

**ABUSE IN CARE ROYAL COMMISSION OF INQUIRY
FAITH-BASED INSTITUTIONAL RESPONSE 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 Anaru Erueti
Ali'imuumua Sandra Alofivae
Paul Gibson

Counsel: Mr Simon Mount KC, Ms Kerryn Beaton KC, Ms Katherine Anderson, Ms Tania Sharkey, Mr Michael Thomas, Ms Kathy Basire and Ms Alisha Castle for the Royal Commission

Ms Rachael Schmidt-McCleave and Ms Julia White for the Crown

Ms Sally McKechnie and Ms Brooke Clifford for Te Rōpū Tautoko, the Catholic Bishops and Congregational Leaders

Mrs Fiona Guy-Kidd, Mr Jeremy Johnston and Ms India Shores for the Anglican Church

Ms Maria Dew KC, Ms Kiri Harkess and Mr Lourenzo Fernandez for the Methodist Church and Wesley Faith

Mr Brian Henry, Mr Chris Shannon and Ms Sykes for Gloriavale

Ms Sarah Kuper and Mr Matthew Hague for the Presbyterian Church

Ms Helen Smith and Ms Sarah Kuper for Presbyterian Support Central

Mr Sam Hider for Presbyterian Support Otago

Mr Andrew Barker and Ms Honor Lanham for Dilworth School and Dilworth Trust Board

Mr Karl van der Plas, Mr Jaiden Gosha, Ms Rachael Reed and Ms Ali van Ammers for the Dilworth Class Action Group

Venue: Level 2
Abuse in Care Royal Commission of Inquiry
414 Khyber Pass Road
AUCKLAND

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14 **RIGHT REVEREND ROSS BAY, MOST REVEREND DONALD TAMIHERE and**
 15 **MOST REVEREND PHILIP RICHARDSON (Affirmed)**

16 **QUESTIONING BY MRS GUY KIDD:** If I could ask you for a personal description of yourself.

17 **CHAIR:** This is the most challenging part of the evidence I can tell you right now, for all of us.

18 **RT REV ROSS:** Tēnā koutou katoa, I am Ross Bay, the Anglican Bishop of Auckland. I'm a 57
 19 year old male of medium height and build, I have short, light brown hair, I'm clean shaven
 20 and today I'm wearing a blue suit and shirt with a red tie. Kia ora.

21 **MOST REV PHILIP:** Kia ora koutou, Philip Richardson. I'm a 64 year old overweight, white
 22 male with dark, greying hair wearing a dark suit and what one of my colleagues described
 23 as an indescribable tie and a white shirt. I'm not clean shaven, I have a beard.

24 **MOST REV DON:** Tēnā hoki koutou. My name is Don Tamihere, I'm the Bishop of Tairāwhiti
 25 and Bishop of Aotearoa and one of the Archbishops and Primates of the Anglican Church
 26 in Aotearoa New Zealand and Polynesia. I'm a typically substantial Māori male, 49 years
 27 old, 5'11" and three quarters, wearing a blue suit that doesn't signify the way I vote and I
 28 have a gold tie on today. Kia ora tātou.

29 **MRS GUY KIDD:** I'll hand over to you Archbishop Tamihere.

30 **MOST REV DON:** Tāpiri atu i tērā, he mea tika kia tuku atu, he tino mihi rawa atu ki a koutou, e
 31 te tēpu, koutou ngā Kaikōmihana, ki a koe e te Hea. Nei rā mātou e tū atu nei ki a koutou i
 32 runga i te aroha, me te mihi atu ki a koutou i runga te tapu, te mana hoki ō tō koutou mahi.
 33 Me te whakaaro nui ki te hunga, ā, kua tapaina ināianeī ngā purapura ora, ngā mōrehu, ngā

1 mea kua pāngia e te tūkinotanga, nei rā te mihi ki a rātou katoa, ki runga i te aroha. Kia ora
2 tātou.

3 (In addition to that, it is right to extend a heartfelt greeting to you, the panel of
4 Commissioners, and to you the Chair. Here we stand before you with compassion, and
5 acknowledge the sacredness and authority of your role. Our thoughts are rightfully with
6 those that have been identified as the seeds of well-being, the survivors, those that have
7 been subjected to abuse, here I respectfully acknowledge them all. Thank you.)

8 **COMMISSIONER ERUETI:** Tēnā koe. E tika ana kia mihi ki a koutou, mauria mai ō koutou
9 mana, ō koutou reo, ō koutou tikanga ki waenganui i a mātou. Nā reira nau mai, haere mai,
10 tēnā koutou. (Greetings to you. With respect I acknowledge you all, we welcome your
11 authority, your voices, and your protocols. With this, welcome, welcome, welcome.)

12 **MRS GUY KIDD:** For a start, firstly I'll ask some questions with Ross Bay. And Ross, you have
13 a statement that you've prepared, I'll get you to read that and then I will ask some further
14 questions arising from the evidence the Commissioners have heard today. Thank you.

15 **RT REV ROSS:** Thank you. I wish to begin by reiterating the apology I made in my previous
16 evidence to all survivors of abuse while in the care of the Anglican Church or one of our
17 related institutions. You did not receive the genuine care to which you were entitled. This
18 failure has been compounded by our lack of responsiveness over the years to people who
19 came forward to report abuse and to seek redress. I apologise for that and I reiterate the
20 Church's commitment to enter into processes of redress with survivors in good faith.

21 Especially today I wish to acknowledge and apologise to those who are the
22 survivors of abuse at Dilworth School. This is a school that was meant to offer hope and
23 stability for boys coming from vulnerable situations. Instead, advantage was taken of that
24 vulnerability by various members of the staff. Among those who abused students were two
25 Anglican chaplains. The Church recognises its responsibility for these people who were the
26 Church's direct representatives on the staff. You should have been able to expect that they,
27 more than others, would be role models for genuine care and compassion. I apologise
28 deeply for their actions and acknowledge the shame which the Church bears as a result.

29 I wish to comment on my and the Church's relationship with the school. As you
30 know, the will of James Dilworth requires that boys attending the school receive education
31 in the teaching of the Anglican faith. It also appoints the Bishop of Auckland as the
32 episcopal visitor to the school and invites the Bishop to visit the school at any time and to
33 enter any comments or observations in the book reserved for this purpose.

1 Early on when the Church was small, those visits would probably have been more
2 frequent with comments on the detail of school operations and programmes. Over time, as
3 the school grew in size and complexity, the visit has become an annual event with a
4 programme established for the Bishop to get a general sense of the fabric, programmes and
5 morale of the school across its now three campuses, and to be assured of the maintenance
6 of Anglican character.

7 The school is owned and governed by its independent Trust Board, the Anglican
8 Church does not appoint any trustees, the Bishop of Auckland cannot be a trustee. This
9 presents a challenge as to how to effectively keep abreast of a school that carries the
10 Anglican name and the limits of an annual visit to achieve that. Although the responsibility
11 for the safety of the school environment rests primarily with trustees and school
12 management, the Church acknowledges its moral responsibility for this and especially for
13 the work of the chaplains.

14 I have given this issue particular thought over the last couple of years in the wake of
15 the arrest and conviction of Ross Browne for offences of sexual abuse. The key issue is
16 ensuring that the right people are recruited for these roles. The appointment of a chaplain
17 must be undertaken in a far more collaborative way to ensure that neither party is simply
18 recommending an appointment to the other based on their belief that it would be good.
19 There must be effective due diligence based on the information that both parties have to
20 bring to the process of search and appointment.

21 Related to recruitment for specific roles, the Church also needs to ensure that its
22 discernment processes in selecting people for ordination itself are robust, consistent and
23 minimise the risk of possible offenders being ordained.

24 It is essential that there is better communication between the Church and school
25 about any matters that relate to the safety of students and particularly when a chaplain is
26 involved. A commitment from both parties to such communication and taking appropriate
27 action as a result must characterise the relationship moving forward.

28 Further, the changes to the Church's processes on maintaining Ministry standards
29 will act to prevent the avoidance of a proper investigation into allegations of abuse and
30 misconduct and ensure that there is appropriate accountability for those undertaking work
31 in the name of the Anglican Church.

32 We have undertaken an internal investigation into the process leading to the
33 appointment of Ross Browne as vicar of Manurewa parish after he left Dilworth. This
34 report had that narrow focus, but it is not the end of this matter or other instances of abuse

1 by Clergy. The Anglican Church is planning to undertake a fuller and independent inquiry
2 into abuse within the Church which will include a deeper examination of the abuse by the
3 two Dilworth chaplains. The design of this inquiry will seek survivor collaboration.

4 Finally, a word on redress. We are aware that the school has initiated a redress
5 programme. For those who are the survivors of abuse by a school chaplain, the Church will
6 willingly engage in a process of redress if survivors would prefer to approach the Church
7 rather than the school. We wish to be careful that survivors do not have to engage in two
8 different processes and we are seeking survivor response to such an idea so that the design
9 is appropriate, but we wish to affirm our openness to redress from the Church.

10 The Archbishops will be able to comment more on that matter and on plans for the
11 independent inquiry as these are being treated as a whole of Church response rather than
12 just one from the Auckland Diocese. I thank the Commissioners for the opportunity to
13 make these opening remarks. Kia ora koutou katoa.

14 **CHAIR:** Thank you, thank you very much. Can we just get the names right, is it all right if we
15 call you Ross?

16 **RT REV ROSS:** Yes please.

17 **CHAIR:** Thank you, and similarly for the others? I think that was our practice last time. Thank
18 you very much.

19 **MRS GUY KIDD:** So Ross, when were you made the Bishop of Auckland?

20 **RT REV ROSS:** April 2010.

21 **MRS GUY KIDD:** And just so we can put things in context, Ross Browne left Dilworth in 2006?

22 **RT REV ROSS:** Yes, in March of that year I believe.

23 **MRS GUY KIDD:** So before you were appointed. I would like, Felix, if you could bring up
24 document 31, a letter that was from Aaron Snodgrass to you. 31 is the last number,
25 DSW -- it's a letter that Mr Snodgrass referred to today. No, I think it was the other letter
26 that you just put up, 69_00031. It's the letter from Aaron Snodgrass to Bishop Ross.

27 **CHAIR:** This is 0031, is this the one you wanted?

28 **MRS GUY KIDD:** No, it's the one that you just gave me.

29 **CHAIR:** Is that the one?

30 **MRS GUY KIDD:** No, that's a reply to a letter, "I write in response to your letter of 17 June
31 2019." And that's the letter that we're wanting to put up which was put up this morning.
32 It's in the Dilworth bundle. Just to orientate our conversation, that's the letter that was
33 referred to today from Mr Snodgrass to you dated 17 June 2019.

1 So Mr Snodgrass gave evidence about the Church having the full knowledge of the
2 abuse at Dilworth. I just wanted to narrow into this issue of what you knew as at June 2019
3 regarding actions, abuse, allegations involving Ross Browne, the then chaplain. And this is
4 the letter that you received and its records, by way of summary:

5 "We discussed the historical complaints that Dilworth received from students
6 regarding RB. We are now aware from your reports by Dr Susan Blackwell that the actions
7 of RB at the time they took place were not considered criminal, but following a Supreme
8 Court decision such actions would now constitute a criminal offence."

9 So just in a nutshell, just using the language, that's referring to what was said to be
10 an allegation of boys masturbating or being encouraged to masturbate in class?

11 **RT REV ROSS:** Yes, they were the matters that related to Ross Browne leaving the school in
12 2006 and a report that was made to the Bishop of Auckland at the time about that matter,
13 and it described those behaviours in that classroom that were about encouraging
14 masturbation.

15 **MRS GUY KIDD:** And then we see down the bottom of that page, he also refers to another
16 meeting where he says that you had discussed concerns with RB continuing to minister in
17 Manurewa with the Bishop and that he advised that he and another person agreed that until
18 a further complaint had been received involving criminal behaviour, that the Church not
19 remove RB from his position.

20 Now I'd like to take you through to the reply letter that you sent -- I'll ask you about
21 that -- of 26 June 2019, this is Anglican 642. I'll just ask if the Commissioners -- you may
22 wish to bring up, I think we can do that, that third paragraph:

23 "You have informed me that legal advice newly received suggests that the events in
24 question would now be regarded as criminal."

25 What's that referring back to?

26 **RT REV ROSS:** That's referring to the classroom actions that led to his removal from -- him
27 leaving the school.

28 **MRS GUY KIDD:** And that there are concerns about other allegations known to exist from
29 former students.

30 "I note, however, that the school is unaware of the substance of those allegations
31 and that the students concerned are not intending to bring those allegations to the school.
32 While I understand the school's view of what occurred has changed, it is not clear to me
33 that there is at present any new evidence which would lead me to suspend or remove
34 Mr Browne from his post. I would be pleased to learn quickly of any new evidence."

1 So what did you know at that stage about these other allegations known to exist
2 from former students?

3 **RT REV ROSS:** Aaron Snodgrass approached me to tell me that he had been visited by another
4 Bishop and another person with him, that they were bringing to the school the awareness of
5 allegations that I refer to in this letter, these are the other allegations known to exist. But at
6 that point no disclosure of detail about those allegations had been made to the school, just
7 that there were matters that some old boys of the school were concerned about but did not
8 want to approach the school itself. So there was no substance to what the matters were
9 about, but Aaron was advising me of that.

10 **MRS GUY KIDD:** To be clear again, did you know they were of a sexual nature?

11 **RT REV ROSS:** No, I didn't know any of the detail. My memory is that Aaron himself was
12 unaware of the nature of them. I guess I made an assumption that they probably were
13 related to the earlier matters that we did know about, but there wasn't any substance to
14 them.

15 **MRS GUY KIDD:** And you said, "I would be pleased to learn quickly of any new evidence." We
16 heard from Mr Snodgrass that at some point he took a file of information to the Police
17 about allegations. Were you provided with that file?

18 **RT REV ROSS:** No, I thought what I was saying this morning was that that was Ross Browne's
19 file that contained information that they took to the Police, but I've not seen that file.

20 **MRS GUY KIDD:** And on that same day, 26 June 2019, and this is Dilworth 030006, a letter
21 dated 26 June 2019, and I'll read in. This has got a new document number. In this letter
22 that you sent to --

23 **CHAIR:** I think rather than taking up the time if you could just read it out.

24 **MRS GUY KIDD:** In this letter, which is of the same date, 26 June, which you write to the Chief
25 Executive of Oranga Tamariki and New Zealand Police because Mr Snodgrass had sent a
26 letter to those two entities, again, we see in paragraph three you're recording:

27 "I understand that the Dilworth Trust Board now takes a different view of the
28 original behaviour which led to Mr Brown's resignation."

29 So it's this issue of whether it's criminal or not. Mr Campbell's letter implies that:

30 "It is a failure on my part not to have removed Mr Brown from his current position",
31 and you say, "I wish to clarify I have not done so as I do not believe there is sufficient
32 cause for me to act in such a way under the provisions of natural justice."

1 You stress that you're anxious to ensure that licensed ministers observe appropriate
2 standards of behaviour towards vulnerable people, particularly children and young persons,
3 and then again in the final paragraph you say to both Oranga Tamariki and the Police:

4 "If either of your organisations has any information which you are able to share
5 with me and which bears on the fitness of Reverend Browne to continue to hold office at St
6 Lukes' Church Manurewa then I would be pleased to receive it."

7 And you invite a discussion if they would like. What response did you get or what
8 information did you get to that plea?

9 **RT REV ROSS:** Nothing directly in relation to that request. I did get an acknowledgment from
10 the New Zealand Police that they were undertaking an investigation and would contact me
11 if they required anything from me.

12 **MRS GUY KIDD:** Did they provide you details of the allegations or information?

13 **RT REV ROSS:** No, they didn't.

14 **MRS GUY KIDD:** I'd like to call up another document TGC0000514, it's a document that was
15 put to a witness this morning. This is a Police job sheet, it's two pages, it's dated 19
16 February 2001. It's by a Detective Constable, it records that there is an allegation of
17 possible possession of objectionable material on the part of Ross Browne.

18 And then on the second page we see that that Detective Constable makes an inquiry
19 that same month with [GRO-C], [GRO-C], and that was covered in the evidence
20 today. You weren't Bishop in 2001, but when did you first become aware that there was
21 this allegation dating back to this period of possession of objectionable material?

22 **RT REV ROSS:** This morning when it was put to the witness.

23 **MRS GUY KIDD:** So I take it from that that [GRO-C] never informed you of this allegation
24 or contact he'd had from the Police?

25 **RT REV ROSS:** No, he didn't.

26 **MRS GUY KIDD:** I've finished asking questions unless there's anything you'd like to add to
27 clarify matters there?

28 **RT REV ROSS:** No, I don't think I have anything to add to that, thank you.

29 **MRS GUY KIDD:** I'll now turn to Don and Philip. And you can answer as you see fit and chime
30 in or riff off each other.

31 The first topic I'd like to talk about is a systems and cultural rebuild, the
32 fundamentals. In paragraph 70 of your joint statement to the Commission, you say:

1 "Our General Synod is putting aside significant time and resources to engage in
2 wānanga around mātauranga Māori, mātauranga Mihinare as a pathway forward for a
3 shared future."

4 Could you speak to that and what it involves?

5 **MOST REV DON:** We're trying to take very seriously the learnings that we've had with our
6 experience with the Royal Commission, which is very clearly demonstrated to us that we've
7 had a significant systems failure, particularly around the protection of children and
8 vulnerable people. And part of our approach to these things, and it has been for 200 years
9 that this whakapono has been a part of us, is to think very deeply about the set of values
10 that we are drawing upon, that we are basing our behaviour and practice upon, and a big
11 part of that in our history has been the mātauranga (the knowledge) of our people. So we
12 haven't simply just adopted a value set from overseas by way of a foreign faith, we've
13 blended it with the mātauranga that our people developed over time in their history. So
14 we're using this conversation to really look at the bedrock values upon which we believe we
15 are built, values that we believe in instances where abuse has occurred we have failed to
16 live up to.

17 So we're having an all of Church discussion about the values that are important to
18 us, and particularly about how those values can be used to help nurture and protect our
19 children and our vulnerable people and all of the people within our hāhi. So we gather next
20 week as a General Synod, it's 120 delegates from across five nations of our province,
21 including Polynesia, and we are committing ourselves to a complete redesign of the
22 systems and practises and the culture that we have in place around these things.

23 And it's a journey for us, we know that it's going to take some time. But we are not
24 afraid to hold ourselves accountable and to be held accountable in this space and that's what
25 this activity is all about for us.

26 **MOST REV PHILIP:** If I may add, one of the drivers for that has been, as we've sought to face
27 into the challenges that have been raised by our failures in the past, particularly to support
28 and keep safe the vulnerable, we've had to face into some deep inequities in our Church,
29 and we touched on that in our last brief of evidence. Those inequities are embedded in our
30 structure and they're the reflection of colonial history, of a hāhi that was inherently Māori
31 for the first decades of its existence, and as part of the process of land alienation, the
32 Church, the settler Church benefitted. It benefitted in terms of resource and it benefitted in
33 terms of structure.

1 Te Hāhi Mihinare Māori (the Māori Anglican Church) who, in most cases, gifted
2 the resources for the purposes of the gospel, had been significantly disadvantaged. And
3 we've been through years of positioning in our relationship with each other, which is
4 adversarial. We've used the language of resource sharing, but actually we haven't engaged
5 with what it means to encounter each other's ways of knowing and, as a consequence of
6 that, start to understand each other's perspectives.

7 So Don lives in my world, is fluent in my world. I don't live in his world and I am
8 not fluent in his world; and I should be because that's what the Treaty dreamed of and that's
9 what our constitution as a Church says should be the ideal, and this is the current reality.
10 We believe that it is foundational to the structural inequality in our society and in our
11 Church and that is part of the context of abuse. So we want to begin with first principles.

12 **MRS GUY KIDD:** I'm now going to turn to redress. From your personal involvement in redress
13 and meeting survivors over the last 18 months, what are the lessons that you have learned
14 that you would like the Commissioners to know?

15 **MOST REV PHILIP:** Kia ora, thank you, I'll begin this time. I want to firstly express my
16 gratitude to Commission staff for, in a number of cases, facilitating an opportunity for me
17 to engage directly with survivors. I want to acknowledge also the courage of some
18 individual survivors who have approached us directly, approached me directly. Most
19 importantly I want to express my gratitude to those who have, against all of their
20 experience, have trusted me into that space.

21 I think fundamentally that has been a journey that you, as survivors, have taken me
22 on. It's been a journey of trust, of, on your part, deep humility and grace, it's been a journey
23 of having to restate your experience.

24 One of the things you've taught me is that although we might use some common
25 processes in each of those encounters, they are fundamentally different in each case. And
26 they need to be. There is no one size fits all.

27 I think I've learned that when, in my case, the Archbishop of the Church, one of the
28 Archbishops of the Church is in the room, it changes the significance of the encounter.
29 And I know that I am allowed to use these names, but I remember Robert Oakley and my
30 meeting with him in his home in the foothills of the Southern Alps and I remember at one
31 point him saying to me, "This is the closest that I've got to look into the eyes of the man
32 who raped me and tell him what effect that has had on my life."

33 I have learned that the Church needs to face into at that very deep and personal
34 level. Yes, we need to make sure that we have good redress systems and approaches in

1 place, they need to be, we believe, deeply embedded for us as a Church in the interaction
2 between Te Ao Māori and gospel experience and principles. For me, each of those
3 encounters has been a deeply spiritual engagement because it's about the whole person and
4 we are in essence body, mind and spirit. The wairua of each of those engagements is what
5 made the difference. I don't want to lose sight of that.

6 I also, if I may, take this opportunity to recognise that there are individuals who fall
7 between the gaps. It's a crude way of putting it, but I want to acknowledge, with his
8 permission, Roger Allison who is a survivor of abuse as a result of what was happening at
9 Dilworth. He's not a Dilworth old boy and so seems to have no place in this process of
10 redress.

11 Roger's story's been made well-known publicly. But as a society and certainly as a
12 Church, we have to recognise it's all of our responsibility, because I'm sure there are more
13 Rogers out there. And how do we collectively spot the gaps and make sure that they're
14 responded to do so that there is the potential for healing and wholeness for those who just
15 don't seem to fit into any institutional responsibility, including, in Roger's case, ACC.

16 **[Applause]**

17 **MRS GUY KIDD:** Don, do you have anything you want to add there?

18 **MOST REV DON:** Just to tautoko my fellow Archbishop. It's an incredible learning for us and
19 an important one because we don't have a perfect template to follow. And so we've learned
20 to rely on our mātauranga and our values. In the case of Roger we want to acknowledge
21 that someone who was deemed to be outside the parameters of other institutions, it forced
22 us to face into the fact that somebody has to take responsibility, and it hasn't just been at
23 our level, we put it before the senior leadership of our Church who also took compassion on
24 the case and enabled us, as Church leaders, to respond to that survivor with a response that
25 we hope brings healing. But we knew if we relied on existing systems that wouldn't
26 happen.

27 Equally, and I hope he doesn't mind, survivors like Neil Harding who approached us
28 and who we saw a week later after the hearings had been first attended standing in a court
29 waiving his own name suppression for the sake of justice and also for the sake of enabling
30 others to come forward. So when you're faced with that extraordinary courage, it gives you
31 a lot of drive to do what you can, as imperfect as it might be.

32 So we're taking that extraordinary learning forward in terms of redress, because
33 redress isn't just, as I said, simply about trying to make reparations to survivors, it's also
34 about exercising accountability and responsibility, and understanding that dealing with guilt

1 is not the same as dealing with shame, that enacting justice isn't the same as finding
2 healing, there are other dimensions that are required for that. And these hearings will come
3 to an end, the work of this Commission will come to an end, but the work of supporting
4 survivors won't.

5 So we have to take a very open approach to make - we've demanded the Church
6 make itself vulnerable and accountable for the sake of finding a way forward, and
7 co---creating that. We've come to trust very deeply survivors that are working with us,
8 survivor networks that hold us to account and want to work with us to find a way forward.

9 So, you know, it's been an incredible process I've got to say, very humbling. But it
10 also gives us a lot of hope. It's been a very lifegiving one we've seen. As I said, while
11 there's no perfect template, while we don't have all the answers, I'm confident we're heading
12 in the right direction.

13 **MRS GUY KIDD:** One final topic before I hand you over. The Royal Commission has
14 recommended an independent redress system and that churches stop their own redress
15 processes once it is set up and running. What are your concerns about a single State redress
16 process, or in a more positive way what will it need to effect healing?

17 **MOST REV PHILIP:** Thank you, I'll start. Firstly, we're engaging fully with the Crown
18 Response Unit and are very, very committed to doing that. We said in our earlier brief of
19 evidence that we supported a single unitary approach. But we do have some concerns.

20 The first would be around our kind of central conviction that human beings are
21 fundamentally spiritual beings. But we live in a society, I think about the 1867 Education
22 Act that describes the provision of education in this country. Secular is a defining
23 characteristic and we don't compete with that, we embrace that, but the feedback that we
24 have from colleagues in the United Kingdom and Canada and Australia is that, in the case
25 of Australia, the Federal system is inherently a transactional process of reparation, not
26 holistic at all and certainly not one which enhances healing or enhances the spirituality and
27 the spiritual identity of the individual. So we would have some concerns around that. And
28 we will bring those concerns to the fore.

29 Just in relation to the Australian provision, an organisation called Kooyoora, which
30 is based in the State of Victoria, have assisted us. They were established originally as sort
31 of an Anglican Church entity and now a separate company, but when you look at the
32 provision of services that they offer and the way in which they approach redress is very
33 driven by survivor design.

1 And I think one of the statistics which they gave when they came to lead this
2 seminar with us was that the Federal redress system has around a 53, 54% survivor
3 approval rating and the Kooyoora system has an early 90s percent survivor approval rating.
4 Those are extraordinary figures if they're verifiable. That's a significant gap. So we
5 wouldn't want to see a system established in Aotearoa New Zealand that led to that sort of
6 low level of survivor approval.

7 So, as I said at the beginning, we'd want to do everything we can to contribute, but
8 we also feel that we need to take responsibility for some design work ourselves. And I do
9 want to acknowledge Hera Clarke who's our comistry in the redress space and also to
10 acknowledge the strong critique that Hera is bringing to us as a Church, institutionally and
11 in terms of leadership, about our continuing failures to provide the kind of environment
12 where an appropriate redress process could be established.

13 So I'm certainly not pointing a finger at Australia, for example, without recognising
14 there are three pointing back at me.

15 **MRS GUY KIDD:** My time is up I think, so I will hand you over and continue the discussion.

16 **CHAIR:** Thank you Ms Guy Kidd. Yes Ms Anderson.

17 Can I just -- I can't help myself, is there really an Australian institution with a Māori
18 name?

19 **MOST REV PHILIP:** No, it's an Aboriginal name.

20 **CHAIR:** It is, K-A-I-O?

21 **MOST REV PHILIP:** No, K-O-Y-O-O-R-A, I think, Kooyoora. It sounds awfully like kia ora
22 but it's not and it means a mountain of light.

23 **CHAIR:** Lovely thank you.

24 **MOST REV PHILIP:** Kia ora.

25 **CHAIR:** Kia ora.

26 **QUESTIONING BY MS ANDERSON:** Tēnā koutou katoa. I'm going to cover just a few topics
27 with you, make sure that we leave enough time for Commissioners' questions before the
28 session closes; but starting with a practical example that you've raised that calls into play
29 the relationship of the Church with Dilworth School. And you've referred to Mr Roger
30 Allison and the fact that he's had a response that he's outside the scope of the Dilworth
31 redress process.

32 And my understanding is that that's really -- the message that he's received really
33 clearly is that what's happened to him is -- first of all he was never a student of the school,
34 but although the abuse occurred in facilities owned by the school, it was considered to be in

1 the relevant staff member's private time and their private space, so therefore there's not a
2 basis for any vicarious liabilities, I think is the language that he may have discussed with
3 you, that that's the response he's had in relation to the redress process. Is that your
4 understanding?

5 **MOST REV PHILIP:** That is my understanding. And that that's a response to a recent approach
6 to the new redress framework that's been put in place, and that the response has been that
7 that was out of scope.

8 **MS ANDERSON:** So I'm interested in the fact that you've taken some, as you said, responsibility
9 for ensuring that he hasn't fallen completely through the gaps, and that you've provided
10 some support to him. Are you able to just help the Commissioners understand what sorts of
11 things have you been doing in your engagement with Roger?

12 **MOST REV PHILIP:** I'm trusting that I have his permission to speak and I've been given an
13 indication that I do. So --

14 **MS ANDERSON:** I can confirm we've also confirmed through other mechanisms, yes.

15 **MOST REV PHILIP:** Thank you. First and foremost it was about establishing a relationship,
16 someone provided a kind of mechanism for him to contact me and I think one of the
17 important things is about maintaining those relationships, that when people reach out in that
18 kind of way with that level of vulnerability, to not be faithful to that relationship is I think
19 probably the worst thing that could happen.

20 It became clear as I came to understand Roger's experience, what had happened to
21 him, as I engaged with people who have supported him for a lot longer than I've been
22 involved, that there were immediate needs, and we were able to respond to some of those
23 immediate needs.

24 But it also became increasingly clear that there could be no kind of healing for
25 Roger, and remember Roger laid a complaint with the Police, he faced the trial situation of
26 his abuser and was contributing to conviction of his abuser. The consequence of
27 re-entering into that reality saw his life fall apart in so many ways. This is a competent,
28 intelligent man with great skill, unable to engage in work or a normal kind of living
29 arrangement. It became really clear that a kind of piecemeal approach, kind of band aid
30 approach wasn't going to get us anywhere. His support people had been strong in their
31 advocacy so they had sought to raise matters with ACC, for example, because ACC had a
32 technical reason why he didn't qualify. Certainly engagement with Dilworth, my personal
33 engagement with Dilworth said that it was beyond their trust deed that he was outside of
34 scope basically.

1 **MS ANDERSON:** So in light of that outside of scope, you've adopted a relationship-based
2 approach with him. So is it fair -- because what we've heard, partly through the
3 engagement with the Methodist Church earlier this week, is perhaps a shifting away from
4 the strict legal structures of the Church --

5 **MOST REV PHILIP:** Correct.

6 **MS ANDERSON:** - and going to a human---centred response. It seems to me that's what's
7 happened here. You haven't turned your mind to "do we really have a legal obligation as a
8 Church given our relationship to Dilworth", you haven't come at it at all from that lens,
9 have you?

10 **MOST REV PHILIP:** No, we offered him a full redress process. I was honest, I hope, with him
11 in saying that I couldn't guarantee that I'd be able to find the resources to address whatever
12 the redress, independent redress process might offer. But as Archbishop Don said, that
13 commitment has been made by the Church and we will fulfil that commitment. But we
14 hope that Roger's story, which is the story of others, will drive some change in other places
15 and maybe there are others who will feel that they can contribute to Roger's well-being.

16 **MS ANDERSON:** So you say that's an example of, I think the language that was used was facing
17 a deep and personal level with somebody that's come forward reporting harm.

18 **MOST REV PHILIP:** Correct.

19 **MS ANDERSON:** Just shifting back a little bit to the relationship between the Church and
20 Dilworth, and Ross, you've outlined some aspects relating to that. Am I right that in
21 about -- it might be around 2019, I'm not quite sure of the actual date, and I'm hoping not to
22 take the time to go to the document, but that you were looking at formalising in a
23 memorandum of understanding the relationship between yourself as Bishop and Dilworth.
24 And I wondered whether -- one of the aspects in this draft memorandum is that it's got a
25 provision where, in addition to the visitation element and appointment of the chaplain
26 involvement, that there's an agreement that the board and the Bishop will update each other
27 and/or consult on significant news or developments impacting Dilworth School and the
28 Anglican Diocese of Auckland or the Anglican Church of Aotearoa, the parties will work
29 on a no surprises basis. Can you just give us a bit of background as to why you were
30 looking at crystallising that in a memorandum of understanding, has that ever actually been
31 finally signed and formalised?

32 **RT REV ROSS:** Yes, thank you. It's a matter I raised with the Trust Board last year, 2021
33 following my visit to the school, and in the light of the learnings from this Commission we
34 recognise that there wasn't any contemporary definition about what the relationship really

1 looked like. We had these two clauses from James Dilworth's will from 120 years or
2 something ago, episcopal visitor, brought up in the tenets of the Anglican faith, but what
3 does it actually mean today in the running of the school, a very different place 100 years
4 on.

5 So that's the background as to why I brought the suggestion that we might form a
6 memorandum of understanding that defined that clearly for us, so we understood the nature
7 of our relationship; and then particularly when there were changes in personnel, when
8 there's a new Bishop, when there's a new head, when board trustees change, we've got
9 something documented to guide that ongoing relationship.

10 **MS ANDERSON:** And as you say, that's an example of this further commitment to better
11 communication.

12 **RT REV ROSS:** Yes, and the status of the document is that we've done a couple of revisions of it,
13 I think you're probably looking at the current draft. I've had a verbal response from
14 Mr Snodgrass to say they're comfortable with it. We haven't yet formally signed it and I'm
15 making my annual visit to the board in a couple of weeks time and I'm anticipating that
16 then we might be able to formalise it by signing it.

17 **MS ANDERSON:** But often with these things, even while you're working with drafts, it changes
18 behaviour, doesn't it, it can lead to that no surprises and better communication.

19 **RT REV ROSS:** Yes.

20 **MS ANDERSON:** Has there been a change do you think over the last year or so about that
21 communication between you and the board about what's the important things that are going
22 on at the school?

23 **RT REV ROSS:** I can point to one matter in particular, and that is that the school has had an
24 indication from their current chaplain, I think he's going to conclude at the end of this year.
25 And so we do have to now face the appointment of a new chaplain which I've raised in
26 evidence has been a difficulty in the past.

27 And so already the principal of the school has been in touch with me to discuss a
28 process based on that in the memorandum of understanding so that we're working
29 collaboratively about coming to a decision on who the new chaplain should be. So I've
30 noticed that immediate change.

31 **MS ANDERSON:** But in terms of the other significant things that are going on at the school in
32 relation to abuse claims coming forward, what's the extent of information you currently
33 receive about that, including about the intention to launch the redress programme, the terms
34 of reference etc?

- 1 **RT REV ROSS:** There hasn't been any significant exchange of information about that.
- 2 Mr Snodgrass has verbally informally kept me abreast of some of those developments, but
- 3 largely we have learned of them through communication through our legal teams as the
- 4 process has been worked up. As the Church, the Archbishops might be able to respond
- 5 more on this. We have made submissions to the Dilworth Trust Board through their
- 6 lawyers about our own views on the process and its development as they were seeking to
- 7 refine it so in that way.
- 8 **MS ANDERSON:** You're talking about the process of developing the redress programme?
- 9 **RT REV ROSS:** Developing the redress programme, yes, that's correct.
- 10 **MS ANDERSON:** And you commented on the content of that redress programme?
- 11 **RT REV ROSS:** Yes. So as it was being developed we offered some input on the draft about
- 12 matters that we thought could be different.
- 13 **MS ANDERSON:** Perhaps I'll invite the Archbishops if they do have recollection of the sorts of
- 14 issues that you raised in relation to the redress programme.
- 15 **MOST REV PHILIP:** So we, through our legal team, contributed at the request to consultation,
- 16 both in terms of the Inquiry and in terms of the redress scheme. I think the first point we
- 17 would want to make is that consultation is not codesign. Secondly, we had some concerns
- 18 around the boy-on-boy abuse and the limitations around that. We had concerns about the
- 19 cap as a matter of principle rather than any particular figure. So if redress is --
- 20 **MS ANDERSON:** Is that concern on cap? What drove that concern about actually putting a
- 21 number on the top number on what could be awarded?
- 22 **MOST REV PHILIP:** Our experience, limited as it is, is that redress is about a relationship
- 23 fundamentally, not a transaction. And that as soon as you put a number, even if it's a
- 24 significant number, you change the nature of what you're inviting someone to trust you
- 25 with. So it was on that basis that we raised that concern, not about a particular number, just
- 26 about the principle of a cap. There were several other matters as well which I've forgotten.
- 27 **MS ANDERSON:** In the end do you think it's fair to say that the redress programme that
- 28 Dilworth has now operationalised, it's in its early days, really has that transactional element
- 29 that somebody comes in the door, goes through a process and goes out the door with a sum
- 30 of money, there's no on-going support for that person over the future years?
- 31 **MOST REV PHILIP:** I think the two comments I would make. One is that it's a strong
- 32 commitment to old boys as the Roger Allison case illustrates, and so I believe they're
- 33 genuine in wanting to have an ongoing relationship with their old boys.

1 The second comment, though, is that the commitment to relationship and what you
2 might call wrap-around care is easy to say and hard to put in practice because of the diverse
3 lives that people lead, and that requires considerable resource. My concern would be that if
4 that in some way got quantified into individual transactions, it's actually going to be hard to
5 exercise it in a holistic and comprehensive way.

6 So one of the survivors that I've worked with, I hope you don't mind, GRO-B
7 me mentioning you, but continues to point out to me the need for what wraparound
8 service -might - wraparound support, sorry, might look like. We can't keep doing it on a
9 one by one basis somehow, we have to- ensure -that it's available for all. And that requires
10 significant investment both in design and in resourcing.

11 **MS ANDERSON:** Thank you. Coming back to you, Ross, in relation to you're coming up for
12 your current episcopal visit and following up with the report; but when I'm looking at the
13 2019 report that you provided, I can bring it up if you need refreshing memory, but it's
14 simply the point that a large part of that report is under the heading wellbeing in the school
15 and quite a significant portion of your report is focused on your observations and some
16 questions around wellbeing. So that seemed to me to be a new departure in terms of the
17 visitation focus.

18 So if you're happy to speak to -- you seem to have embraced the role that as Bishop
19 you could have that effectively monitoring role in relation to the well-being of the students
20 of the school. Can you just outline why you went down that track and what benefit you
21 think it's providing to the school.

22 **RT REV ROSS:** So I think as a result of what began to happen in 2018 I think it was when those
23 new matters were brought to the school as these sort of unknown substance, but these
24 allegations, and I think the evidence we've heard this morning about the growing awareness
25 on the board when Aaron became the Chair, that they needed to do more; it was agreed
26 with me, so it was a mutual decision that my visit in that year might offer some focus on
27 well-being and safety. I think partly so that the school was able to demonstrate to me the
28 sort of steps that they were taking to ensure safety and well-being, and also to allow me to
29 offer any comment on them if I wished to.

30 So it was a particular focus of that year and that report, hence why the report's
31 largely about that. But I think it does form an ongoing aspect of while I'm in the school for
32 that visit the sort of things that I might discuss and look at with others on the staff, and then
33 in my discussions with the board.

1 I think in the memorandum of understanding we note that we would undertake, at
2 least annually, to report to one another on any matters that we're aware of. I think it should
3 happen at any time during the year. But I think my official visit to the trustees is an
4 opportunity to actually say and record are there any matters that we need to advise one
5 another about.

6 **MS ANDERSON:** So broadening that out to the three of you, I'm not sure who might want to
7 come in first, to the question of with the other Anglican schools that would probably more
8 accurately, or would own the title Anglican school a little bit more perhaps than Dilworth
9 does, although it has a close relationship about the Church; so for those other Anglican
10 schools, what sort of role is developing for the Church in terms of ensuring the well-being
11 of the students at those schools, is there any activity in that space since we spoke with you
12 in March 2020?

13 **MOST REV DON:** Yeah, absolutely. Look again, speaking to the work we're doing in terms of
14 the all of Church wānanga about what our value set is around these things, and then being
15 able to clearly articulate back into those school relationships, what it means to be Mihinare
16 in these Islands, what the whakapapa of that identity is, the taonga that have been handed
17 down from generation to generation because of that identity and therefore what we're
18 obligated morally and ethically and spiritually to be.

19 In some cases in relationship to some of the schools those things have been lost a
20 little bit, have ceased to be articulated, the stories haven't been told. We haven't reminded
21 ourselves of the values that we believe in that we want to see upheld. Things that are
22 life-giving and the idea that the presence of abuse in any form is a complete failure of who
23 we say we are and what we want to live up to.

24 So it sparked a huge, I think, activity amongst some of our school relationships and
25 to the point where we were having a complete redesign of the value frameworks that we're
26 having, for instance in Te Aute, Hukarere and other places in the Polynesian school
27 network, we're talking about a value set such as *oranga ake*, the idea that the entire purpose
28 of our faith is to enable people to flourish and the presence of abuse is the complete
29 antithesis of that.

30 So we're learning, again, how to make that more than just talk, how to really embed
31 it into the practice of our school so that it becomes a dependable and enduring trait of what
32 these schools offer to children.

1 **MS ANDERSON:** Does that move into also the space of whether the schools are responding
2 adequately to reports of abuse that have come to the school and the redress that they're
3 offering is in that, not in that transactional, adversarial space; what's happening in that area?

4 **MOST REV DON:** Yeah, you know, it's a conversation that has a lot of layers to it. For instance,
5 we have private schools, so you're really dependent upon the relationship with the board in
6 those cases as to how deeply embedded you can make those conversations. You have
7 integrated schools where we as a Church might "own", in quote marks, the land and the
8 hostel programme particularly, but we don't employ the principal or any of the teachers, we
9 have limited authority in what goes on in the classroom.

10 So it's utterly dependent on the quality of our relationships. And all that means is
11 we just have to work harder, build trust and to keep advocating for the same values that
12 would make sure that we're all adhering to it.

13 **MS ANDERSON:** It would seem that if somebody's really unable to get an adequate response
14 from an Anglican school in terms of abuse that happened in the school, that like with
15 Roger, that there's -- they should think they can come to the Church and have a
16 conversation with the Church about redress for them in that relationship sense that you've
17 talked about. Is that something that you're contemplating or encouraging? What's
18 happening there?

19 **MOST REV DON:** It's something that we're doing. You know, because, again, there's no perfect
20 template, often there's a lot of failure points in the conversation, in the system, we're trying
21 to adopt, at least from an all of Church perspective, that we need to step up and take
22 responsibility regardless as much as possible. And in the hope that down the line in the
23 conversation, schools and other institutions that we have would also adopt the same stance,
24 because ultimately, you're talking about human beings that have incredible sacred worth.
25 It's not fair that we create systems and structures that exclude them from healing.

26 So the conversation we're trying to lay over the top of that is to say look there's a
27 moral and spiritual dimension to this within which he must remain responsible and
28 accountable, and it has to be led by compassion and care. So you know, that's the space
29 we're in at the moment, isn't it. I mean we talk about legal frameworks, Crown led
30 initiatives, at some point you end up with parameters that have some people inside and
31 some people outside. And to be honest, the call of the Church is to kind of go and sit in
32 those margins and stand with those that have been excluded until they're excluded no more.

33 **MS ANDERSON:** So using an example, again we've got the survivors' permission for this,
34 Mrs M that you'll recall from the school in Christchurch that I think Bishop Carroll

1 discussed in the previous hearing and in the State institutional response hearing, her
2 evidence was again raised, I'm not sure whether you followed that, about her interactions
3 with the Teaching Council. You might recall there was an issue about her having to push
4 for reporting of the abuse to the Teaching Council and then the impact of that Teaching
5 Council experience on her.

6 So for somebody in her position, if a person like that is having difficulty getting a
7 redress outcome from the school, is she the kind of person that you say might be falling
8 through the gaps and can come through a door to the Church to have a conversation, is that
9 what you're suggesting?

10 **MOST REV DON:** Yes, we're ready to support, you know, we can't guarantee successful
11 advocacy and other structures over which we have no authority or can't compel, but we
12 certainly agree that it's our duty to stand and support no matter what.

13 **MS ANDERSON:** You don't draw a legal distinction, it's the school's responsibility, we don't
14 have to have a conversation about that, you take a different approach?

15 **MOST REV DON:** Yeah, we're trying to.

16 **MOST REV PHILIP:** But I think it's fair to say that, you know, that has to be led from the
17 leadership, because it is a culture change, and we've expressed the aspiration and the
18 commitment, but I think we're a long way from reflecting that in our institutional responses.
19 It's a work in progress, but that's the commitment.

20 **MS ANDERSON:** And I'll just raise with you now, and I'm not expecting a response from you,
21 but you might recall that Bishop Carroll in the previous hearing indicated that he would
22 work on an approach and acknowledgment to Mrs M, and we understand that that hasn't
23 happened as yet, so I raise that with you as something for the importance of follow through
24 in terms of commitments that are made to survivors which I'm sure is a point that you well
25 understand.

26 In terms of, I think you've been very clear that not that much has happened in a
27 formal sense with redress programme within the Church, you've focused on the Title D and
28 you've been very focused on direct contact with relevant survivors, so there's not a systems
29 approach but there is that underpinning core value that you've articulated, it's not
30 transactional, it's relationship and that's the basis on which you're proceeding in the interim
31 until there's a resolution of what an overall independent system might look like. Is that
32 right, is that a fair characterisation?

33 **MOST REV PHILIP:** Yes, but I think in addition we'd say that the commitment to Hera Clarke's
34 role is a starting point. As I said, Hera's initial feedback to us is there's a whole lot in our

1 own house that we need to get in order and that if we're really going to take this seriously
2 then we need to put significant resourcing around it. So simply the appointment of a skilled
3 practitioner with years of experience doesn't a summer make.

4 **MS ANDERSON:** In terms of the -- Ross, you mentioned there's going to be an independent
5 inquiry relating to the two chaplains at Dilworth. Can you tell us a little bit more about
6 when that might be up and running? Because that's a development that wasn't mentioned in
7 your evidence so this is something relatively new is it?

8 **RT REV ROSS:** Yes, I'll make a brief comment and then again the Archbishops, because it's a
9 whole of Church response, would be best to comment further and they'll be the ones
10 responsible for working with the standing company of our General Synod to implement
11 this. But it's come about as we've thought more and more about the abuse undertaken by
12 Ross Browne and the other former chaplain at Dilworth School. The fact that we don't
13 fully understand everything that went on, and that it's important we find out and what the
14 learnings are. And an awareness of the fact that there are a number of other instances of
15 abuse by Clergy across the Church where we need to find out and understand more about
16 that. And so in our conversations together we've come to the view that an independent
17 inquiry into abuse within the Anglican Church as a whole is important and it would include
18 both those chaplains. But perhaps Archbishop Philip might like to say more.

19 **MS ANDERSON:** So much broader than the two chaplains at Dilworth?

20 **RT REV ROSS:** It will include those two, but we feel it's important that it is broader.

21 **MOST REV PHILIP:** We believe there are at least eight to ten cases where, among other things,
22 the question of what Bishops did or didn't know, what Bishops did or didn't do are of
23 critical centrality to the ongoing abuse that vulnerable young people experienced. So it's
24 not an adequate response to simply identify that. We think that there are deeper and
25 broader questions that need to be asked.

26 I just want to acknowledge Ross in encouraging us to look at this broader and
27 deeper inquiry across a wider range. Ross was acknowledging that his own decisions are
28 inevitably, as are mine, as are Archbishop Don's, going to be subject to that. So it is current
29 as well as historical, it's to ensure that even our things like our safe to receive processes are
30 much, much, much more robust by making sure we've analysed the past, making sure our
31 recordkeeping, trying to get to the point where we have a fully centralised file keeping
32 system for the whole Church, accessible to those who need to have access so that we don't
33 have bonfires in the backyard of the Bishop's house on the day before retirement, which has
34 happened.

1 **MS ANDERSON:** Yes.

2 **MOST REV DON:** If I might add too, I think it may be that we end up with a series of inquiries,
3 successive inquiries as we keep going back over the ground to make sure we are exposing
4 everything to the light and learning properly. Because at some point we do want to get to
5 the stage where we're more proactive in this space, particularly in terms of the identification
6 discernment training of ministers, office holders. Because we need a brand new toolset.
7 One of our learnings here is how do you identify risk, how do you mitigate it, how do you
8 eliminate it in terms of creating a safe space for people. And we're kind of hopeful that
9 this, you know, form of accountability through a mechanism like an inquiry and a
10 re-interrogation of our past decisions might help us build a, you know, new systems that
11 won't fail us in the same way.

12 **MS ANDERSON:** Because you certainly already have, in terms of what happened, for example,
13 the first chaplain at Dilworth, there's clear evidence, isn't there, of reports of abuse prior to
14 the agreement and whatever the certification process was within the Church to move into
15 Dilworth.

16 **MOST REV PHILIP:** It appears to be non-existent at the time, doesn't it.

17 **MS ANDERSON:** Sorry?

18 **MOST REV PHILIP:** It appeared to be non-existent at the time in terms of expectation of
19 disclosure from one Bishop to another, or from one Bishop to an institution in that case.

20 **MS ANDERSON:** That's right, so there was knowledge but no communication of that
21 information.

22 **MOST REV PHILIP:** That's what the evidence suggests.

23 **MS ANDERSON:** And in terms of the report, Ross, that you commissioned into the
24 decision-making in relation to Ross Browne, what's the relationship of that document to the
25 inquiry that you're talking about? Would that be an input into that inquiry.

26 **RT REV ROSS:** I would expect so, yes, yes. As I said, that report, we commissioned it, we
27 wanted some answers about some particular things as quickly as we could, so it had a very
28 narrow focus. In particular with the needs of the significant stakeholder, if you like, in that
29 process was the parish of Manurewa who ended up with Ross Browne as their vicar, they
30 certainly wanted to know about how that had come about and what we had known; so it
31 really had that narrow focus, but I think that would be a piece of information that would
32 obviously then be fed into a wider inquiry.

33 **MS ANDERSON:** And there's a reference, and I'm not going to go through that report in detail
34 with you now because I do want to give Commissioners time for questions; there's a

1 comment in there, Ross, that you've come in as Bishop in 2010, you've inherited some
2 decisions that have already been made by the previous Bishop about issuing a fitness to
3 minister -- probably not quite the right language that I've got there, but -- and you didn't
4 feel you could revisit that decision. So just talk to me about that dynamic of a Bishop
5 inheriting decisions and what barriers there are to actually taking a fresh look at a particular
6 moment in time.

7 **RT REV ROSS:** I have found this really tricky I'll be honest. I've been guided in my mind and on
8 the advice of others on this matter by issues of fairness, and if I was going to critique
9 myself I would say did I put too much emphasis on fairness of process. My view was that
10 my predecessor had received information about the reasons why Ross Browne left Dilworth
11 School, had taken actions cognisant of that, had determined that he could continue in
12 Ministry and had allowed an appointment. And I felt that I was now inheriting the office of
13 Bishop as a sense in which you inherit the decisions of your predecessors and have to stand
14 with them.

15 So I didn't feel in terms of fairness of process that I felt able to revisit that and
16 determine otherwise. I accept that I could have perhaps taken a different view, but that's
17 the view that I took.

18 **MS ANDERSON:** In terms of the recalibration that's been talked about going on, that would be
19 one of the aspects, won't it, that will be inevitably be part of that conversation?

20 **RT REV ROSS:** Yeah, I think one of the great benefits that I see in our revised Ministry
21 standards work is that a Bishop now would have no choice, would be required to take the
22 information that had come to them from Dilworth School about the nature of his resignation
23 and to pass it to the Ministry Standards Commission to have that assessed and looked at.
24 So it's now unavoidable that a Bishop could just say gosh I think in this situation this seems
25 the right thing to do and I think that's really a critical safeguard for us, and particularly for
26 us as Bishops.

27 **MS ANDERSON:** I don't have any further questions for you. Madam Chair shall I hand over to
28 Commissioners? I'm not sure whether you want to take a break before you go into
29 questioning or whether you want to just --

30 **CHAIR:** I think we should box on and take a very short break, I'm very mindful we've got a lot of
31 people waiting to address us in closing submissions, so let's use every valuable moment we
32 can. I think the Commissioners will also commit to keeping their questions as short as
33 possible, always with the understanding than we could come back to you, Bishops three, if
34 we needed to, is that all right? All right.

1 Paul do you have any questions?

2 **COMMISSIONER GIBSON:** Just a quick question learning, you might have expressed it, there's
3 a lot of, in reviewing these things, focus on procedural fairness, getting that legal advice
4 correct and almost protecting the institution. I'm not sort of hearing the balance in the past
5 of protecting victims and potential victims, the balanced voice. Is there advice on impact
6 on people potentially affected by those with allegations against them? Is that a learning,
7 what's going to happen going forward in terms of how you run the next inquiry?

8 **MOST REV PHILIP:** So I think that's an accurate description of the way things have been and I
9 think part of the recalibration of culture that we're describing is about shifting where the
10 starting point is and who you listen to. So when we talk about establishing an inquiry, for
11 example, into those eight to ten examples of where Bishops have clearly made decisions
12 around which there are significant questions, we would like that inquiry to be co-designed
13 with survivors that we're working with.

14 So I think some of that shift is in the practice that we initiate, which is a sort of
15 advantage, I guess, at the moment of what bluntly might be called the kind of ad hoc
16 approach we're taking or case-by-case approach we're taking to redress.

17 **COMMISSIONER GIBSON:** Could I ask if the new thinking beyond co-design to actually have
18 survivors as inquirers?

19 **MOST REV PHILIP:** Yeah, I think that's absolutely viable. I can think of a situation in my own
20 Diocese where our significant resource person, in terms of process leading, is a survivor.

21 **COMMISSIONER GIBSON:** Thank you.

22 **COMMISSIONER ALOFIVAE:** Talofa lava, I'll keep it brief. Very encouraged in hearing
23 about the inquiry that you're intending to undertake because it's really looking at yourselves
24 as to what constitutes a healthy Anglican Church, what does that look like.

25 My question really relates to the issue of social change that I think you've been
26 talking about this afternoon. Because churches are made up of volunteers, they're just your
27 average, every day person who wants to go along to a particular parish and what not, and
28 I'm really interested in your perception, and perhaps the reality check of your reach into
29 your parishioners in all of the different tikanga and in-- how you're really going to be able
30 to stimulate that conversation. It's great to talk about it at a conceptual structural level, but
31 actually that change is really driven from the people who belong to the faith and to the
32 parents who belong in the schools who aren't always Anglican like at Dilworth.

33 **MOST REV DON:** We're under no illusions as to the size of the task, so we're trying to approach
34 it on multiple levels. We're certainly trying to embody that change is a very important

1 thing to us, and we've taken on that challenge to try to example in every way possible what
2 this would look like. We're also, like I said, redirecting the focus of some of our most
3 significant governance bodies into that conversation to take ownership of the conversation
4 and to make commitments, to even legislate in some ways that this is the new way forward.

5 We're also organising a series of regional wānanga events that will disseminate the
6 conversation as much as possible. We're investing into new comms networks that will turn
7 it into a very regular -- will hold the story in front of us. We're seeking to embed it into the
8 curricula of our schools network and we're working with the schools that are willing and
9 ready to go to embody the conversation as well.

10 So, you know, from the standpoint of our roles and where we're positioned in the
11 structure, we're searching for every avenue possible to create that culture change, that social
12 change. And it's kind of a two-pronged approach, as I said. We have to accept that there's
13 a long pathway to it, it will take a long time to -- it's almost generational changes. But
14 there's also a number of things that we can do now, and the most powerful thing to do is to
15 be practitioners in the first sense, so that's kind of where it's at for us at the moment.

16 **MOST REV PHILIP:** One of the huge opportunities we've got, which is not completely unique
17 to our organisation, but it is part of who we are, is that, you know, every Sunday I'm in a
18 different small community around Waikato Taranaki. So I'm connecting with local
19 communities and I've known those communities for 22 years as Bishop. I've known those
20 people across now two generations. So we have the ability to influence, we talked about
21 that last time, that is a real possibility. You know, we know community leaders, we relate
22 to health services, we are providers of social services and schools obviously.

23 So we have networks of influence that we can either sort of go, you know, just leave
24 them to it, or use every opportunity we've got. I think the moral imperative on every
25 Bishop and every regional leader, you know, we have a structure of archdeacons and
26 regional leaders that work with those influences and we can effect change effectively over
27 time and maybe less time than we fear.

28 **COMMISSIONER ALOFIVAE:** Thank you.

29 **COMMISSIONER ERUETI:** Tēnā koutou. It's encouraging to hear all the mahi that's been
30 done and to address the structural inequalities, as you put it, and it's been long-standing and
31 deeply embedded and, as we've been hearing, will take a lot of hard work in order to take
32 that vision and put it into effect and it could be generational. It is encouraging to hear
33 about the work that's been done since we saw you last. So I wish you all the best with the
34 mahi ahead.

1 A comment on the discussion about redress, we too had concerns about the National
2 Redress Scheme in Australia, we had the benefit of reviewing their review, their two year
3 review and we were aware of the criticisms that it had along with many other redress
4 schemes around the world.

5 But when I listen to your concerns, Mr Richardson, I don't really think we're
6 poles - I think the concerns that you expressed were actually concerns that we noted in our
7 report too about the need for a holistic approach and ensuring that it's survivor-led in
8 particular. So it's not the last word from us on the kaupapa of redress, there will be more
9 for us to say, but really the foundations are in that report.

10 So there are no questions from me, I just wanted to pass on those comments and
11 thank you, thank you for your time today.

12 **MOST REV PHILIP:** Thank you, we'd want to reiterate our commitment to that work at the
13 national redress level. I think the best way of us collectively as a community achieving the
14 very best outcome in that space is to contribute. So we'll keep bringing our concern, but we
15 certainly appreciated the position that the Commission took in the report.

16 **COMMISSIONER ERUETI:** Kia ora.

17 **CHAIR:** Kia ora koutou. I had a lot of questions but I'm going to confine it just to one. And
18 listening to you I'm reflecting on what feels like a very profound sea change from the
19 evidence that we received from you in 2020, in relation to particularly the assumption of
20 leadership, re-assumption, the re-affirmation of the leadership of the Archbishops. I noted that
21 you are using the word "we have demanded that this will happen". I felt before there was a
22 reticence maybe, you know, Bishops hold their own domain and their own Diocese etc, and
23 this feels like a widening, not becoming hierarchical, but just imposing the values and
24 standards that we know that you embody. So that's interesting.

25 And with that you've used the word a lot of "accountability". And I think that's
26 something that in our journey through this evidence over the last week or so, the word
27 accountability has been used a lot, interpreted differently a lot, and we have run the gamut
28 from strict legal accountability to a much wider embracing of accountability in not just the
29 legal sense but the moral, the ethical, the spiritual sense. And I feel that that - I want you to
30 know that I see that and I acknowledge it. And that ground, and it's a big hint really, not to
31 you but to others out there in the churches listening, to what extent is there a conversation
32 between the churches about this? Because it seems to me we have a range of views across
33 our various churches that we have heard from and no doubt others from whom we've not

1 heard. Is there an interfaith - I know there's an interfaith-type institution, but has this issue
2 come up or is it likely to come up?

3 **MOST REV DON:** A couple of things, Madam Chair. Firstly I'd say our ability to demand
4 anything remains pretty poor, but, you know, the exercise of leadership for us has been the
5 exercise of servanthood and doing the work and earning the opportunity.

6 In terms of your question, I don't think nearly enough has been done in the
7 ecumenical space, the inter-church space. There are some initial reasons for that, you
8 know, different quality, different structures, different authorities. But if we use that as an
9 excuse we're really framing the conversation in the wrong space. If we framed it in the
10 sense of relationship, that's where true accountability lies, because we're obliged to manaaki
11 each other, to love one another.

12 Where I have seen it begin in a very encouraging way has really been amongst our
13 theological education providers. So there's a growing desire for more collaboration and
14 working out these relationships, these conversations together. I think that's pretty
15 important, because those are the entities that train our future leaders. So that's been the
16 most encouraging thing.

17 I think the most discouraging thing is there's been a lack of collaboration amongst
18 existing leaders, that would be fair to say. I think the desire is there but we are yet to really
19 activate that.

20 **CHAIR:** I think we've seen that, and I take some small credit, not as individuals but the existence
21 of the Royal Commission I think has focused everybody to the issues and I share your
22 observation it's not about the legal structures, it's not about what system that Church has,
23 but what position you take in relation to survivors of abuse.

24 **RT REV ROSS:** Madam Chair, if I could just add to Archbishop Don; last month on behalf of the
25 Archbishops, because of their absence I attended the National Church Leaders meeting
26 which does bring together some Church leaders from across denominations, and safety was
27 one of the topics at that meeting, and it was good to be able to share on behalf of the -- I
28 was invited to do so, on behalf of -- what some of our experiences have been, and good to
29 see that there is a conversation being initiated between the Churches at that level about
30 what we can learn from one another, the importance of carrying that forward. So I think
31 there is some beginning on that.

32 **CHAIR:** That's good to hear and encouraging.

33 **MOST REV PHILIP:** And if I could just add because it's got to be three voices.

34 **CHAIR:** Of course there have, yes.

1 **MOST REV PHILIP:** Just to finish. In Aotearoa now and going forward there's also an
2 interfaith conversation, and again, we have a platform for that and therefore we've got an
3 obligation for that. So the interfaith conversations, which are often about how do we live
4 together in mutual respect across faiths that could be seen to be oppositional or seeking to
5 proselytise over and against each other, what are the opportunities to demonstrate a
6 different kind of way of co-living. And where better placed to begin than the safety of the
7 most vulnerable in our communities.

8 **CHAIR:** Exactly. That's a fine note to end, the safety of the most vulnerable in our communities,
9 thank you for having that final word. Thank you very much indeed. Final thanks to the
10 Anglican Church, like to all the others and faith-based institutions who have cooperated so
11 willingly -- well, you mightn't have been willing, but you have cooperated and so fulsomely
12 with us for all the work you've done coming along today again, and for, I'm sure, further
13 demands on your time that we make of you, we thank you very sincerely indeed for that.
14 **[Applause]**. So here endeth the lesson if I may just steal a phrase.

15 **MOST REV PHILIP:** Thanks be to God.

16 **CHAIR:** We're going to take a really short break. Just to let you all know that we've got a lot to
17 do this afternoon, we have closing submissions 20 minutes per entity from about
18 eight -- just four now, just four groups, okay. But that's still a long time, so if we just took
19 10 minutes, does that give us some time? All right, so we'll resume then thank you.

20 **Adjournment from 3.50 pm to 4.05 pm**