information about how to make a complaint is available at www.ombudsman.parliament.nz or 0800 802 602.

Ngā mihi nui

Magnus O'Neill
General Manager, Ministerial and Executive Services



**MINISTRY OF BUSINESS,
INNOVATION & EMPLOYMENT**
HĪKINA WHAKATUTUKI



**NEW ZEALAND
POLICE**
Ngā Pirihimana o Aotearoa



**ORANGA
TAMARIKI**
Ministry for Children



**MINISTRY OF SOCIAL
DEVELOPMENT**
TE MANATŪ WHAKAHIATO ORA



**Te Tāhuhu o
te Mātauranga**
Ministry of Education

WORKSAFE
Mahi Haumarū Aotearoa



**Manatū
Wāhine**
Ministry
for Women

BRIEFING

The All-of-Government Response to Gloriavale

Date:	20 December 2023	Priority:	Medium
Security classification:	Sensitive	Tracking number:	2324-0986

Action sought		
	Action sought	Deadline
Hon Brooke van Velden Minister for Workplace Relations and Safety	<p>Indicate whether you would like to meet with officials to discuss coordination and oversight arrangements for the all-of-government response to Gloriavale</p> <p>Forward this briefing to the Minister of Health and the Minister for the Public Service (Minister for Workplace Relations and Safety only)</p>	23 January 2024
Hon Erica Stanford Minister of Education		
Hon Louise Upston Minister for Social Development and Employment		
Hon Mark Mitchell Minister of Police		
Hon Karen Chhour Minister for Children		
Hon Nicola Grigg Minister for Women		

Contact for telephone discussion (if required)			
Name	Position	Telephone	1st contact
Natalie Labuschagne	Policy Director, Workplace Relations and Safety Policy, MBIE	s9(2)(a)	✓ (from 3 January 2024)
Anna Clark	General Manager, Workplace Relations and Safety Policy, MBIE	s9(2)(a)	✓

All agencies listed above have approved this briefing. In addition, the following departments/agencies have been consulted

Department of the Prime Minister and Cabinet (Policy Advisory Group).

Minister's office to complete:

- Approved
- Noted
- Seen
- See Minister's Notes
- Declined
- Needs change
- Overtaken by Events
- Withdrawn

Comments

RELEASED UNDER THE OFFICIAL INFORMATION ACT

BRIEFING

The All-of-Government Response to Gloriavale

Date:	20 December 2023	Priority:	Medium
Security classification:	Sensitive	Tracking number:	2324-0986

Purpose

To provide Ministers with:

- background information on the all-of-government response to Gloriavale
- a summary of the current coordination and reporting function, and the Ministerial oversight arrangements
- an early indication of Ministers' options regarding the future of these coordination and oversight arrangements.

We understand that on 6 December 2023 the counsel for the plaintiffs (former Gloriavale residents) in recent Employment Court cases wrote to several Ministers about Gloriavale. This briefing does not include advice about that correspondence.

Recommended action

The Ministry of Business, Innovation and Employment (MBIE) recommends that you:

- Note** that an Employment Court decision in May 2022 provided new information about the Gloriavale community, enabling a range of government agencies to take a more active stance in investigating alleged illegal activity and monitoring community wellbeing. Noted
- Note** that in August 2022, the former Government agreed to establish a new function, led by the West Coast Regional Public Service Commissioner ("the RPSC"), to formally coordinate the operational activities of agencies involved in Gloriavale against an agreed set of five outcomes, with the Minister for Workplace Relations and Safety leading Ministerial oversight and MBIE providing secretariat support. Noted
- Note** that in May 2023, the former Government agreed that:
 - the RPSC's coordination function be maintained until 31 December 2023
 - a Ministerial Oversight Group be established to monitor Gloriavale's progress against outcomes, consider any operational risks, and receive reports from the RPSC. Noted
- Note** that closing out the coordination function at the end of 2023, as currently scheduled, potentially risks losing the momentum gained by agencies involved in Gloriavale towards achieving the five outcomes (although inter-agency collaboration would continue regardless of the existence of the central coordination and Ministerial oversight functions). Noted

e **Note** that officials can provide further advice on extending the government coordination and reporting function and/or developing a Ministerial oversight arrangement that meets the needs of the Coalition Government.

Noted

f **Indicate** whether you would like to meet with officials to discuss commissioning advice on the matters referred to in recommendation e above.

Yes / No Minister for Workplace Relations and Safety	Yes / No Minister of Police	Yes / No Minister for Children
Yes / No Minister for Social Development and Employment	Yes / No Minister of Education	Yes / No Minister for Women

g **Forward** this briefing to the Minister of Health and the Minister for the Public Service for their information.



Yes / No

Minister for Workplace Relations and Safety

Anna Clark

Anna Clark
General Manager, Workplace Relations and Safety Policy
 Ministry of Business, Innovation and Employment
 20 / 12 / 2023

Hon Brooke van Velden
Minister for Workplace Relations and Safety
 / /

Hon Erica Stanford
Minister of Education
 / /

Hon Louise Upston
Minister for Social Development and Employment
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Hon Mark Mitchell
Minister of Police
 / /

Hon Karen Chhour
Minister for Children
 / /

Hon Nicola Grigg
Minister for Women
 / /

Background

1. The Gloriavale Christian Community ("Gloriavale") is a community founded in 1969 and based in an isolated location on the West Coast of the South Island. Gloriavale is made up of approximately 600 members, of whom just under two-thirds are under the age of 16 and one quarter are under the age of 6.
2. Gloriavale operates under a hierarchical leadership structure, at the top of which is the Overseeing Shepherd (Stephen Standfast is currently the acting Overseeing Shepherd). Below the Overseeing Shepherd are the Shepherds, who are responsible for supervising the spiritual and moral discipline of the community, and below the Shepherds are the Servants, who are responsible for the day-to-day activities. A document called "*What We Believe*" summarises the values and beliefs by which members are expected to abide.
3. Several commercial enterprises are run by Gloriavale, including a honey making factory, a meal plant, and a large-scale dairy farm, all of which produce goods for commercial sale. Gloriavale owns substantial assets funded largely through its commercial enterprises. The ownership of commercial enterprises is split between two key entities – the Christian Church Community Trust (CCCT), which was given charitable status in 2008, and the Christian Partners partnership.
4. Gloriavale is a self-sustaining community, with a key belief that members should not own anything themselves and should contribute what they can to the community. Members do not handle their own finances or make their own purchases. When male community members turn 16, they become an Associate Partner. Adults in Gloriavale, including some women, are invited to become a Partner when they are older. Associate Partners and Partners receive payment for their work. These payments are automatically transferred to a shared community bank account.
5. Over many years, concerns about the welfare of members, particularly children and women, have been raised by leavers and government agencies that engage with Gloriavale.
6. Agencies' ongoing interactions with Gloriavale have included:
 - a. *Provision of support services to Gloriavale community members:* agencies have been providing support services including financial support and counselling for community members; and financial, employment and housing support for leavers.
 - b. *Monitoring Gloriavale's compliance with legislation:* agencies undertake inspections and reviews to ensure that Gloriavale is complying with requirements set out in legislation.
 - c. *Investigation into potential breaches of legislative requirements including alleged criminal acts and child protection concerns:* several agencies have undertaken investigations into practices within Gloriavale. There are currently active charges against members of the community relating to child protection matters.
 - d. *Review into Gloriavale's compliance with educational standards:* alongside regular monitoring by agencies, the Education Review Office (ERO) has undertaken a special review of the private school, the home-schooling programme and provision of Te Kura at the Ministry of Education's request.

Gloriavale has been subject to heightened scrutiny and agency operational intervention since May 2022

7. Employment Court decisions in May 2022¹ and July 2023² found three male plaintiffs and six female plaintiffs respectively to be employees. In addition to these findings of employment status, the Employment Court decisions provided information and comment about issues such as forced labour, exploitation of child labour, and physical, psychological, and sexual abuse. Significant evidence not previously known to agencies was introduced as part of the proceedings, which agencies used to fill information gaps from the lack of reliable information or cooperation from Gloriavale leaders and members at that time.
8. The judgments clarified the operational jurisdiction for some agencies that routinely engaged with Gloriavale, although the fact that the Employment Court did not initially make decisions about the identity of the plaintiffs' employer(s) has limited the nature of the enforcement action that some agencies could pursue.³ Nonetheless, the cases have resulted in increased operational intervention from a number of agencies, enabling them to work with the community and take more action against Gloriavale or its members where appropriate to do so.
9. There are several other legal proceedings underway relating to labour exploitation and physical and sexual abuse at Gloriavale, including charges of indecent assault relating to historical offending against young women, against the community's Overseeing Shepherd Howard Temple. He is currently on bail outside the Gloriavale compound, with a condition of compliance with an Oranga Tamariki safety plan. This includes supervision to prevent any inappropriate contact with a child or young person. The impending court trial is likely to begin in 2024.

The former Government agreed in August 2022 to establish a formal coordination function, to build on existing operational activity in relation to Gloriavale...

10. Prior to August 2022, agencies informally coordinated their operations relating to Gloriavale and convened to share information, when necessary, in response to heightened concern for the wellbeing of community members, the potential that investigative activity would lead to unrest within the community, or when there was increasing public and media interest in the community. This coordination was informally supported locally by the West Coast Regional Public Service Commissioner ("the RPSC")⁴ and the Ministry of Social Development. When appropriate, agencies jointly undertook operations and investigations, or shared information when legally able to do so.

¹ *Courage v Attorney-General* [2022] NZEmpC 77

² *Pilgrim v Attorney-General* [2023] NZEmpC 105

³ On 15 December 2023, the Employment Court released its decision on the identity of the employer in the *Pilgrim* case (concerning women and girls doing kitchen/laundry work), identifying the person in the role of the Overseeing Shepherd as the employer of the plaintiffs. As previously signalled, the Labour Inspectorate (MBIE) needed the Employment Court to confirm the identity of the employer(s) to proceed with enforcement action and work with the plaintiffs to calculate arrears owed. This decision gives the Inspectorate the clarity required to progress its investigation and determine any enforcement action required. However, the 15 December 2023 decision does not affect the male plaintiffs in the *Courage* case (decisions about the identity of the employer(s) in that case are still pending).

The recent *Pilgrim* decision will enable WorkSafe to take enforcement action, where appropriate, for any identified health and safety failures within Gloriavale's kitchen/laundry operations. WorkSafe has been engaging with Gloriavale and its health and safety consultant to seek voluntary compliance with expected standards. In respect of the commercial businesses, there are no issues with enforcement as the PCBU entity is clear.

⁴ A senior public servant is appointed in each region to represent all-of-government as an RPSC. RPSCs are supported by a Regional Chief Executive group that provides oversight and sector representation.

11. In August 2022, the former Government agreed to establish a new function to formally coordinate the operational activities, noting that this work would be led by the RPSC [CAB-22-MIN-0316.01 refers].
12. The former Government agreed to a set of five outcomes expected from agencies' engagement with Gloriavale and a streamlined reporting structure, whereby the RPSC reported directly on progress against the five outcomes to the lead Minister, who would update Cabinet as required. The agreed outcomes are:
 - i. Work at Gloriavale is undertaken by community members without the threat of penalty.⁵
 - ii. Gloriavale community members receive at least minimum legal entitlements for their work.
 - iii. Children have their rights upheld, including receiving an education and not being exploited for commercial gain.
 - iv. There is no tolerance for any form of avoidable serious harm to anyone at Gloriavale.
 - v. Those who want to leave Gloriavale can do so freely, with appropriate support to help them (re-)integrate into society.
13. Ministerial oversight of the operational work was originally led by the Minister for Workplace Relations and Safety, and in February 2023 the lead was delegated to the Associate Minister for that portfolio. On this basis, secretariat support for the Ministerial oversight function has sat with policy officials for the Workplace Relations and Safety portfolio (within MBIE).
14. In line with past Cabinet decisions, the RPSC has been coordinating the work of multiple operational agencies with respect to Gloriavale – primarily the Ministry of Social Development, Police, Oranga Tamariki, WorkSafe, Ministry of Education, ERO, Charities Services (Department of Internal Affairs), Te Whatu Ora, and the Labour Inspectorate.

... and later established a Ministerial Oversight Group to monitor progress and risks

15. In May 2023, the former Government agreed that the established coordination function should be maintained until 31 December 2023. In addition, a Ministerial Oversight Group was established to monitor the progress and any operational risks in relevant portfolios (such as resourcing pressures) and to meet regularly (approximately every two months) to consider reports from the RPSC. The Ministerial Oversight Group included the Associate Minister for Workplace Relations and Safety (lead Minister), the Minister for Children, Minister of Education, Minister for Social Development and Employment, Minister of Police and the Minister for Women.
16. The former Government invited the lead Minister to report back to Cabinet by the end of 2023 on progress and whether a further operational or policy response was needed.

Progress of the all-of-government response against the five agreed outcomes

17. Since the RPSC commenced reporting from October 2022, the RPSC office has engaged with the Gloriavale leadership around the five outcomes and convened government agencies at both the operational and regional leadership levels to coordinate engagement and share intelligence. The RPSC office has also engaged with community organisations working with

⁵ The Employment Court decision in *Courage* provided information on the no-work-no-food principle contained within "What We Believe" and that members were prohibited from eating dinner on occasion.

Gloriavale. Six written reports have been provided to the previous Government on actions by the Crown relating to Gloriavale, and progress against the five agreed outcomes.

18. In summary, since August 2022, agencies working alongside the Gloriavale leadership have made considerable progress towards supporting the community to achieve the five outcomes, with two of the key outcomes (i and v above) close to meeting agencies' expectations as being achieved. However, the three remaining outcomes (ii, iii and iv above) still require an ongoing focus to ensure the community is able to fully demonstrate each of these outcomes as being met.
19. There are early signs of the cultural shift needed to demonstrate the community is able to meet and sustain the five agreed outcomes. The RPSC is seeing examples of the structural and policy changes needed to meet the outcomes, which appear to be now actively supported by the acting Overseeing Shepherd Stephen Steadfast.
20. Progress is being made in relation to allowing a social worker to operate within the community, minimum legal entitlements for work done within the community, increasing the representative power of women within the community, as well as the establishment of mechanisms such as:
 - a. Anti-bullying and Harassment Policy
 - b. Christian Church Community Trust (CCCT) Advisory Committee
 - c. Child Protection, Safety and Wellbeing Policy
 - d. Child Protection Leads group.

Key risks and challenges remain

Risks to the wellbeing of children

21. Despite progress being made, Oranga Tamariki and Police continue to respond to allegations or disclosures of harm towards children in the community, including those relating to harmful or concerning sexualised behaviour in children. In June 2023 Overseeing Shepherd Howard Temple was indicted on charges of indecent assault (see paragraph 9 for more information).
22. Overall, concerns remain about children's rights not being adequately upheld in the community, including but not limited to the right to an adequate education and the right to not be exploited for their labour. The approach to education is considered by agencies to contravene national and international children's rights standards.

Risks to education provision

23. Gloriavale operates a private school and a licenced early childhood service. There are also a number of students engaged in study through Te Kura and home-schooling. Attracting and retaining qualified teaching staff has been a challenge for the community, which has seen the closure of two of their three early learning services and an increase in students being home-schooled.
24. ERO has undertaken a special review of the private school, the home-schooling programme and provision of Te Kura at the Ministry of Education's request. As part of this review, ERO visited the community during the week of 17-21 July 2023. The ERO review highlights challenges within the current model of education delivery.

Access to banking services and other commercial risks

25. Continued access to banking services remains the most critical continuity risk facing Gloriavale. In November 2022, in response to an application from Gloriavale, an interim injunction was granted preventing BNZ from terminating the banking relationship.

26. Gloriavale to date has been unable to secure another commercial banking provider should the interim injunction not continue.
27. Other commercial risks include trading partners withdrawing their commercial relationships with Gloriavale following the first court case, due to brand association and implications of forced labour.

s9(2)(g)(i)

Decisions are needed on Government oversight arrangements going forward

31. The formal coordination function led by the RPSC will be maintained until 31 December 2023. However, regardless of the existence of that function, operational activity by agencies (including collaborative inter-agency work) is expected to continue for a number of years beyond 2023. The former Government invited the lead Minister to report back to Cabinet by the end of 2023 on progress and whether a further operational or policy response is needed.
32. An immediate decision for Ministers is whether to seek a decision from Cabinet to formally extend the coordination function for a specified period into 2024. Should the function not be extended, the RPSC will close out the role with Gloriavale leaders and make recommendations for individual agencies to pick up delivery of specific outcomes under their business-as-usual functions (with inter-agency work also continuing as appropriate).
33. Closing out the coordination function in 2023 risks losing the momentum gained by agencies towards achieving the five outcomes and in terms of the community leadership's willingness to engage. Although agencies would continue to work cooperatively, the lack of a single all-of-government coordination point could undermine the confidence and trust of some of the groups within Gloriavale that agencies have started to engage with.
34. Any future reporting to Ministers would no longer be centrally coordinated by the RPSC through the lead Minister. Instead, operational agencies would report "through the line" directly to their Ministers.
35. No single agency can address the needs of the community alone, and Ministerial oversight holds agencies collectively accountable for their role in undertaking the necessary actions to support the wellbeing and safety of community members. The community leadership fully support the collective joined-up agency focus and have requested that this involvement continue.
36. Agencies are able to provide further advice (and a draft Cabinet paper should Ministers request this) regarding the decision to extend the coordination function and, if so, for how long. This advice would include recommendations on:
 - a. The length of the extension (before the lead Minister reports back to Cabinet on progress).
 - b. The lead Minister, and the nature of any broader Ministerial oversight arrangement.


- c. The lead agency to align with the lead Minister, coordination function or operational activity being undertaken by agencies ^{s9(2)(g)(i)} [REDACTED]
Currently the agency lead sits with the policy function within the Workplace Relations and Policy branch in MBIE. This function is removed from the RPSC and operational activity of other agencies, ^{s9(2)(g)(i)} [REDACTED]
37. Ministers could also seek Cabinet's agreement to revisit the set of five outcomes that are the basis of agencies' work with Gloriavale, and to commit agencies to undertake further work to develop a framework or system to evaluate and measure change against the five outcomes.
38. In the first instance, we consider there would be value in Ministers meeting with officials to discuss the potential for continuing some form of coordination and oversight function, and to commission more detailed advice as appropriate.

Annex

^{s9(2)(g)(i)} [REDACTED]

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s9(2)(g)(i)



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