

**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 Katherine Anderson, Ms Kerry Beaton, Ms Lorraine MacDonald and Ms Kirsten Hagan for the Royal Commission
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

Date: 19 March 2021

TRANSCRIPT OF PROCEEDINGS

1 continuing to be open to change, and that to me is a very heartening attitude for you and
2 your church to be taking. So thank you very much indeed.

3 A. Thank you.

4 **CHAIR:** I think it's now appropriate that we all take some lunch, so we will resume now. In
5 terms of time, Ms Anderson, how do you think, would you like to take the full hour, or
6 would you like to take a shorter time?

7 **MS ANDERSON:** I think the normal time.

8 **CHAIR:** Normal time is okay?

9 **MS ANDERSON:** Normal time, yes.

10 **CHAIR:** Then 2.15 it will be, thank you.

11 **Luncheon Adjournment from 1.05 pm to 2.21 pm**

12 **CHAIR:** Kia ora. Yes Ms Guy Kidd. You'll be leading these two gentlemen?

13 **MRS GUY KIDD:** Yes I will, I'll be leading the evidence of Philip Richardson and Donald
14 Tamihere.

15 **CHAIR:** Good afternoon to both of you. Thank you very much for coming, I know you've been
16 observing closely throughout which is something that we appreciate. And if I could just
17 ask you, I won't ask you to sing a duet, but if I just read it once and I'll ask you each to
18 affirm.

19 **ARCHBISHOP DONALD STEVEN TAMIHERE (Affirmed)**

20 **ARCHBISHOP PHILIP RICHARDSON (Affirmed)**

21 **QUESTIONING BY MRS GUY KIDD:** Tēnā koe first Archbishop Philip Richardson. Could
22 you please start by telling us regarding how you started in the Anglican Church?

23 **ARCHBISHOP PHILIP:** Tēnā koe Fiona, I'm a cradle Anglican, I don't remember a time when
24 I haven't been an Anglican. My earliest memory is Sunday School at St Peters Upper
25 Riccarton in Christchurch when my father was at the Wigram Air Force base. I was
26 involved in Sunday School there, youth groups, the Ahunui adventure camping system in
27 Auckland Diocese in my teenage years which were very formative. I went through the
28 discernment for ordination process as a 16-year-old and went to university on a church
29 scholarship. I was ordained at the age of 23, which is the youngest you can be ordained,
30 having done some of my training in India and priesthood in the following year.

31 I served in parishes in Glen Innes, in Whangarei and then went to do postgraduate
32 work at Otago. I became a vicar of a parish in Dunedin, then warden of Selwyn College,
33 University College, was involved in teaching ethics at the university, particularly in relation
34 to biomedical ethics. Then in 1999 was elected a Bishop and moved to Taranaki in the

1 Diocese of Waikato and Taranaki, and been in that role, shared with another Bishop over
2 many years, and then 2013 became Archbishop of New Zealand while continuing as the
3 Bishop in that Diocese and since 2017. I have been sole Bishop in the Diocese of Waikato
4 and Taranaki.

5 **MRS GUY KIDD:** So how long have you been a Bishop for?

6 **ARCHBISHOP PHILIP:** That would be 22 years.

7 **MRS GUY KIDD:** Tēnā koe Archbishop Don. Could you please introduce yourself to the
8 Commission.

9 **ARCHBISHOP DON:** Tēnā koe Fiona. Tēnā koutou te Komihana ā hurinoa ki tēnei ruma. Ko
10 Donald Tamihere awau. Nō Ngāti Porou, no te Tairāwhiti, he Pīhopa ahau, he Āti Pīhopa i
11 roto i te Hāhi Mihingare. My name is Donald Tamihere, I'm currently the Bishop of
12 Tairāwhiti, the Bishop of Aotearoa and one of the three Archbishops of the Anglican
13 Church.

14 **CHAIR:** Could you imagine you're shouting across the Waipapu River please.

15 **ARCHBISHOP DON:** I most certainly could. I was just saying I'm the Bishop of Tairāwhiti, the
16 Bishop of Aotearoa and one of the three Archbishops of the Anglican Church in Aotearoa
17 New Zealand and Polynesia. And in a similar fashion, baptised as a mihinare child,
18 confirmed as a mihinare child, served time in various Christian ministries as a teenager,
19 studied at St John's College in my early twenties, ordained in my thirties, Deacon in 2003,
20 Priest 2004, became a Bishop in 2017 and then the Bishop of Aotearoa and Archbishop in
21 2018.

22 **MRS GUY KIDD:** You referred to the Mihinare Church, can you explain?

23 **ARCHBISHOP DON:** When I refer to Te Hāhi Mihinare I refer not only to our Anglican
24 whakapapa, our Anglican lineage, brought here by British missionaries in the beginning,
25 but I also refer to the development of the Māori response to that Anglican heritage, which
26 we call Te Hāhi Mihinare. So there is an indigenous Māori whakapapa to this faith
27 tradition as well as an Anglican one.

28 **MRS GUY KIDD:** Can you explain why you're sitting next to Archbishop Philip regarding his
29 evidence?

30 **ARCHBISHOP DON:** Two reasons. According to my own tikanga it is entirely correct for me to
31 be here to support physically one of the rangatira of our church, my elder Bishop but also
32 my colleague as an Archbishop. And secondly, just to express that in terms of the office of
33 the Archbishop that we hold within our province, this is the way that we operate, we don't
34 individuate, though there are three of us, we operate collectively and part of that for me is

1 an expression of my tikanga as a Māori person.

2 **MRS GUY KIDD:** When Archbishop Philip speaks, is he speaking just for himself?

3 **ARCHBISHOP DON:** When he speaks as an Archbishop he is speaking as if it is on behalf of all
4 of us collectively. When he speaks as a supporter of Taranaki he speaks for himself.

5 **MRS GUY KIDD:** Thank you Archbishops. Archbishop Philip, I'd like to now turn to why the
6 Anglican Church wanted to be a part of this Commission.

7 **ARCHBISHOP PHILIP:** First and foremost, we believed right from the beginning that a
8 Commission of this nature was essential in the life of our society and that as a church that
9 had had responsibility for the care of children and other vulnerable people, it would be
10 inconceivable that there wasn't abuse within our context. And that we needed to be held
11 accountable in an independent and credible way. So we petitioned the Prime Minister
12 following the release of the first draft of the terms of reference for inclusion.

13 We could not have credibly operated an equivalent process alongside a Royal
14 Commission. So we were compelled really to ensure that there was opportunity for
15 survivors of abuse within the Anglican Church had an opportunity and a forum that was
16 safe, independent and rigorous. We've committed to that and, if I may, what I would like to
17 say, recognising much of what has been said over the last couple of days about access to
18 being able to complain; anyone who is watching this live stream who has been subjected to
19 abuse within our church, within our hāhi, anyone who has not felt able to come forward,
20 this is an opportunity, independent of our church, to do so. Can I just strongly, on behalf of
21 the church, encourage you to do so.

22 **MRS GUY KIDD:** Archbishop Don, do you want to speak to that?

23 **ARCHBISHOP DON:** Absolutely, I want to reiterate, we are strongly encouraging anyone and
24 everyone who feels they have been abused while in the care of the Anglican Church to
25 please come forward to the Commission.

26 **CHAIR:** May I ask you respectfully to repeat that in Te Reo Māori?

27 **ARCHBISHOP DON:** No māua nei nō te Hāhi te tino hiahia. Kia wairea te huarahi no rātou kua
28 pāngia e te mahi tūkino, ki te haere mai ki mua o te aroaro o tēnei Kōmihana Karauna. Ki
29 te haere mai ta rātou kōrero ngā mea i taumaha tonu kei runga i a rātou. Ki a kōrero ki a
30 whakapuaki ki nga mea ko pāngia ki a ratou, i runga i te taumata o te tautoko me te tino
31 aroha ki a rātou.

32 **CHAIR:** Tēnā koe.

33 **MRS GUY KIDD:** Archbishop Philip, I'll take you to para nine in your statement. There's what
34 you've headed as a statement of intent, and I'll ask you to read that please.

1 **ARCHBISHOP PHILIP:** Tēnā koe. In some ways I have begun that statement of intent already.

2 I have had the privilege of reading the evidence that survivors of abuse have given to the
3 Commission. It is incontestable that such abuse has been committed by people part of, or
4 associated with, the Anglican Church. It takes a great deal of courage to re-live and re-
5 count an experience of abuse. We wish to acknowledge with gratitude and respect those
6 survivors for their willingness to share their experiences.

7 We will, and as Archbishops on behalf of the Anglican Church, unreservedly
8 apologise to everyone who has suffered abuse in Anglican institutions through a statement
9 on behalf of the three primates, which I believe will be heard later in this hearing. It was
10 and is unacceptable and inexcusable. There will also be specific apologies given to
11 individual survivors.

12 The Anglican Church understands that an apology, although sincere, may be seen as
13 incomplete without tangible redress processes and structural changes that prevent such
14 shameful conduct occurring ever again. The Anglican Church is deeply committed to
15 making changes, and is making changes, to ensure that abuse does not happen again and
16 that survivors receive genuine redress. This will be addressed further by the primates
17 together.

18 The Anglican Church has made substantial changes in the way it responds to
19 instances of abuse to ensure that its institutions are safe for everyone, especially those
20 children, young persons and vulnerable adults that we care for and provide services to. I
21 will discuss these changes in detail later in this evidence.

22 The Anglican Church is working actively through how best to provide redress for
23 harm, for the harm that has been caused in a way that is constructive and meaningful for
24 survivors. All processes must treat survivors with respect and dignity. The Anglican
25 Church has not always responded to survivors in this way. We must and are trying to do
26 better in how we respond and provide redress.

27 On behalf of the Anglican Church, we apologise for all occasions where survivors
28 have not been treated with respect and dignity, when approaching the Anglican Church
29 with their experiences. The path towards reconciliation and healing is one that the
30 Anglican Church has committed itself to and will continue to walk through the duration of
31 this Inquiry and beyond.

32 Indeed, the story of the Anglican Church over the last decade has been one of
33 attempting to get better at dealing with abuse complaints and claims. There has been, over
34 the years, a significant shift in attitude and approach in the life of the Anglican Church,

1 which has culminated in the revised Title D of the code of canons that deals with discipline.
2 I'll come back to discuss that Title. There is more to be done, but it is important to
3 acknowledge the progress that's been made.

4 The Anglican Church has also committed to working with the Commission in the
5 hope that the Inquiry assists in finding the best way and the best means of redress for
6 survivors.

7 **MRS GUY KIDD:** Now the Commissioners have your detailed written statement and that is also
8 available online, so we're not going to go through everything that you've said in the time
9 that we have to lead the evidence. Just taking you to paragraph 20 of your statement, could
10 you just, in a nutshell, encapsulate the size of currently, of those we would consider to be
11 within the Anglican Church?

12 **ARCHBISHOP PHILIP:** There are around 350,000 people who identify themselves as Anglican.
13 We have at least 300 parishes and pāriha. There are over 30 schools in Aotearoa
14 New Zealand, so excluding the ones in Polynesia, associated with our church in various
15 ways. Each week the Anglican Minister would deal with in excess of 100,000 New
16 Zealanders.

17 **MRS GUY KIDD:** When you talk about ministering and you give that number, through what
18 avenues is that ministry happening that you're referring to?

19 **ARCHBISHOP PHILIP:** It's been typically described in evidence to date as ministry units,
20 which are parishes, but also various mission initiatives. Sometimes in new suburbs they
21 take a form which is different from a parish; through our social service agencies who
22 continue to deal with some of the most vulnerable in our society; through our schools and
23 through various chaplaincies, for example, in hospitals, in prisons, in the Military, mainly
24 those services that — emergency services, chaplains to a variety of organisations.

25 **MRS GUY KIDD:** And the number you just gave us of 300,000 people who would identify
26 themselves as Anglican, where does that come from?

27 **ARCHBISHOP PHILIP:** From the New Zealand census figures.

28 **MRS GUY KIDD:** As at what year?

29 **ARCHBISHOP PHILIP:** Whenever the last year of what's reported through Mr Google.

30 **MRS GUY KIDD:** And can you comment to assist us over the time from 1950 what has
31 happened to the number of people in New Zealand who, in a census, will identify
32 themselves as Anglican?

33 **ARCHBISHOP PHILIP:** It has significantly declined as the population has grown. So the actual
34 numbers and the percentage is significantly lower, but interestingly the records of

1 attendance are proportionately not dissimilar to earlier years.

2 **MRS GUY KIDD:** What do you discern from that?

3 **ARCHBISHOP PHILIP:** That people don't say something in the census which is not true for
4 their lives in part.

5 **MRS GUY KIDD:** So the census numbers are starting to reflect what you actually see in the
6 churches?

7 **ARCHBISHOP PHILIP:** Correct.

8 **MRS GUY KIDD:** Thank you. It may assist the Commission if there's been some comment in
9 the last witness' evidence about a lack of children in his parishes. Are you able to comment
10 on the demographics of those attending in your parishes throughout the country?

11 **ARCHBISHOP PHILIP:** The development of what we refer to as the new constitutional
12 arrangements from 1992 have been a reflection of our commitment to, in Aotearoa
13 New Zealand, to Te Tiriti o Waitangi and to the ability of each cultural strand to be
14 self-determining in terms of language, in terms of styles of worship, in terms of organising
15 corporate life, in terms of decision-making. And so, there is a sense in which we can, each
16 of us as Anglicans, choose which cultural stream which to identify with; Tikanga Māori,
17 Tikanga Pasifika, Tikanga Pākehā.

18 Within those who primarily identified with Tikanga Pākehā, there is a significant
19 multicultural dimension particularly in our larger cities. It would be true to say that within
20 much of rural Aotearoa New Zealand you'll have—I know I was told not to speak about
21 Taranaki, but, for example, in Waitara we have both Holy Māori Mission and St John's
22 Anglican Church, so Te Hāhi Mihinare and the Anglican Church, if you like, serve together
23 distinctively Māori and Pākehā communities.

24 **MRS GUY KIDD:** And so I was asking about demographics. You've talked about how that
25 works with Māori and Pākehā. Archbishop Don, at that point is there anything further
26 you'd like to say on that point?

27 **ARCHBISHOP DON:** Typically, if you're measuring our tikanga by way of church attendance
28 on a Sunday you'll see certain demographics, so the trend being older, fifties and sixties.

29 **MRS GUY KIDD:** That's not that old.

30 **ARCHBISHOP DON:** Yeah, I used to think that too. And you know, basically has followed
31 societal shifts. So you know, if we talk about the generation or the times of my
32 grandparents, say, in the forties and fifties, church was a significant social occasion around
33 which communities gathered. Modern society is very different. Increasingly we're seeing
34 sport and other things take precedence on a weekend and a Sunday, so people don't gather

1 the same way.

2 But for Māori church we also gather with Māori community in spaces where the
3 presence of a Māori Anglican Minister is just one dimension of what's going on. So a
4 marae might be an example and our ministry will occur in that setting and there'd be a
5 broader demographic. So we're not—we wouldn't measure ourselves solely as a parish
6 base, but just to say that in one setting the demographics present one way, in another setting
7 we are in the midst of a broader community.

8 **MRS GUY KIDD:** If we're finished that topic I'm going to move to the primary governing body
9 of the General Synod Te Hīnota Whānui. Hīnota Whānui. Archbishop Philip, if you can
10 just explain how that is comprised and how decision-making occurs?

11 **ARCHBISHOP PHILIP:** Thank you. One of the unique characteristics of the Anglican Church
12 in this part of the world is that right from the beginning it was determined that it should not
13 be led solely by the Bishop, but by the Bishop in Synod. And uniquely at that time in the
14 Anglican world that lay people would have an equal and determinative voice in the
15 governance of the church. So the General Synod Te Hīnota Whānui is made up of three
16 houses; bishops, clergy and laity; and since 1992 made up also of three tikanga. So
17 although in broad terms it is maybe equivalent to a parliament, it often doesn't meet in that
18 sort of way, but increasingly meeting and deciding in a way that's more reflective of the
19 indigenous cultures of Aotearoa and Polynesia, Talanoa.

20 The decisions, if they're not by consensus, which in most cases they are, or in many
21 cases they are, but if they come to a vote, it is possible, for example, for someone to ask for
22 a division and then the voting—

23 **MRS GUY KIDD:** What's a division?

24 **ARCHBISHOP PHILIP:** I'm just explaining, yeah. Then the vote has to be taken by houses and
25 by—there can also be—alternatively there could be a call for vote by tikanga. If one house
26 or one tikanga says no, we can't go in this direction, then we won't go. So it gives a strong
27 voice, not on the basis of numbers, but on the basis of houses or tikanga.

28 The General Synod meets every two years and is the highest body, as you say.
29 There is a General Synod Standing Committee which meets regularly during the
30 intervening time between the two-year period Synod and has some delegated powers.
31 Archbishop Don and I and Archbishop Fereimi preside over both the General Synod and
32 the General Synod Standing Committee.

33 **MRS GUY KIDD:** So has the General Synod Te Hīnota Whānui had to deal with controversial
34 issues and seek consensus on those and decisions?

1 **ARCHBISHOP PHILIP:** Yes, I guess we've handled a few. Probably within my living memory
2 the earliest was around the remarriage of divorced persons, where we moved well ahead of
3 the rest of the Anglican world in that.

4 Secondly, the recognition that women should play an equal and full part in the
5 leadership of this church, including as ordained clergy. That wasn't without controversy.

6 Most recently we have come to a view as the church, not consensus, but a majority
7 view that those who are in same-gendered secular marriages should have the right of a
8 church blessing on their marriage. Those are the kinds of things that take time to work
9 through. We are at one level an extended family.

10 **MRS GUY KIDD:** So I just want the Commission to understand about how some of this
11 decision-making actually works in practice. It takes time, what else is involved?

12 **ARCHBISHOP PHILIP:** Building consensus. We, as Archbishops, technically sit at the top of
13 the tree but the reality is that we have very little canonical power. There are some things
14 that we have direct decision-making ability over. But fundamentally, leadership is, at the
15 level that we serve, is around persuasion, conversation, dialogue, debate, interaction,
16 building consensus, building agreement.

17 An example would be the way in which you're standing here representing our
18 church with a collective representation responsibility. That's by no means a given. We had
19 to encourage each of the episcopal units, the diocese or the Amorangi, each of the schools
20 who have their own trust boards and independent status, each of our Anglican Care
21 institutions, each of whom have their own trust boards and independent status, that acting
22 collectively is to the benefit of the common good and most particularly to the benefit of the
23 voice of survivors. That had to be persuaded, encouraged, and nurtured.

24 **MRS GUY KIDD:** Archbishop Don, is there anything special or different about how that process
25 of decision-making happens within the Māori sphere of influence?

26 **ARCHBISHOP DON:** I think where we've arrived as a church obviously has a whakapapa, an
27 historical journey to it, development. And we've arrived in a space where we've found a
28 way to at least structure the possibility that we can honour the integrity of our diversity, it's
29 a diversity of culture and tikanga. When I speak of Tikanga Māori, I need to also note that
30 we are not a homogenous people. We do have within our tikanga a diversity of iwi
31 relationships, a diversity of whakapapa and beliefs. So the decision-making for us is the
32 same, it's a matter of consultation, it's a matter of consensus, it's a matter of honouring the
33 Mana Rangatira, the sovereignty, the autonomy of all those that are involved while building
34 common ground authentically.

1 Also, in relation to the work of this Commission, the fact that a consensus, a
2 significant consensus around joining together to respond kind of symbolises how important
3 this kaupapa is to us. And so we exist in that space and maintaining that space is about
4 maintaining trust and integrity and the importance of the kaupapa that we're dealing with.

5 **MRS GUY KIDD:** Now we've heard about the autonomy of bishops within your own diocese and
6 within your own Amorangi. Whilst you are autonomous, can you speak to what the current
7 practice is regarding contact, liaison between the bishops? And I'll first ask you,
8 Archbishop Philip.

9 **ARCHBISHOP PHILIP:** In my more than 20 years as a bishop there have been some really
10 significant changes. When I joined the House of Bishops I did so as an assistant bishop. I
11 was also younger and so I was asked to make the tea whenever the bishops met. When my
12 postgraduate supervisor became a bishop some years after me, but he was the next to be
13 made a bishop, I suggested to him that he should make the tea and that was the end of the
14 newest bishop ever making tea again.

15 The transition has been significant. If I jump right forward to the impact of Covid,
16 we now meet weekly by Zoom as bishops. We meet for a brief one hour, we pray together
17 for quarter of an hour and we spend three quarters of an hour identifying an issue that might
18 be right at the front for a bishop and collectively trying to think about that and talk about
19 that.

20 I think the relevance of that for this Commission is that as we will see from the
21 evidence, the siloing of episcopal units, the lack of communication between units, the
22 independence that bishops have held on to so tightly, almost unreasonably in my view, has
23 been significantly eroded for the good. We've recognised the enormous benefit of
24 collaboration, mutual accountability and just the sharing of experience and information.

25 **COMMISSIONER ERUETI:** Can I ask, so that's quite a recent phenomena brought on by
26 Covid-19—

27 **ARCHBISHOP PHILIP:** Indeed.

28 **COMMISSIONER ERUETI:** —and dramatic events in the recent year?

29 **ARCHBISHOP PHILIP:** Indeed, the weekly meeting, yes. Bishops have met traditionally twice
30 a year for two to three days to talk about matters. Again, you know, we used to refer to
31 each other as "Auckland has said" or as "Christchurch would say". We tend to talk about
32 Philip and Don now. A significant change. And I think that culture and context is
33 reflective of a whole lot of changes across the church in terms of accessibility and
34 communication, still a long way to go.

1 **MRS GUY KIDD:** Archbishop Philip, you're talking about meeting weekly with whom?

2 **ARCHBISHOP PHILIP:** I'm talking about meeting with the Tikanga Pākehā bishops.

3 **MRS GUY KIDD:** How often do you meet with the Tikanga Māori bishops together with the
4 Tikanga Pākehā bishops, whether electronically or in person?

5 **ARCHBISHOP PHILIP:** Formerly twice a year. In reality, I would be meeting with my
6 particular partner Māori bishops, Manawa o te Wheke and Upoko o te Ika on a much more
7 regular basis and I spend a fair bit of time in Archbishop Don's company.

8 **MRS GUY KIDD:** Archbishop Don, if you could speak to how often the Tikanga Māori bishops
9 speak, talk and how that works?

10 **ARCHBISHOP DON:** We're a very similar pattern to what Archbishop Philip has explained. All
11 through Covid we were meeting once a week by Zoom, not so January/February this year, I
12 was on some study leave. But otherwise, because we're a very multilateral body as well,
13 lots of boards and committees and hui, we're often crossing paths and often take the
14 opportunity to discuss matters that are to the front of our minds.

15 So I think the collegiality that we've seen grow in recent years is kind of a hallmark
16 of a, I might say, a new generation of leadership over the last few decades, and also a
17 hallmark of our context as Māori and Pākehā particularly, but as Aotearoa New Zealanders,
18 an expression of tikanga principles operating as a whānau and so forth.

19 **MRS GUY KIDD:** I'd like your realistic opinions on this. Are bishops able to now speak frankly
20 to one another and share their views about things within those gatherings?

21 **ARCHBISHOP PHILIP:** I think generally it's very frank. I think generally. We don't disclose,
22 we've built — speaking about the Pākehā bishops particularly — we've built a level of
23 mutual respect and trust.

24 **MRS GUY KIDD:** Archbishop Don?

25 **ARCHBISHOP DON:** I'd say it's the same, it's frank but it's not ill-considered. One example
26 would be I'm the youngest of the Māori bishops, although I hold the role of being a senior
27 Māori bishop, but I still approach them as my elders and so being frank and being
28 diplomatic are not always the same thing, but we move towards the same goal. I just make
29 sure as often as I can to ensure it maintains integrity of relationship and respect.

30 **MRS GUY KIDD:** Has there, within the gatherings of the House of Bishops, been a focus in
31 recent times and a reflection on the principles regarding redress and where we take
32 responsibility?

33 **ARCHBISHOP PHILIP:** Yes. We've had some real challenges around our post-2000 Title D.
34 Some of those challenges emerged through appeal processes where some of the

1 shortcomings of our Title D process were clearly revealed. Very significantly the advent of
2 this Royal Commission also brought things into very sharp focus for us.

3 So we've made distinctions in bodies of evidence between dealing with complaints
4 on the one hand and how to ensure a fulsome process of redress. To be frank, the focus on
5 redress has been consequent to us examining the handling of complaints and
6 acknowledging the adequacies of that and I know we'll return to that.

7 Redress discussions have been focused somewhat through the work commissioned
8 by the church of — I'm going to have to get this right — Dr Stephen Winter. But most
9 importantly I think what that has provided us with has been an opportunity to discuss, for
10 example, across our schools' network, whether we could come to a common set of
11 principles and policy and perhaps even a matrix for redress. And to go back to the point we
12 made earlier about the disaggregated nature of our church that we are, in a sense, a
13 voluntary compact of a wide range of entities, that's true for our schools particularly. And
14 so using that research and the draft matrix as a tool to bring people together to talk about
15 what would be the advantages of something in common by way of principles, processes and
16 potentially outcomes, to talk about the breadth of what we mean by redress when we talk
17 about it, that no amount of money will compensate for a life that has been destroyed. It has
18 to be much more all-encompassing than that.

19 And it's a shift from a focus on liability to a focus on the well-being of those that
20 have been abused and damaged. So that's a conversation that that document has helped us
21 to reflect on. Much more so than the discussion around how we might manage processes of
22 discipline around ministerial failure.

23 **MRS GUY KIDD:** So that goes to a question that Commissioner Alofivae was asking, so those
24 discussions, persuasion they've been happening with the schools?

25 **ARCHBISHOP PHILIP:** We're in the early days of that and we have invited other entities within
26 the life of the church to engage with us in similar conversations. The school conversation
27 is more developed than anywhere else in the life of our church.

28 **COMMISSIONER ALOFIVAE:** Thank you very much for explaining that.

29 **MRS GUY KIDD:** I'm going to change to a new topic and just take you through to paragraph 37.
30 I don't need you to read this, but I'd just like you to briefly explain about licences and
31 permissions to officiate.

32 **ARCHBISHOP PHILIP:** A bishop is the focus of unity for a geographical, in most cases
33 geographical, known as a diocese or an amorangi. The bishop is the chief pastor of that
34 geographical area. And so vicariously the ministry of a bishop is exercised in local

1 communities and in a range of other ministry settings. That's why we used to call the local
2 priest a vicar, because they're vicariously the bishop in that place.

3 So a licence is, in the case of Waikato-Taranaki, a licence is my delegated authority
4 and responsibility to that person to be me or the bishop in that place caring for the people of
5 that place. Which is why, when someone breaches the trust of that relationship, it has a
6 personal and profound effect.

7 A PTO is a permission to officiate. The person does not hold an office, so they do
8 not have an area of responsibility or care, whether that's a parish or a mission or a
9 chaplaincy. So it says you may function as a priest, usually in terms of preaching and
10 presiding, but you do not have delegated authority over others. Often a PTO — this is
11 critical — has pastoral engagements, interactions, and therefore is subject to the
12 disciplinary canon and the ministry standards that are at the forefront of that disciplinary
13 canon.

14 **MRS GUY KIDD:** And in order to be subject to those disciplinary canons, what happens? Do
15 you know what the connection is between the licence and the being subject to the canons?

16 **ARCHBISHOP PHILIP:** I do. So when someone receives the bishop's licence they must make a
17 declaration of adherence to the constitution and canons of the Anglican Church of Aotearoa
18 New Zealand and Polynesia. By so making that declaration they then become subject to all
19 of the provisions of those canons, including Title D.

20 **MRS GUY KIDD:** So do you have the ability to discipline everyone who comes to church on
21 Sunday?

22 **ARCHBISHOP PHILIP:** No.

23 **MRS GUY KIDD:** That's because they haven't submitted themselves, haven't signed that
24 declaration?

25 **ARCHBISHOP PHILIP:** Correct.

26 **MRS GUY KIDD:** Which is part of the licensing process.

27 **ARCHBISHOP PHILIP:** And some office holders that do not hold a licence. So a member of a
28 vestry, for example, must sign a declaration of adherence.

29 **MRS GUY KIDD:** So it's office holders and licence holders that sign that declaration?

30 **ARCHBISHOP PHILIP:** Ordained and lay licence holders, so lay ministers, for example, also
31 must sign declarations.

32 **MRS GUY KIDD:** I'm going to move to another topic which starts at para 47. I'll get you to
33 speak to this. This is what you've identified as four distinctive features of the Anglican
34 Church. The first we may have dealt with, but I'd just like you to identify that.

1 **ARCHBISHOP PHILIP:** I think we have dealt with this. The first and most distinctive aspect of
2 the Anglican Church is its bicultural in Aotearoa New Zealand, Treaty-based nature of the
3 constitution. Remembering that in the Islands of Polynesia we all stand, those of us from
4 Aotearoa New Zealand in the church stand in relationship to the first people of Tonga, or
5 Samoa, or Fiji, Cooks, or Marshalls, or wherever we are, it's really clear and obvious there.
6 Doesn't seem to be quite so clear and obvious in Aotearoa.

7 **MRS GUY KIDD:** Did you mirror that on some other country's set-up, or is this new and fresh to
8 New Zealand?

9 **ARCHBISHOP DON:** I would say it's quite unique, it's unique within the Anglican world, it's
10 unique as far as we've seen in any other church structure where the actual constitutional
11 arrangement of the church in a country enshrines relationships with the indigenous peoples
12 of that land.

13 **MRS GUY KIDD:** So it was unique back in 1992 and it is still unique?

14 **ARCHBISHOP DON:** Yes.

15 **ARCHBISHOP PHILIP:** To the extent that it's not understood in much of the Anglican world.
16 For example, we've been told that we may — we were told that we were only able to send
17 one of us to primates meetings. We said we are three, we are one, we can't disaggregate
18 ourselves and be true to who we are.

19 **MRS GUY KIDD:** The second distinctive feature, para 52.

20 **ARCHBISHOP PHILIP:** I'd suggest we've spoken completely about this in terms of the
21 relationship between — in the governance of the church between ordained and lay people.

22 **MRS GUY KIDD:** Just speaking to that, that structure of the three houses, is that a feature in
23 Australia? We've been asked about the Australian Anglican experience. Are you able to
24 say whether that operates in the same way there?

25 **ARCHBISHOP PHILIP:** Not in exactly the same way, but they have been moving more and
26 more towards their older brother's example, their older sister's example.

27 **MRS GUY KIDD:** Us?

28 **ARCHBISHOP PHILIP:** Us.

29 **MRS GUY KIDD:** But not there yet in having that similar —

30 **ARCHBISHOP PHILIP:** I think to be fair they probably are pretty comparable now.

31 **COMMISSIONER ERUETI:** Sorry, are you talking about moving towards the Pihopa o
32 Aotearoa, an indigenous —

33 **ARCHBISHOP PHILIP:** No, certainly not.

34 **MRS GUY KIDD:** No, this was about the —

1 **ARCHBISHOP PHILIP:** Clergy and lay.

2 **MRS GUY KIDD:** — lay people having been equal say in the church; is that correct?

3 **ARCHBISHOP PHILIP:** Yes.

4 **MRS GUY KIDD:** And para 56 and 55, what are some of the implications of having that
5 structure of an egalitarian-type approach?

6 **ARCHBISHOP PHILIP:** I think I've spoken about that at some length in terms of the
7 implication for us that it is all about — leadership is about persuasion and about taking
8 people with you and about having your own views modified by those that you're invited to
9 have some responsibility of leadership among.

10 **MRS GUY KIDD:** You've also noted there that there is a limit to the deference given to clergy
11 and bishops in your view.

12 **ARCHBISHOP PHILIP:** Yes.

13 **MRS GUY KIDD:** And that you are also, in your actions as clergy, subject to scrutiny by lay
14 people.

15 **ARCHBISHOP PHILIP:** Yes, I think that's true. That's not to deny significant power by virtue
16 of office and the respect that people have for that office. But it is in this country, in my
17 experience, significantly modified compared to when I travel as an Archbishop to a
18 different part of the Anglican world.

19 **MRS GUY KIDD:** Archbishop Don, anything you wish to say?

20 **ARCHBISHOP DON:** Just to reiterate from a Tikanga Māori point of view, the structure enables
21 us also to acknowledge the equal and parallel development of the Māori response to the
22 arrival of the gospel and the development of the Anglican Church to the point where we are
23 able to introduce Mātauranga Māori, so Māori understandings, Māori epistemology, Māori
24 whakapono, faith, understandings. So we're not just the inheritors of a Christian tradition,
25 it comes via Europe to these islands, but we also have developed our own response to that
26 and have maintained an agency in that relationship, which has enabled us to develop a
27 bicultural relationship that we think has unique potential in expression in these islands.

28 **MRS GUY KIDD:** Then Archbishop Philip, para 57, the third distinctive feature you've
29 identified, if you could speak to that please.

30 **ARCHBISHOP PHILIP:** Significantly the ordination of women both to the priesthood and in
31 that same legislation the ability to elect a woman as a bishop, the first woman bishop in this
32 country was elected in 1990 when Bishop Penny Jamieson became the first woman
33 Diocesan Bishop in the world. I want to temper that by acknowledging that the senior
34 leadership of the church still remains dominated by men and if you looked, for example,

1 scrutinised the chairing of our committees, various commissions and committees, we still
2 have some way to go to reflect an equity between women and men in leadership in this
3 church.

4 **MRS GUY KIDD:** Are there currently women bishops in both Tikanga Māori and Tikanga
5 Pākehā?

6 **ARCHBISHOP DON:** Yes, bishop Waitohiariki Quayle was ordained as a bishop in 2019 as the
7 first Māori woman bishop in the world and, you know, while I'd say the majority of our
8 priests within Tikanga Māori are women, we've had very few opportunities to see a Māori
9 woman ordained. I will say also, though, that within Tikanga Māori there are multiple
10 expressions of mana within which women are honoured and are able to express their Mana
11 Rangatira, not just solely in church expressions of leadership but we maintain Māori forms
12 of leadership within our hāhi structure as well.

13 **ARCHBISHOP PHILIP:** And Bishop Eleanor Sanderson is Assistant Bishop of Wellington.

14 **MRS GUY KIDD:** And just then to look across the ditch again to Australia, and I note your
15 record there that there's research that's been undertaken, may not be complete, but there are
16 at least 400 names of women clergy in New Zealand recorded. How does our experience
17 compare with what has happened in Australia?

18 **ARCHBISHOP PHILIP:** My sense is that the election of women to the episcopate in Australia
19 has been more consistent than here and more —

20 **MRS GUY KIDD:** Episcopate, what does that mean?

21 **ARCHBISHOP PHILIP:** As bishops.

22 **MRS GUY KIDD:** Thank you, yes. They're more consistent?

23 **ARCHBISHOP PHILIP:** And numerically as a proportion of the total House of Bishops in
24 Australia, larger, which goes to my earlier point.

25 **MRS GUY KIDD:** And what about levels at clergy levels?

26 **ARCHBISHOP PHILIP:** I don't know.

27 **MRS GUY KIDD:** Are there some parts of Australia that don't ordain women?

28 **ARCHBISHOP PHILIP:** Yes, the Diocese of Sydney and a couple of other dioceses which
29 represent a significant proportion of, particularly the Diocese of Sydney, of — the Anglican
30 Church of Australia don't ordain women to the priesthood but do ordain women as deacons.

31 **MRS GUY KIDD:** And your final distinctive feature at para 64?

32 **ARCHBISHOP PHILIP:** Clergy are allowed to marry.

33 **MRS GUY KIDD:** I'm now going to move you forward in your evidence because you wish to
34 deal with it at an early stage, to starting from para 194 and, Archbishop, your reflections on

1 the evidence of the survivors who have come forward, particularly those — I'll get you to
2 explain how you've selected the case studies you wish to comment on.

3 **ARCHBISHOP PHILIP:** I think I'd like to begin by just acknowledging the courage that's been
4 involved in survivors coming forward and being prepared to tell their stories and to also
5 acknowledge the environment in which the Commission has created to enable that to
6 happen. That was pretty evident when we listened at the hearings at the end of November
7 and early December last year.

8 But I do want to speak to a number of the witness statements and the first one that
9 I'd like to speak to I know is under suppression order so I'm going to be very careful here.
10 I hope that the sense of what I'm trying to say can be understood despite the redactions.

11 This particular perpetrator, abuser, impacted on the lives of clearly many young
12 people. His abuse occurred across a variety of settings in the life of this church. He moved
13 from one setting to another and, as I read the evidence, I find it difficult to believe that his
14 offending was not known, and that is of deep concern and shame to me, to us as a church.
15 The fact that this person was placed in positions where they were able to have access to
16 vulnerable children is, in my view, intolerable.

17 What's clear is that at the point where the Church knew that such behaviour was
18 occurring, the option of implementing Title D in its current form, which should have led, in
19 my view, on the basis of the evidence, even at that time, to deposition being deposed from
20 the Holy Order of Priests should have happened. The fact that consistently through the
21 papers that I have seen the individual exhibited no awareness of wrongdoing is to me a
22 clear sign of culpability. That should have been tested and it was not.

23 I think it's a failure of our Church even in the context of the times, and I want to say
24 to those two who gave evidence, one of whom I believe I have recognised in this room
25 today, how deeply, deeply sorry I am for the pain and the abuse that you have been caused
26 and for the failure of our church in various settings to keep you safe.

27 **MRS GUY KIDD:** Archbishop, having looked at the files yourself, can you comment on whether
28 there have been many such examples where a known offender has been allowed to continue
29 with ordained ministry?

30 **ARCHBISHOP PHILIP:** Whether they are many or few, they are a travesty of the principle of
31 the Christian understanding of the sanctity of human life.

32 **MRS GUY KIDD:** And for the survivors of that perpetrator, you have set out in quite some detail
33 what the Church knew from what you've been able to discern in the hope that that will
34 inform those survivors and they can read that in the statement which will be made

1 available.

2 **ARCHBISHOP PHILIP:** And again, if there are others who recognise their experience and the
3 experience of those who have given testimony, and I really hope that they would come
4 forward to this Commission.

5 **MRS GUY KIDD:** The next survivor you wish to speak to her account is Ms C. We'll deal with
6 Ms C, we're getting close, is that all right if we go a little bit past?

7 **CHAIR:** Yes.

8 **MRS GUY KIDD:** Thank you.

9 **ARCHBISHOP PHILIP:** The experience of Ms C is an experience of failure of process. Again,
10 I have been able to read the documentation that is available and what strikes me is that
11 consistently she had to pursue any kind of redress from the church. She had to advocate for
12 herself when she should have been able to have confidence that the church would have
13 advocated for her. There is, I think, irrefutable evidence in the material that the needs and
14 concerns, the support, the pastoral care of the perpetrator was to the fore. I acknowledge
15 the various people who sought to unravel the truth in the midst of all of this, but as I read
16 the material, some things are plain. The offending was criminal and should have been
17 treated as such.

18 **MRS GUY KIDD:** What do you mean by that, what should have happened?

19 **ARCHBISHOP PHILIP:** It should have been referred to the Police, and by that I mean the
20 person should have been; Ms C and others should have been supported to go to the Police
21 by the church. The Church should have instituted its Title D legislation concurrently and
22 the consequence of that, I believe on the evidence, would have been deposition once again.
23 And that that would have been the right and appropriate outcome.

24 There's one more comment that I would want to make, but before I make that
25 comment I would want to say to Ms C if she is watching this, that again, I apologise to you
26 for the pain and suffering caused you to by someone that you should have been able to trust
27 in an environment where you should have been able to have had confidence that you would
28 be safe and that that behaviour, not in any way of your doing or responsibility, has had such
29 an impact on your life. You have every right not only to hear an apology from us but also
30 to seek from us redress.

31 A comment that I'd like to make in addition is to say that I believe that we have to
32 think about the threshold for deposition much, much more carefully. We've always held as
33 a principle that you hold people in the family, even those who cause you pain or who
34 offend against you. The sign of the Christian family is baptism not ordination. Being

1 Ms Deans makes a number of comments in her evidence and suggestions and I've
2 responded to that in the evidence. I just wanted to take the opportunity to express my
3 gratitude in this forum to her; as I said, both for her clarity of purpose, her advocacy of
4 others whose voices could and perhaps should be heard, and her resilience most
5 particularly.

6 **MRS GUY KIDD:** Continue. Para 251.

7 **ARCHBISHOP PHILIP:** I think for anyone who heard Jacinda Thompson's evidence in the
8 context of the hearings last year would have been moved by, again, her resilience in the
9 face of poor church process. That a survivor should have had to advocate so strongly and
10 in the face of opposition is unacceptable. The fact that, as a survivor, she had to challenge
11 us at every step of the way is unacceptable.

12 Ms Thompson, if you're watching, I hope that you will know that when we met it
13 had a significant influence on the stage that we were at in the reformation and the
14 redirection of Title D, and when you spoke to our General Synod it had a significant impact
15 on those who heard what you had to say.

16 You challenged us then about some further inadequacies in the current form of
17 Title D and they are things that we will carry forward into further revisions, most
18 particularly next year. One of those has to do with the independent membership of
19 tribunals, so whether that is in terms of additional membership or the structure of the
20 Tribunal on particular occasions, your points made out of the pain of your experience are
21 well made, heard and will be followed on.

22 **MRS GUY KIDD:** Would you like to turn to the next?

23 **ARCHBISHOP PHILIP:** [Redacted]

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MRS GUY KIDD: Have you finished what you wish to say on that, thank you. I'm now going to take you back to briefly just talk about schools and just a few points around the Anglican schools. You've listed them all that we act for in para 66 and those that we do not represent, but there are seven who are Anglican outside our representation. Just quickly, can you explain to us the difference between a State-integrated Anglican school of special character and a private school?

ARCHBISHOP PHILIP: In the broadest of terms I suppose state-integrated school represents a partnership between the church as the owner of the properties and the State as the provider of the education. So there are two boards that have influence in a state-integrated school of special character. There is the board of trustees elected in the normal way of any school, and there is the board of proprietors who are responsible for you holding special character and for the maintenance of those buildings which relate to the special character and to anything outside of the teaching environment of the school.

MRS GUY KIDD: Are state-integrated schools of special character unique to the Anglican Church or are there other faiths that have such schools?

ARCHBISHOP PHILIP: My understanding is that there are a number of schools in other denominations, indeed other faiths.

MRS GUY KIDD: A private school?

ARCHBISHOP PHILIP: Is entirely independent of the state system, although may teach the state curriculum and would have its own board who are both, if you like, trustees of the facilities and governors of everything that happens on the site at that school, including the teaching.

MRS GUY KIDD: Mr Mount was asking about the mandatory reporting of abuse of Anglican schools in Brisbane. Have you made any inquiries regarding that?

ARCHBISHOP PHILIP: Yes, I mean I think the point is well made and the idea of mandatory reporting from schools is a proposal that I certainly support as the Bishop of Christchurch did. The difference, I guess, with the Archdiocese of Brisbane there, is all but three of their schools are unincorporated. In other words, they are owned by and must report to the Synod and the Bishop. So of their 20-something schools, only three are independent.

MRS GUY KIDD: So how many Anglican schools in New Zealand, if any, are owned by the Synod, or the Diocese?

ARCHBISHOP PHILIP: None would be owned by the Synod in our structure. There are a few

1 which are directly owned by the Diocese. In the case of my Diocese, where I know the
2 figures, we have five schools, Waikato Diocesan School for Girls is owned by the Waikato
3 Diocesan Schools Board which is appointed by our General Synod and the properties are
4 owned by that Board which is a subsidiary Board to the Diocese, therefore is fully
5 accountable and reports to. And I have, as Bishop, significant responsibilities, direct
6 responsibilities.

7 Taranaki Diocesan School for Girls has recently moved from being an incorporated
8 society to being owned by the Diocese. St Peter's School in Cambridge is an independent
9 school, as is St Paul's Collegiate in Hamilton and Southwell Preparatory School, they are
10 three independent schools with their own Trust Board.

11 My relationship as Bishop is invariably described. For example, in St Peter's
12 Cambridge I have no relationship at all, as of right, as the Bishop, but I am the visitor to the
13 College by virtue of being the Primate. So I can go there as Primate but not as the Bishop
14 of the Diocese.

15 **MRS GUY KIDD:** Just in relation to schools, and given there has been some discussion with
16 schools, could you identify for the Commissioners some of the concerns that the schools
17 have around a redress matrix?

18 **ARCHBISHOP PHILIP:** Yeah, I guess understandably one of the primary concerns has to do
19 with capacity to meet redress levels. And that relates to probably the second main concern,
20 which is what would be considered abuse. I went to secondary school in the State school
21 system, it was a time when caning was a standard method of discipline. I can't say that I
22 was so good that I was never caned; I was. Is that in the context of the time, you know, on
23 a level of abuse or not?

24 So for example, the matrix that we were exploring with the schools included that as
25 the first level of abuse. Schools were saying that this was common practice. There's a
26 difference between being caned and being beaten with a cane. How is that differentiated.

27 So those were the two primary concerns. That said, the schools engaged fully with
28 the redress discussion.

29 **MRS GUY KIDD:** And there's certainly some areas of that matrix where there's no dispute and
30 no discussion, is there?

31 **ARCHBISHOP PHILIP:** No, it's at the low level of what would be around which claims could
32 be made that they were looking for some clarity.

33 **MRS GUY KIDD:** In your evidence you address known allegations of abuse that, through the
34 process of obtaining all the documents for the Commission, you've been able to identify,

1 and I'll ask Felix if you could bring up a schedule, and counsel assisting the Commission
2 asked for a break-down and some assistance in those numbers. I've given a detailed memo
3 to her regarding that, but we're going to see up here a break-down. This is as currently
4 known.

5 So we have there from the church proper 132 cases, and that is broken down to 127
6 from the Pākehā Diocese, and five from the Māori Hui Amorangi. The next is 168 that
7 come from our care institutions, and 248 from our schools, reaching 548. And we say and
8 acknowledge at this point, of course, those are only ones that we have been able to identify
9 from documents.

10 **CHAIR:** Is there a starting date to those or is it just those that have ever been disclosed as far as
11 you know?

12 **MRS GUY KIDD:** Within the terms of reference of the Commission.

13 **CHAIR:** So we can say from 1950.

14 **MRS GUY KIDD:** Yes.

15 **CHAIR:** Thank you.

16 **MRS GUY KIDD:** And we have not endeavoured to distinguish, in that number, between proven
17 instances and allegations, these are all suggested instances we've been able to discern from
18 the records. You're nodding your head.

19 **ARCHBISHOP PHILIP:** Correct. I think perhaps maybe two other comments, if I may. One is
20 that what's unclear is that there may be cases there that represent a wider number of
21 survivors. That's most likely, in my view. And secondly, I think just to reiterate the
22 significant opportunity that this Commission provides for people to come forward in an
23 independent and safe way.

24 **MRS GUY KIDD:** Thank you. I'm going to take us through to para 93. You've set out some of
25 the historic changes that has happened to Title D. We don't have the time to go through
26 that, that material is in your statement for people to view. But I'd like to take you to the
27 significant changes that have now happened to Title D. If you could identify for us, and
28 you start to talk about this at para 93, what you perceive to be as the significant changes
29 and some explanation about why those changes happened.

30 **ARCHBISHOP PHILIP:** This won't be exhaustive, but the matters are in the material. I think
31 the first and most significant has already been well-rehearsed and may be well-explored in
32 the hours to come; but the bishops have been autonomous since the very early church. So
33 as the church developed in Corinth or in Ephesus, it was firstly a congregation, then as
34 congregations grew there was a bishop with oversight. The autonomy of those, Corinth and

1 Ephesus and Philippi, has been a feature of the Christian church ever since in its structure.

2 Churches have developed in different ways, so the western church centred around
3 Rome with a particular structure and form, the eastern church again with various levels
4 across orthodoxy of interdependence and autonomy. The Anglicans, at the time of the
5 English Reformation, took much of the structure of the western church, but there were
6 some significant changes when the Anglican Church was located in these islands, and I've
7 spoken about that already.

8 But the independence of bishops and the primary unit of the Anglican Church as
9 diocese has been fundamental. The relationship between dioceses in these islands has been
10 through what we've called a voluntary compact. So what governs us together are things
11 that we choose to be governed together about, the primary focus is diocese or amorangi.

12 So this is a very, very, very significant change for bishops to say we believe in the
13 interests of survivors, in the interests of transparency, in the interests of consistency of
14 process that power should be given up. But I think it's abundantly clear that such a
15 structure has failed us, or we have failed the structure. So the change, I think, became
16 increasingly self-evident to bishops.

17 **MRS GUY KIDD:** So on that feature, if you could just explain now the process that is gone
18 through in the new Title D, so what actually happens if there's a complaint that comes in?

19 **ARCHBISHOP PHILIP:** So there's much that I've learned over the last few days, I want to begin
20 by saying that. And we are in the point of creation which gives you a unique opportunity to
21 hear well and to make some significant changes.

22 But the aspiration is that there will be a single way of laying a complaint. It doesn't
23 have to go through a bishop or a diocese or an Anglican entity, it can go directly to what we
24 hope in very short order will be a very widely disseminated portal, phone, website, people
25 to connect with.

26 Once received there is an assessment of the complaint done by the registrar. That
27 assessment, as everyone's aware now I think, differentiates between unsatisfactory conduct
28 and misconduct. Anything that is assessed as misconduct, whether that's a matter of
29 doctrinal errancy, or whether it is sexual abuse, will automatically go to a tribunal.

30 **MRS GUY KIDD:** I'll just stop you there for us lawyers; is that a triaging process, not a
31 determination whether there is unsatisfactory conduct or misconduct, but an assessment
32 whether it could be?

33 **ARCHBISHOP PHILIP:** Correct, correct. And I personally would hope that, particularly in the
34 early years, that there will be an erring on the side of sending more down the misconduct

1 track than the unsatisfactory conduct.

2 **MRS GUY KIDD:** So if it's assessed and triaged as unsatisfactory conduct, what happens to it?

3 **ARCHBISHOP PHILIP:** It returns to the episcopal unit, the Ddioces diocese or the amorangi to
4 be dealt with by the bishop.

5 **MRS GUY KIDD:** And if it is assessed as essentially misconduct?

6 **ARCHBISHOP PHILIP:** It goes immediately to a tribunal.

7 **MRS GUY KIDD:** What's the role of the Tribunal?

8 **ARCHBISHOP PHILIP:** The Tribunal, following a period of investigation, which the registrar is
9 also available to, will make a determination as to the complaint. I think significantly the
10 case will be prosecuted by a church advocate. I think one of the things that stands out in so
11 many of the survivor stories, but I think particularly of Jacinda Thompson and Louise
12 Deans, is the degree to which survivors had to prosecute for themselves. It's simply
13 untenableunattainable isn't it. So a church advocate will prosecute on behalf of the church,
14 the Tribunal will reach a determination. That then comes to bishop as a recommendation, it
15 may seem strange language, I could explain that if it was helpful; but the recommendation
16 is mandatory, the bishop has to implement the recommendation.

17 **MRS GUY KIDD:** And that's a recommendation regarding outcome?

18 **ARCHBISHOP PHILIP:** Correct—well, it's a determine—yes, it's a determination as to the
19 matter, the matters before the Tribunal and a recommendation in terms of outcome.

20 **MRS GUY KIDD:** And those recommended outcomes can include admonition, suspension from
21 exercise, from the ministry or office for a period, deprivation of office and deposition from
22 the exercise of ordained ministry?

23 **ARCHBISHOP PHILIP:** Correct. It's also clearly an expectation of, under misconduct, of
24 suspension while under investigation and during the tribunal period.

25 **MRS GUY KIDD:** Archbishop Don, could you speak to the involvement of Tikanga Māori issues
26 in relation to Title D?

27 **ARCHBISHOP DON:** A key attribute of the Title D process which is an expression of the way
28 that we are as a church structure, is that tikanga plays a significant role, particularly in the
29 application of the process. So the principle within Title D is that the process be applied
30 with thought given to the cultural appropriateness of that application. So, for instance, we
31 have a registrar who is there to receive complaints and to process them. That is an
32 administrative function, but it doesn't preclude the ability of the Ministry Standards
33 Commission to allow for more appropriate ways to have a complaint received and
34 managed. So, for instance, a Māori person might want to speaspeak to kaumāatua or to be

1 supported by female leaders. Somebody that has disabilities or challenges might want
2 support that helps to make the process for them easier. Tikanga allows us to adapt to the
3 process in ways that are appropriate to support the survivor.

4 I'd also add it allows us to expand the dimension of the way that a complaint is
5 processed to include other considerations. You know, if we were talking about something
6 like redress, that is often spoken about primarily as being a financial discussion. My
7 reflection would be that in a Tikanga Māori space redress would also be deeply concerned
8 with the way that a person's mana, tapu, their whakapapa, kinship relationships, their
9 whanaungatanga could also be addressed and restored to a better life-giving state. So while
10 the principle of tikanga might only be included within a space of a clause, it's
11 fundamentally a really important principle that will be expressed all the way through the
12 process.

13 **MRS GUY KIDD:** So you, Archbishop Don, spoke of the Ministry Standards Commission, and
14 it's set out in the canon, the additional powers that they have. Who are those people?
15 They've been appointed; who are they?

16 **ARCHBISHOP PHILIP:** Five out of the six have been appointed. Matanuku Mahuika from
17 Kahui Legal. Kate Muirhead, partner in—it's gone from my head I'm sorry.

18 **MRS GUY KIDD:** Meredith Connell in Auckland?

19 **ARCHBISHOP PHILIP:** Meredith Connell, thank you. And Mele Taliai. Mele is in sole
20 practice, I believe, as a barrister and solicitor. Dianne Cameron, who is from Hamilton and
21 is a clinical psychologist; and Kiri Tamihere-Waititi who is working significantly in iwi
22 space now, but her PhD is in areas of clinical psychology as well with a history of working
23 with abused children. And there is one position not yet filled, and the invitation to the
24 Commission is to think about particular areas of expertise that they are missing in that
25 appointments process.

26 There are a mix of Anglicans and non-Anglicans and they bring that sort of mixture
27 of process and pastoral expertise. Dianne, for example, has been the person I've used in my
28 Diocese when I've had a survivor come to me. We've offered her as the support person
29 both to draw up the complaints and to support the survivor through any process, and also
30 she, I believe, sits on a similar standards board for—I guess it's the Association of Clinical
31 Psychologists or whatever that board is called.

32 **MRS GUY KIDD:** Now what role do you expect those people who are part of this Ministry
33 Standards Commission to play, first in relation to discipline and the Title D, and secondly
34 in relation to redress? Can you speak to that?

1 **ARCHBISHOP PHILIP:** So if you look at the canon, their responsibilities are quite widespread.
2 At the moment their focus is on really working hard around sort of policies, principles,
3 processes, tikanga.

4 **MRS GUY KIDD:** For Title D, for complaints through that process?

5 **ARCHBISHOP PHILIP:** For the complaints process. And also looking at accessibility to this
6 process. And I'm aware that, as they're doing their work, and it's early, they have been
7 interrogating the proposals of the Registrar around those kinds of issues that I've named.
8 So we appointed John Priestley because we needed—and he's appointed for two years—
9—we needed someone who could work around drafting initially those things. But what
10 we're seeing is that members of this Ministry Standards Commission are interrogating that
11 quite closely and coming back with some significant issues of principle that they're seeking
12 some addressing over.

13 **MRS GUY KIDD:** Just briefly, were survivors' voices taken into account and their views in the
14 creation of this version of Title D?

15 **ARCHBISHOP PHILIP:** I've been very thoughtful about that over the last few days, and I'd say
16 at one level Jacinda is the most obvious voice. Another level, this was quite explicit at
17 various points, we have a number of survivors of abuse in quite high levels of our church
18 who have spoken into that, not necessarily survivors of church abuse, but of abuse. So that
19 has brought a dimension to it.

20 That said, I don't think that this could claim to be survivor-driven and I think that's a
21 very salutary reconsideration that we need to bring to this, and particularly at this point
22 where it's so much in the establishment phase; there's an opportunity for us to significantly
23 address that.

24 **MRS GUY KIDD:** How do you think you could do that?

25 **ARCHBISHOP PHILIP:** I'd need to take—we would need to take good advice about that.
26 But it seems to me that it's not too late, in terms of the developing of the way things are
27 going to happen, for a panel of survivors or individual survivors to be invited to wananga,
28 to engage with it and to help it to be shaped appropriately. Yeah, I think for me one of the
29 really big learnings of last year and these days has been that element of scrutiny and
30 engagement and agency really.

31 **MRS GUY KIDD:** Are the features of this Title D include publication of decisions?

32 **ARCHBISHOP PHILIP:** Yes, both of decisions and names.

33 **MRS GUY KIDD:** In a central registry?

34 **ARCHBISHOP PHILIP:** Registry, database, absolutely.

1 **MRS GUY KIDD:** I would like you to put some initial thoughts before the Commission regarding
2 the future, and you spoke to that, Archbishop Philip, in your statement regarding the
3 possibility of a national redress process. Have you had any feedback from your colleagues
4 in Australia as to their observations of how the Australian National Redress System has
5 operated?

6 **ARCHBISHOP PHILIP:** So I've taken opportunity to speak regularly with my equivalents in
7 Australia, and firstly Archbishop Philip Freier who was the primate up until about a year
8 ago, and now Archbishop Geoff Smith. And interestingly, I'm sure they did talk about this,
9 but they both gave the same message; was that, you know, firstly the church in Australia
10 needed to embrace the recommendations of the Commission and were doing so. Secondly,
11 that they valued the unitary approach and the independence of that.

12 But both of them expressed disappointment that, as it develops, it is focusing almost
13 solely on financial redress. Their concern was not that the Church of Australia should not
14 pay financial reparation and redress, quite the reverse, and significant efforts are being
15 made to contribute significantly to that. But that redress, as this Commission has noted, is
16 much more holistic and the whole of the range of support that needs to be involved in
17 redress needs to be somehow accessible and that that can be for a lifetime and that it needs
18 to be, and that we need to find a mechanism to ensure that is the case.

19 So their disappointment was around the fact that it seems to be coming increasingly
20 focused only around financial reparation, and a one-off payment was the other point they
21 made. As I understand it there are discussions in place and things may change, but that was
22 their feedback and I'm pretty thoughtful about that.

23 **MRS GUY KIDD:** Are there faith-based or Christian principles that you, either of you, see as
24 significant and important that should be part of this independent redress process?
25 Archbishop Don?

26 **ARCHBISHOP DON:** Certainly, I do. Not only from a whakapono Christian basis but from a
27 Tikanga Māori basis. I'm trying to—the way I would put it is this: A redress that's
28 focused purely on financial means may then inadvertently disregard the need for emotional
29 wairua restoration in a person as well. And that may seem, in a secular context, a marginal
30 thing, not really something that should be considered; if we talked about something like
31 aroha or manaakitanga.

32 In the Book of Galatians we talk about the fruit of a thriving spirit, a thriving
33 wairua, being things like love, joy, peace, patience, goodness, kindness, gentleness,
34 faithfulness, self-control. They may seem like intangible and therefore irrelevant things to

1 some, but if we think of their absence, if you think of a place or a relationship where there
 2 is no love, no joy, no peace, no patience, no goodness, no kindness, no gentleness, no
 3 faithfulness, no self-control, it becomes suddenly apparent how terrible such a place and
 4 such a relationship would be. It's probably within that very context that abuse has occurred.

5 And so, whether it be from a whakapono point of view or a tikanga point of view, it
 6 would become our obligation to ensure that those things are restored with integrity, with
 7 authenticity, so that we would give scope to consider the restoration of aroha, of joy and
 8 peace and all those things within the life of a survivor, at their invitation, at their discretion.
 9 But certainly those dimensions of the process should not only be considered but I believe
 10 should be enshrined within the process.

11 I would also add that it's my view that Māori are inherently non-secular people. I
 12 don't just mean that we're religious, I just mean that karakia and understandings of wairua
 13 have been a part of our cultural understanding for millenia and to enter into a process where
 14 those things were not only absent but disregarded I think would have the potential to
 15 increase trauma. So I would argue for their inclusion.

16 **MRS GUY KIDD:** Archbishop Philip, is there anything further you'd comment on?

17 **ARCHBISHOP PHILIP:** I'd like to add another example, another dimension really quickly. We
 18 looked at the ordinal, with Ms Anderson's help, with Bishop Ross' testimony, and there
 19 were a number of key words there that we looked at. One of them was reconciliation,
 20 another was healing, another was love, another was justice. They're theological constructs,
 21 not non-theological constructs. They're not independent of each other. Reconciliation is
 22 not possible without justice.

23 **MRS GUY KIDD:** Can you explain that some more?

24 **ARCHBISHOP PHILIP:** You can't——if an injustice has been committed to you, you cannot
 25 reconcile that within yourself, let alone with the person who maybe has been a perpetrator
 26 of injustice, let alone perhaps a whole culture that has permitted an injustice against
 27 another, colonisation in the context of a thriving indigenous society. Without justice and
 28 redress, reconciliation isn't possible.

29 Another concept is that of forgiveness. The forgiveness is totally within the power
 30 of the one who has reason——who has been the object of abuse in the context of what
 31 we're talking about. For the church to say, you know, you need to forgive so and so, is a
 32 gross abuse of gospel principles. It's a form of spiritual abuse.

33 By contrast, I remember Sir Paul Reeves when involved in the Port Nicholson
 34 settlement saying to Te Atiawa Whānui, we need to forgive the Crown before the Crown

1 apologises, because if we wait until the Crown apologises, they retain the power. If we
2 come to the point where we can forgive the Crown, we have retained, or regained our
3 mana. And I think that's a really good example of the power of forgiveness to reverse the
4 consequences of abuse.

5 **MRS GUY KIDD:** Just finally, there seem to be, in some of the legal correspondence we saw,
6 reference to reconciliation. Can you comment on whether that was being used in the true
7 sense—you're shaking your head; can you speak to that?

8 **ARCHBISHOP PHILIP:** I think what I've said explains why it's not. I think there is plenty of
9 evidence in the way complaints have been handled that the church denied its own principles
10 and, either because of a willingness to be guided by legal advice for all the reasons that we
11 can understand, mostly around liability, which I think in the end is an unhelpful thing. In
12 the end we failed our own best principles by thinking that reconciliation is just about trying
13 to reconcile two parties as though there can be a kind of happy ever after.

14 **MRS GUY KIDD:** But from the fact you've raised this in this discussion, do you see that
15 reconciliation, in its truest form as you're describing it, could have a role in a redress
16 system, or value in that system?

17 **ARCHBISHOP DON:** I think on reflection we would argue if applied appropriately and
18 correctly. So to——

19 **MRS GUY KIDD:** It can be powerful for the survivor, is that the focus?

20 **ARCHBISHOP DON:** These terms are built on understandings of higher principles that are
21 aspirational for us. We might be able to attain a fullness of peace and a fullness of
22 restoration and healing. But as we've said, forgiveness must be understood as being
23 entirely the prerogative of the survivor and the obligation, therefore, of the perpetrator is
24 repentance and only repentance.

25 Reconciliation must be viewed also as being within the prerogative of the survivor.
26 It's not something that can be imposed and it's also theirs to interpret and apply. It may be
27 reconciliation with a person that wronged them, but that cannot be made an expectation.

28 We saw recently, forgive me (?)a story reported on the news in the last week of a
29 murderer who was forgiven by the father of the child that was murdered. That's an
30 extraordinary story, it's a testament to us of the potential and the power of these things, but
31 it is also probably quite unreachable and unachievable for most people and should not,
32 therefore, be levelled as an expectation or a demand.

33 More importantly there are other dimensions of reconciliation that people that have
34 been wronged can apply to their own experience. For a Māori person it might be that abuse

1 caused hurt on several different levels and being able to then find ways to be restored to
2 their own whakapapa, to be restored to their own whānau, to be restored to their own mana
3 and tapu, to be restored back into a life-giving space, to be reconciled in themselves is
4 probably the greater potential that is possible with that kaupapa and that kōrero.

5 **COMMISSIONER ERUETI:** May I just ask a quick question, just because we're talking about
6 the Kaupapa Māori approach to redress and just to test out an idea; is that so far, we've been
7 speaking mostly about individual survivors and the harm and impact on their mana and tapu
8 and whakapapa. But as we've seen last year when we were interrogating state redress
9 schemes for Māori, the way in which they came into the care system was not because
10 they're individual, well, they're individual Māori but they're connected to a community, and
11 so the bringing of these tamariki into the care system impacts on the individual but also the
12 broader community. And I know you're here and I'm sure there's been deep discussion
13 about these matters, but with this redress scheme with this new system, if there's going to
14 be a holistic Kaupapa Māori approach towards restoring, addressing the harm, would it also
15 incorporate not just the individual Māori survivor but his or her whānau and community as
16 well in the form of redress that extends beyond the survivor?

17 **ARCHBISHOP DON:** Absolutely. A way to frame it perhaps in English is to say that these
18 things should never be individuated in relation to Māori, Polynesian cultures, they should
19 always be collectivised, so space needs to be made for the involvement of whānau and
20 broader community relationships, but it then becomes a dialogue, so in that space kōrero
21 needs to occur. So that's not only survivor-informed but is whānau-informed and allow that
22 conversation, that kōrero to organically—to achieve resolution.

23 **COMMISSIONER ERUETI:** It could be that it's not just for that individual person who has been
24 harmed but recognises their belonging to a community and the impact on that community,
25 so the broader community could be given a form of redress.

26 **ARCHBISHOP DON:** Absolutely.

27 **COMMISSIONER ERUETI:** Kia ora.

28 **MRS GUY KIDD:** Unless, is there anything else you wish to say about—there'll be plenty of
29 opportunity, so thank you, I've finished leading the evidence of the Archbishops.

30 **CHAIR:** Thank you Ms Guy Kidd. We have a whole 7 minutes Ms Anderson.

31 **MS ANDERSON:** Madam Chair you've read my mind. I suggest after a full hearing week that
32 we adjourn now and reconvene.

33 **CHAIR:** We might just do that.

34 **Hearing closes with waiata and karakia mutunga by Ngāti Whātua Ōrākei**

1 **Hearing adjourned at 4.41 pm to Monday, 22 March 2021 at 10 am**