

**ROYAL COMMISSION OF INQUIRY  
ABUSE IN CARE**

**UNDER** Inquiries Act 2013

**IN THE MATTER** of Royal Commission of Inquiry into Historical Abuse in State Care and in the Case of Faith-based Institutions, *Te Kōmihana Karauna mō ngā Tūkino o Mua kit e Hunga i Tiakina e te Kāwanatanga i Tiakina hoki e ngā Whare o te Whakapono*

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**MEMORANDUM ON BEHALF OF THE ANGLICAN CHURCH IN AOTEAROA,  
NEW ZEALAND AND POLYNESIA  
29 July 2019**

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**MAY IT PLEASE THE COMMISSIONERS –***Introduction*

- 1 We refer to the Minute of the Royal Commission dated 2 July 2019.
- 2 The purpose of this memorandum is to seek core participant status for the Anglican Church in Aotearoa, New Zealand and Polynesia, *Te Hahi Mihinare ki Aotearoa ki Niu Tireni, ki Nga Moutere o Te Moana Nui a Kiwa (Anglican Church)*.
- 3 This memorandum covers:
  - (a) the structure of the Anglican Church; and
  - (b) the reasons why it seeks core participant status.

*Structure*

- 4 The Anglican Church is an unincorporated association of persons and there are, in broad terms, two parts to it:
  - (a) the core part of the Anglican Church; and
  - (b) the series of affiliated, but autonomous, entities.
- 5 The first part can be considered to be the Anglican Church proper. In simplistic terms the Anglican Church of Aotearoa, New Zealand and Polynesia covers both Aotearoa, New Zealand and also the Polynesian Islands. For the purposes of this Commission, of course, the activities of the Church in the Polynesian Islands sits outside the jurisdiction.
- 6 The Anglican Church has three cultural streams to it which are:
  - (a) Tikanga Maori (made up of Te Pihopatanga o Aotearoa which in turn is made up of pihopatanga);
  - (b) Tikanga Pasifika (made up of the Diocese of Polynesia); and
  - (c) Tikanga Pakeha (made up of the Dioceses in New Zealand).
- 7 The primary governing body of the Anglican Church is the General Synod/Te Hinota Whānui. It is made up of three houses:
  - (a) the House of Bishops (which is made up of bishops serving in full-time episcopal ministry in the Church);

- (b) the House of Clergy (which is made up of members of the clergy (those who are ordained) elected by Pakeha Dioceses, Maori pihopatanga and the Diocese of Polynesia); and
  - (c) the House of Laity (which is made up of members of the lay people of the Church (those not ordained) elected by Pakeha Dioceses, Maori pihopatanga and the Diocese of Polynesia.
- 8 Every decision of the General Synod/Te Hinota Whānui must be agreed to by each of the three Houses and it must also be agreed to by each of the Tikanga.
- 9 As mentioned the Church, through its tikanga, has further units that are based on geographic areas namely:
  - (a) within Tikanga Maori there is Te Pihopatanga o Aotearoa which meets annually and is made up of five pihopatanga:
    - (i) Manawa o Te Wheke;
    - (ii) Tairāwhiti;
    - (iii) Tai Tokerau;
    - (iv) Upoko o Te Ika;
    - (v) Waipounamu.
  - (b) within Tikanga Pakeha there are seven Dioceses:
    - (i) Auckland;
    - (ii) Waikato and Taranaki;
    - (iii) Waiapu;
    - (iv) Wellington;
    - (v) Nelson;
    - (vi) Christchurch;
    - (vii) Dunedin.
- 10 Each pihopatanga and Diocese has a Bishop. Tikanga Maori has an Archbishop (Pihopa o Aotearoa) and Tikanga Pakeha has an Archbishop (Archbishop of New Zealand) both of whom also serve as

bishop of a pihopatanga and Diocese. Together with the Archbishop of Polynesia they are the Primates of the Anglican Church as a whole.

- 11 The pihopatanga and Dioceses are each governed by a Hui Amorangi and Synod respectively. They follow the same structure as the General Synod/Te Hinota Whānui in that each of them comprises a House of Bishops, House of Clergy and House of Laity and agreement from each house is required to any decision.
- 12 From there each pihopatanga and Diocese is then comprised of ministry units. They can include:
  - (a) parishes based on a geographic area;
  - (b) schools (however, most are as described below at [18]-[19]);
  - (c) chaplaincies; and
  - (d) co-operating ventures with other denominations.
- 13 There are also other bodies – not ministry units – that come within this structure such as the trust boards that hold the property on trust for the Anglican Church (each Diocese/pihopatanga usually has its own trust board that would, for example, own all the church buildings).
- 14 In terms of the rules of the Anglican Church the following are relevant:
  - (a) the Constitution/Te Pouhere is the foundation document and it can only be altered by the General Synod/Te Hinota Whānui with broad agreement with pihopatanga, Dioceses and the Diocese of Polynesia;
  - (b) the Code of Canons – this is legislation enacted by the General Synod/Te Hinota Whānui for the good governance of the Anglican Church;
  - (c) Dioceses Statutes and guidelines – these are enacted by the Synods/Hui Amorangi of Dioceses/pihopatanga and apply within those units. It is through Statues, for example, that parishes are created as are Diocesan Schools.
- 15 Each clergy and lay person who holds office within this structure makes a declaration submitting to the Code of Canons and to the jurisdiction of those holding authority within the Church.

- 16 It is that declaration that provides, for example, the basis of discipline with the Church. Each clergy and lay person holding office is, as a result, subject to Title D of the Code of Canons which deals with discipline.
- 17 There are a number of entities within this core Anglican Church structure that may be subject to the work of the Commission. They include:
- (a) Diocesan or parish schools – for example the diocesan schools in Auckland and Waikato and Taranaki; and
  - (b) Womens' homes and orphanages that were established directly by Dioceses.
- 18 Apart from entities within the core Anglican Church structure there are also autonomous entities that are affiliated with the Anglican Church but are not subject to the Constitution/Te Pouhere and Code of Canons.
- 19 For example they include:
- (a) Schools established separately from the Anglican Church but where the Anglican Church (or entities within it such as Dioceses) has some appointment rights;
  - (b) Charitable trusts established separately from the Anglican Church but where the Anglican Church (or entities within it such as Dioceses) has some appointment rights and which trusts ran womens' homes, orphanages and retirement homes.
- 20 These autonomous entities are not the direct responsibility of the Anglican Church but do sit within its broader structure.

*The reasons for core participant status*

- 21 The reasons the Anglican Church seeks core participant status (as defined at s 17 of the Inquiries Act 2013) are as follows:
- (a) The Anglican Church, as one of the largest faith-based institutions in New Zealand (and historically the largest), will play a direct and significant role in the Royal Commission by providing certain information on:
    - (i) the type of care offered by the Anglican Church and its entities;

- (ii) the approach to care (both past and present) of the Anglican Church and its entities;
  - (iii) details of potential abuse, where it is anticipated orders may be sought to prohibit the publication of names or other information under s 15 of the Inquiries Act; and
  - (iv) the systems that have been put in place to respond to abuse.
- (b) The Anglican Church and affiliated entities have a significant interest in the learning and development of their practices in accordance with the findings and/or outcomes of the Royal Commission.
- (c) The Anglican Church and affiliated entities may be subjected to a degree of criticism to which they may need to respond to or provide further information on.
- 22 The Anglican Church has taken upon itself the task of co-ordinating with both the entities and units within its core structure as well as affiliated entities. Having the Anglican Church as a core participant will enable the timely and efficient co-ordination with any particular entity that may be the subject of the Royal Commission's work.
- 23 In the event the Royal Commission has any questions or would like to discuss matters further, please do not hesitate to contact us.

Date: 29 July 2019



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Solicitor for the Anglican Church