

**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

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Hearing opens with waiata and karakia tīmatanga by Ngāti Whātua Ōrākei

(10.03)

CHAIR: Tēnā tātou katoa, nau mai haere mai ki tēnei hui. Good morning, Mr Mount, good morning Bishop.

MR MOUNT: Kia ora tātou.

QUESTIONING BY MR MOUNT CONTINUED: Good morning Bishop Peter.

A. Morning.

Q. Your second statement, paragraph 5 says that 13 reports of abuse are known to have involved the Diocese in some capacity. Do you have that paragraph?

A. Yes.

Q. What time period does that cover?

A. As far as I recall that covers the time period from 1950 to the present.

Q. Does it include schools?

A. I don't know, I don't think that includes schools, that's 13 reports where the complaints have come to the Diocese and we have the files on those complaints.

Q. Given what we saw yesterday from Brisbane?

A. Yes.

Q. The effect of a diocese including school claims in its records—

A. Yes.

Q. —could be quite dramatic?

A. It could be, yes.

Q. Yesterday, for example, we heard of the 30 or so Christ's College matters that have come to attention in the last couple of months?

A. Yes.

Q. There was a news report overnight suggesting the number could be as high as 80. Did you hear that?

A. No, I didn't hear that report.

Q. Does the suggestion that the number could be as high as 80 surprise you?

A. Not if it relates to schools, because clearly around the world and here in New Zealand and maybe most notably in terms of news media reports about Dilworth School, schools do have a capacity for a high number of complaints, taken over an historical period.

Q. I think the figure 80 was suggested just in relation to Christ's College since December. Could the figure be that high?

A. The figure could be that high, of course, there are around 600 boys plus or minus mark, the

1 school currently has nearly 700 students. When I was in school in the 1970s there was 600
2 boys, that's a lot of boys going through that 70-year period. My understanding of the
3 possibility of 30, 80, is this is communication of, if you like, an unsatisfactory school——
4 an unsatisfactory school experience which may or may not also involve a specific
5 complaint about abuse. So I'm aware that some pupils of Christ's College had a perfectly
6 happy experience, I had the privilege of that being essentially my experience, but I'm aware
7 that some old boys felt they had a really difficult time at the school. But there would be a
8 variety of reasons why there would be a difficult time. Some of that we do know is through
9 abuse that is completely unsatisfactory.

10 **Q.** We heard yesterday about the possible burning of records by one of your predecessors. In
11 practical terms does that mean that record-keeping prior to 1984, the end of that bishop's
12 time, is either non-existent or patchy?

13 **A.** I would have to work with our archivist on what the correct, or best answer to that question
14 is. I would say probably at least patchy, but it may be worse than that. Of course I have no
15 idea personally whether Bishop Pyatt's predecessors had a similar kind of bonfire approach.
16 What I do know is that we've actually got a really good set of records about all the
17 discernment processes for our clergy, from going way back, I've looked at the lot of the
18 files going back to the 1940s and onwards, so it's not a case that every record has been
19 removed, but it is quite possible that a bishop at the end of, it would have been in those
20 days his time, may have looked at, for example, some correspondence and said, well, you
21 know, "I should get rid of that." I don't know what would have happened. Of course I have
22 no idea what Bishop Pyatt actually burned. It may have been—a lot of our files on clergy
23 are very, very boring in the sense that they're a whole series of letters, for example, about
24 the process of appointing the Reverend Smith to a parish and there's communications about
25 all the very mundane details about that kind of thing.

26 **Q.** You say in paragraph 6 of that second statement that of the 13 known reports of abuse for
27 eight of them it's not possible to establish what type of abuse was involved, because of poor
28 record-keeping or poor record-making. Is that correct?

29 **A.** Yes.

30 **Q.** So we're dealing with a 70-year period I think you've told us, 1950—

31 **A.** Yes.

32 **Q.** —to now. The Diocese has records of only 13 abuse cases in that 70-year period?

33 **A.** Yes.

34 **Q.** But for eight of the 13 we can't even say what type of abuse they were. Does that strike

- 1 you as an unsatisfactory lack of information in the hands of the Diocese?
- 2 **A.** It strikes me first of all, as the records we do have over a period in which the Church may
3 not have been particularly alert, diocese may not have been particularly alert to probing
4 more into sort of a vague record or a vague record maybe of conversation or something like
5 that, and in that sense should have done more due diligence on that matter. But I can't
6 comment, for example, on what the mindset around record-keeping was in, say, 1970, or
7 even, say, 1980.
- 8 **Q.** For every case of abuse that hasn't come to the attention of the Diocese and been recorded
9 carefully, there is a very human experience behind that.
- 10 **A.** Yes.
- 11 **Q.** It's not purely academic is it?
- 12 **A.** No.
- 13 **Q.** This is a person, a soul within your diocese who has been harmed and to whom the Diocese
14 has obligations?
- 15 **A.** Yes.
- 16 **Q.** As we go through what appear to be quite significant gaps in the information available to
17 you as bishop—
- 18 **A.** Yes.
- 19 **Q.** —looking forwards, would it be appropriate for the Diocese to take a more proactive
20 approach to try and understand how many such souls might there be out there that we don't
21 know about but we should know about?
- 22 **A.** Yes, it would be appropriate for the Diocese to be proactive and that is something that
23 I want us to do. I would also say one reason for not doing more in the last 12 to 18 months
24 in the life of the Commission is to actually not get ahead of what the Commission might be
25 either recommending to us or encouraging us to do, because it wouldn't have wanted, say in
26 the last 12 months, to have, say, jumped into more pro-activity and then find that that
27 wasn't actually quite the right direction to go. But if out of, say, this hearing this week, this
28 conversation, there's a sense of encouragement from the Commission to now get on with
29 that pro-activity, that would be very helpful. I imagine it could be very helpful for all my
30 episcopal colleagues.
- 31 **Q.** With your knowledge of the Church's systems and the people within your sphere over the
32 decades you've been involved, what barriers do you think may have prevented people from
33 coming forward or from having their cases recognised to date, what are the main barriers?
- 34 **A.** I think barriers would include clarity as to whom a complaint would be made, or if there

1 was a sense, if we go back a few decades, that clarity would mean a person—a victim of
2 abuse thinking I have to talk to the Bishop about this, the Bishop seems perhaps distant,
3 maybe an intimidating figure. That clearly would be a barrier. In more recent times in the
4 position we've established of the Diocesan Monitor through the last 25 years the sense of
5 the Diocese is that we were trying to provide a way, certainly didn't involve the Bishop in
6 terms of getting a contact for someone, and we have received complaints, inquiries, there
7 have been conversations with the Diocesan Monitor. Remembering by the way the
8 Monitor's role is not simply to hear complaints about abuse, the Monitor is contacted about
9 a whole variety of stuff where people think things are not satisfactory in our parishes.

10 **Q.** I think the Commissioners will be helped if we delve a little more into the Monitoring
11 Committee and independent monitor functions to understand—

12 **A.** Sure.

13 **Q.** —how that developed. I think in your statement it's from about paragraph 87. It was a
14 1995 development, am I right, the Monitoring Committee?

15 **A.** Sorry, I'll just find the paragraph.

16 **Q.** Yes.

17 **A.** Yes, but as I think I may have explained yesterday, to get to the establishment of the
18 Monitoring Committee and the position of monitor in 1995, there was quite a build-up of
19 preparatory work from approximately 1990 onwards, as I understand it a direct impact of
20 the Rob McCullough case. So the Diocese came with a well-considered proposal to the
21 Synod and it had been worked on through those years, it had been signalled to the Synod,
22 and it's been in my view a very effective process.

23 **Q.** 1995 is when it starts?

24 **A.** Yes.

25 **Q.** Just to explain to the Commissioners in a bit more detail, there's a Monitoring Committee
26 appointed by the Bishop?

27 **A.** From memory appointed by the Bishop in consultation with Standing Committee.

28 **Q.** And the members of the Monitoring Committee are who?

29 **A.** There's a bit of a variance at the moment between who's on the Committee and what
30 ideally the legislation provided for. But the members of the Committee include effectively
31 senior experienced priests and lay people; the Chair for a number of years has been a senior
32 lawyer in Christchurch and the Committee is set up to offer advice to the Monitor. I want
33 to stress this is not in itself what we heard about yesterday a sexual harassment committee,
34 that kind of thing, it is a committee to guide and advise the Monitor and the Monitor's

- 1 work.
- 2 **Q.** If we then turn to the Monitor, who appoints the Monitor?
- 3 A. The Bishop in consultation with or upon a recommendation of the Monitoring Committee.
- 4 **Q.** And the functions of the Monitor, what are they?
- 5 A. The main function of the Monitor is to receive a complaint. It may be receiving a
6 complaint directly, it may be receiving a complaint via me as Bishop. In other words, if
7 I get a complaint coming directly to my desk to my office, I look at it and forward it
8 straight on to the Monitor for responding to.
- 9 **Q.** It's a paid role I take it?
- 10 A. The Monitor is paid for hours incurred in the role, so that would include, say, travel to
11 visiting someone, the time spent visiting the person and talking with them, and also writing
12 up their report.
- 13 **Q.** Who are they ultimately answerable to in the sense of the performance or remuneration, all
14 those sorts of things, who's ultimately their employer or contracting party?
- 15 A. I can't remember all signatures on the contract I'm sorry. I would say they were answerable
16 to the Monitoring Committee in the sense that if I was unsatisfied —dissatisfied with their
17 performance, or I got a sense that some people in the Diocese or a complainant was
18 dissatisfied with their performance and that led me or the Monitoring Committee to look
19 into unsatisfactory performance by the Monitor, that would be a conversation for the
20 Monitoring Committee. I do not see the Monitor as sort of at the hire or fire whim of the
21 Bishop.
- 22 **Q.** Is there a performance review process or an assessment process to monitor the Monitor?
- 23 A. Not a formal process, but every complaint and how it's handled it is an opportunity to
24 consider whether the work is being well done. I have to say that in my experience partially
25 before becoming Bishop, because I did interact with the then Monitor Bruce Hanson on a
26 complaint and then interacting with him a little before he retired from the role, and we now
27 have a new monitor, David Coster. They are both men who, in my view, work to the
28 highest of standards.
- 29 **Q.** And I take it the usual approach is to select a Monitor outside the Anglican Church, is that
30 right?
- 31 A. That's been the approach for Bruce Hanson and David Coster. To be frank I'm not quite
32 sure of Yvonne Pauling's background when she was appointed, but we were very clear in
33 the appointment of Bruce Hanson we wanted someone who was not an Anglican. Bruce is
34 a distinguished and senior Presbyterian clergyman. It happened when we came to replace

1 him we found another senior and distinguished Presbyterian clergyman. So in other words
2 in terms of Church allegiance they owe absolutely nothing to me or to the Diocese.

3 **Q.** From a survivor perspective, for someone who has been abused by a clergyperson, a
4 member of the clergy, could there be a barrier in speaking with another member of clergy
5 albeit from a different faith?

6 **A.** There could be a barrier. There could be a barrier that I'm not aware of in the sense that
7 that in itself may have prevented someone from even making a complaint. But there has
8 been a stream of complaints, I wouldn't say every complainant feels absolutely happy with
9 how those conversations have gone. I'm sure there are disappointments and I can think of
10 one or two I believe I know of personally, but in general terms my understanding of how
11 they've gone about their roles is in a pastorally sensitive and generally well-received
12 manner.

13 **Q.** What functions can they carry out for a complainant or a survivor, what can they practically
14 do?

15 **A.** They could practically do almost anything that would be helpful. So if they were talking to
16 a complainant, for example, and realised that the Police should be involved in the matter,
17 they could help that person to make that complaint there and then. They could make a
18 recommendation about immediate counselling, the need for that to be funded by the
19 Diocese and they would get in touch with me and the Diocesan Manager about that. They
20 really want to listen to what the complainant says, the complainant—so there could be an
21 instance where a complainant says "I would really like to meet with the respondent in a
22 facilitated way", the Monitor would be open to facilitating that conversation.

23 But I think I also said yesterday that generally the approach of the Monitor is not
24 to put the complainant and the respondent in the same room but to go to each of them and
25 hear their stories and to work with them on what the situation is and what the next steps
26 might be. And then ultimately drawing that up into a written recommendation to the
27 Bishop.

28 **Q.** I think one of Ms Pauling's recommendations was an advocate be provided for a
29 complainant?

30 **A.** Yes.

31 **Q.** Is there provision for that currently?

32 **A.** There is provision for that and there is provision in our legislation. In my experience and
33 knowledge of recent complaints —

34 **CHAIR:** Sorry to interrupt, we have speed issues, speed wobbles, Bishop.

1 A. Sorry. In my recent experience I'm not aware of the Monitor calling in an advocate to help
2 with the complainant or, if you like, the complainant saying they needed an advocate, that,
3 if you like, we provided. It will have been complainants who have had their own support
4 persons helping them and conversations with the Monitor, but if there was a call for an
5 advocate, a support person, we would provide that person.

6 **Q.** Are the Monitors trained by the Diocese in any way, or by anyone else?

7 A. The Monitors are not trained by the Diocese. They may or may not have received training
8 in other ways, but we have, as I've said, sought for, seniority experience, pastoral skill and
9 ability. One of the things that happens to have been impressive about both Bruce Hanson
10 and David Coster's backgrounds is that each of them, a bit of a coincidence I think, but each
11 of them have helped the Law Society on their complaints processes. So in other words,
12 they had experience not only within the life of the Presbyterian church in dealing with
13 pastoral matters, but also some experience in the wider world.

14 **Q.** I take it the Monitors are primarily there in the complaints mode, I think is described in our
15 statement; is that right?

16 A. They're primarily there to receive complaints, but there are situations that arise around
17 conflict resolution, and it is possible to call on the Monitor to be that independent third
18 party to help with the facilitation of an exercise that seeks to resolve a conflict.

19 Maybe I should also point out at this point and to the Commissioners, we are
20 talking about a process that is now at an end as far as serious misconduct goes, because we
21 are now governed by the new Title D and any complaints received have to be forwarded to
22 the new Registrar. It happens that within the last six weeks or so since the new process
23 became effective that both the Monitor and myself have received complaints and they have
24 been forwarded. And it is possible that the Monitor's role will continue to be used in our
25 diocese around what is referred back to us as unsatisfactory conduct, but there will be no
26 role for the Monitor going forward on misconduct, because that will be handled by our
27 National Registrar and the new Ministry Standards Commission.

28 **Q.** I think we will be covering the new process in other parts of the evidence.

29 A. Yeah, sure.

30 **Q.** But just while we're on the topic, who is the Registrar?

31 A. A man named John Priestley QC.

32 **Q.** And so the current process for complaints that you've received, say, in the last six weeks,
33 they go to the Registrar?

34 A. Yes.

- 1 **Q.** What does the Registrar do at that point?
- 2 **A.** Well, I'm not the Registrar, his job is to receive the complaint, look into the complaint,
3 make appropriate inquiries and investigation, and part of the role is to determine a
4 difference between misconduct, professional misconduct and what's called unsatisfactory
5 conduct. In other words, if the complaint was about poor sermons by a vicar, that would be
6 unsatisfactory conduct and I personally would expect that to come back to us to take
7 forward as a complaint. But anything relating to the matters before this Commission would
8 be taken forward by the Registrar and the Registrar's team, which I believe he'll develop of
9 investigators and helpers in that. But that will be for the Archbishops to talk more about
10 than for me.
- 11 **Q.** I'm sure we'll return to the topic, but the separation you've had in your Diocese with a
12 Monitor—
- 13 **A.** Yes.
- 14 **Q.** —outside of any connection to the Anglican Church, has that separation been lost to some
15 extent with the new Registrar role?
- 16 **A.** I don't think it's for me to comment on that. I think the Archbishops are more in touch with
17 the detail of how that's working out and being developed in terms of, for example, the
18 Ministry Standards Commission that has been appointed to be working with John Priestley.
19 I think it would be appropriate for the Archbishops to talk to the Commission about that.
- 20 **Q.** Certainly. For those who've suffered abuse who might be seeking redress, in the way we
21 use that word, has the Monitor had a function in your diocese to date?
- 22 **A.** The Monitor has had a function, in my understanding and my recent direct experience, in
23 making the recommendation to the Bishop to include in that recommendation what they
24 have learned from the complainant about what the complainant would want to happen in
25 respect of a satisfactory resolving of the complaint.
- 26 **Q.** So the Monitor could, for example, recommend a financial payment of a certain sum?
- 27 **A.** The Monitor could, yes.
- 28 **Q.** Or other broader forms of redress presumably?
- 29 **A.** Indeed, yes.
- 30 **Q.** Is that something that has been almost entirely within the discretion of the individual
31 Monitor?
- 32 **A.** It's in the discretion of the Monitor, but I've always seen the Monitor seeking to be guided
33 by what the complainant is asking for.
- 34 **Q.** In terms of, for example, the amount of a financial payment?

- 1 A. Yes.
- 2 **Q.** Has there been guidance available to a Monitor to refer to when deciding what would be
3 appropriate?
- 4 A. There's been no guidance, so the Monitor has had complete discretion.
- 5 **Q.** One of the points made by Professor Winter in the report for the Anglican Church is that
6 for survivors it is desirable that they can know in advance—
- 7 A. Yes.
- 8 **Q.** —if they apply for redress how will their claim be approached and what possible outcomes
9 might they expect from the process, essentially transparency—
- 10 A. Yes.
- 11 **Q.** —about the process and how it may play out. Would you agree with that from a survivor
12 perspective?
- 13 A. I would agree with that, and my understanding is as a Church we are paying attention to
14 that paper. Again, the Archbishops will comment more, but that paper will be informing
15 the Ministry Standards Commission that we've established and the Registrar, John
16 Priestley, in his work and I'm presuming, as a Diocesan Bishop, that in due course we will
17 receive communication about redress that should be part of our communication out to our
18 ministry units and other parts of the Diocese's life. But of course, it's not for us to now
19 establish that kind of documentation because we do want to have a consistent approach
20 across the whole of our church.
- 21 **Q.** Obviously there was a big moment of transition in 1995, we're at another big moment of
22 transition now?
- 23 A. Correct, yes.
- 24 **Q.** In terms of that 25-year period roughly, which is ending now effectively, what's your
25 assessment of the quality of information available to potential claimants or survivors who
26 might want to approach the church for redress?
- 27 A. The quality of information today?
- 28 **Q.** To date, so over that 25-year period through to today?
- 29 A. In my understanding, our main information in the Diocese of Christchurch over those 25
30 years has been our communication of the fact that we are a Diocese that has a complaints
31 process. Our chief communication, as I understand it until fairly recently, has been via
32 posters displayed in all our parish churches. More recently we've facilitated an exercise
33 with our website around the complaints process.
- 34 **Q.** I think we have the poster to put up on the screen. As you say, it's also on the website now?

- 1 A. Yes.
- 2 **Q.** How long has it been up on the website do you know?
- 3 A. I can't tell you, I haven't checked on that. What I do know is that we had it in a bit of an
4 obscure place until recently and I issued a direction that we needed to have it front and
5 centre on our website and it is front and centre on our website currently.
- 6 **Q.** These posters are displayed throughout the churches, are they?
- 7 A. They are displayed throughout our churches.
- 8 **Q.** At the bottom there are three contact options. The e-mail address, who monitors that and
9 responds to that?
- 10 A. A member of our Anglican centre staff monitors that and forwards those e-mails to me, and
11 when I mentioned before about a complaint being forwarded to the Registrar, a complaint
12 was made via that e-mail.
- 13 **Q.** The second option is your phone number, or is that the office phone number?
- 14 A. That is an office phone number for me, yes.
- 15 **Q.** And then the third option is a mobile number for the Monitor?
- 16 A. Yes.
- 17 **Q.** Do you have statistics on which option people most often use, do you know off the top of
18 your head?
- 19 A. I can't quote you a statistic, but anecdotally David Coster would receive more complaints
20 than I receive. The e-mail's recently recent so that it doesn't sort of figure at the moment in
21 terms of statistics.
- 22 **Q.** We can take that down now thank you very much. In terms of the website, we don't need to
23 go to this now, but what's your assessment of how well the website does in communicating
24 in plain English to the public how your complaints or claims process would work?
- 25 A. My assessment is that it's good, but I'm not a complainant or a survivor and it may be that it
26 would read quite differently. What I can say is that when we work on the language for a
27 poster or the website, we tend to do that as a team approach, particularly through our
28 Diocesan Ministry team so that we're getting the perspectives from our diocesan youth
29 worker, our diocesan children's worker and others on the team, and there is often a very
30 keen discussion on getting the language and the feel right. So the poster, for example, you
31 displayed before is relatively recent and it was a change from a previous poster, because we
32 looked at that poster and thought it wasn't just about changing the previous Bishop's name
33 and my name that we needed to improve that poster. So we are open to improvement and
34 we seek to improve.

- 1 **Q.** The Commissioners will be able to go to the website like anyone else and form their own
2 assessment. But is it right that the links to explain the process take people to the text of
3 Title D and also to a diocesan manual which has a statute, if you like, of the Monitoring
4 Committee. Is that right?
- 5 **A.** I think it is. I thought we were going to go through the website and I could say yes, that is
6 where we get to. That's quite possibly an unsatisfactory ending point. On the other hand, it
7 could be helpful for the church to be transparent about what are the things that are actually
8 governing how we are going about responding to things, because a process should be clear
9 but also not a kind of a mystery as to what the parameters are. Can I also say, by the way,
10 what you are talking about does wait on what we're expecting to be an imminent release of
11 both website material and poster material from our Ministry Standards Commission, so in a
12 way we've got a holding operation in the Diocese post the changes.
- 13 **Q.** Will you take it from me the link to Title D takes you to about 9 or 10,000 words of quite
14 dense legal language?
- 15 **A.** Yes.
- 16 **Q.** Which is not easy for most people to understand or follow?
- 17 **A.** Yes.
- 18 **Q.** And equally the statute governing the Monitoring Committee and the functions of the
19 monitor, that's a legally drafted document rather than a plain English explanation?
- 20 **A.** That is a legally —well, it's a legally drafted, Synodically approved, piece of legislation
21 designed to be careful and precise and so forth.
- 22 **Q.** I take it looking forward you would welcome something that is a little easier for people to
23 understand who don't have law degrees, for example?
- 24 **A.** Of course I'd welcome that and I'd certainly welcome from the new Ministry Standards
25 Commission an effective summary of what is governing the process. But I also think there
26 should be a link for anyone who chose to use the link to the actual language. A
27 complainant, for example, might have the support of a lawyer, but a lawyer should be able
28 to access what is going to be the ultimate kind of statute that wraps around the process.
- 29 **Q.** Helpful to have a both?
- 30 **A.** Yes.
- 31 **Q.** I assume you'd also welcome material that could be accessed by a broader range of people,
32 for example, prisoners, people who don't have access to the internet, different languages,
33 those sorts of things?
- 34 **A.** We would welcome that.

1 **Q.** The process to date with the Monitor and the Monitoring Committee, is it right that all
2 roads in the end still come back to the Bishop to make a decision based on a
3 recommendation?

4 **A.** Until 26 January, yes.

5 **Q.** And I take it you would say the advantage of that is the flexibility that a bishop will have
6 within his or her diocese to tailor a solution for the particular case?

7 **A.** That is definitely an advantage. But I would like to say that our monitoring process in the
8 Diocese of Christchurch, until a recent change, that it would be somewhat foolish if a
9 bishop received the recommendation through the considered process involving the monitor
10 and then said something like, "Well, I don't like that" or "That's highly inappropriate", you
11 know, "I really like the Reverend Smith, he deserves better than this".

12 The difficulty if the Bishop became somewhat high-handed about the
13 recommendation is that I think the Bishop probably would lose the confidence of the
14 Monitor and the worthwhileness of the Monitor's process. It would be an awkward look for
15 the Bishop if the Monitor resigned because of that and the Bishop had to find another
16 Monitor. The Monitoring Committee would no doubt be wondering what was going on.

17 So while theoretically the Bishop could completely disregard the Monitor's
18 recommendation, in practice that would not really be fitting, and the Bishop has delegated
19 the investigatory process to the Monitor and I think in that delegation there has to be a
20 willingness to receive the recommendation as it comes back.

21 **Q.** Again, the survivor perspective?

22 **A.** Yes.

23 **Q.** A recommendation from one clergyperson to a bishop, albeit with the element of
24 independence we've talked about, would you agree that for some there would be real
25 hesitation to accept that as genuinely independent, for someone who has been harmed at the
26 hands of the Church?

27 **A.** I completely accept that some individuals would find that a less than satisfactory proposal
28 about independence. I would not agree with you that it's an element of independence. I
29 think it's quite a strong aspect of independence. As I say, it may or may not be
30 well-received by a complainant and a complainant would be more than entitled to say this
31 does not feel independent to me, but the independence of the Monitor, as someone who is
32 not in any way owing allegiance to the Bishop is significant, in my view.

33 **Q.** To what extent would you see a bishop as structurally having a conflict when making a
34 decision about a claim of abuse?

1 A. There is a conflict of interest, but as bishop there are many conflicts of interest covering a
2 wide range of matters. So part of the bishop's role is to manage conflicts of interest. And
3 in the case of a complaint the bishop—so let's forget the monitor position and think more
4 historically, a bishop certainly, a complaint comes to the bishop about a much-loved cleric,
5 say, the bishop is in a conflict of interest because they have a shepherd's role of Chair for
6 the clergy, but they also have a shepherd's role of care for the complainant for the person
7 who has been abused and hurt. And this Commission, in part, is about the fact that some of
8 those conflicts of interest were not well-managed in the past and in reality, or in perception
9 or both, bishops were seen to be too protective of the clergy.

10 I think life has moved on in a number of ways, whether or not a diocese has a
11 monitor as we've had a monitor. Bishops, I think, are more alive to the fact that they
12 actually have to not be biased in favour of their clergy and have to find, if you like, the bias
13 in favour of the complainant. The processing of complaints has developed over the
14 decades, which is part of our Anglican story to the Commission. Nevertheless, we're totally
15 acknowledging that we need to remove the bishop from that position of managing those
16 conflicts of interest and so that has laid behind the most recent changes to Title D to get the
17 bishop out of the picture for serious misconduct.

18 **Q.** And you welcome that no doubt?

19 A. I welcome anything that helps me to have less conflicts of interest. But I especially
20 welcome this change, yes.

21 **Q.** In your paragraph 134 you talk about referrals to other authorities, for example, the Police
22 and say that you think Christchurch has been no better or worse than others on that. What
23 have been the guiding principles to date for when you refer to the Police?

24 A. I think the guiding principle, I don't think we've got this in writing, but the guiding
25 principle has been the principle at large in our society as we have been acknowledging that
26 abuse occurs in a range of contexts, is that any abuse that would appear to involve a crime
27 or suspicion of crime should be referred to the Police and the Police should make an
28 assessment, not the Church, on whether there would be a charge.

29 **Q.** What is the threshold for triggering that process of a notification in your view?

30 A. I'm hesitating because I haven't had to make that call, so I am speaking for myself
31 hypothetically. I would think anything that involved violence, that involved what I would
32 understand to be a definition of assault in terms of the law, which is pretty much any
33 unwanted touching. So my view personally would be if in doubt refer it to the Police. But
34 I'd also want to acknowledge that this is a lot—this is more complex than saying to a person

1 you should go to the Police. We would also need, in that situation, to find a way to support
2 that person going to the Police.

3 **Q.** Yes, presumably a challenge in this area is the need to respect the complainants, right?

4 **A.** Absolutely.

5 **Q.** To decide what happens with their information?

6 **A.** Absolutely, yes.

7 **Q.** With the need to protect public safety or—

8 **A.** Yes.

9 **Q.** — the safety of others. And this I accept may not be easy at times. In your view, how
10 central is the complainant's wish in that decision about whether to refer to the Police?

11 **A.** The complainant's wish would be very, very important. I would not say absolute because,
12 as you've just mentioned, there might be a sense of public safety of risk in not going to the
13 Police and it could well be a question—again I speak hypothetically—of working with the
14 complainant on helping them to see that there was a public safety aspect to the matter. But
15 I'd also want to say that as a Bishop, and I think I would speak for other bishops in our
16 Church, if this kind of question was arising, whether or not there was a diocesan monitor to
17 consult on the matter or the diocesan monitor was working on that and maybe brought it to
18 the attention of the bishop, we have a role in each episcopal unit called the Chancellor or
19 the legal advocate, so we have a capacity to call on legal advice to help us, we could do that
20 without going into details of the name of the complainant, and I'm sure we would get
21 excellent legal advice and I'm sure it would push us towards involving the Police.

22 **Q.** Paragraph 8 of your second statement talks about one case that did involve the Police. Do
23 you know what the circumstances of that one were?

24 **A.** Sorry, at the moment that has gone from my memory that one.

25 **Q.** I want to stay in the backwards-looking mode for just a little longer, if I may, and pull up a
26 document from the Nelson Diocese, the Sexual Harassment Policy from 2006. It's
27 document ANG ending in 1566. And again, this is a document where you had some
28 involvement in preparing it?

29 **A.** Yes.

30 **Q.** If we come on to page 26 we see the Sexual Harassment Policy. And if we come along to
31 page 36 we see the policy separated complaints into three levels. If we look down the
32 bottom of the page under the heading "Levels of Seriousness of Harassment"?

33 **A.** Yes.

34 **Q.** They're levels, one, two, three and four. Do you remember how those categories were

- 1 devised?
- 2 A. No, I don't remember how those categories were devised.
- 3 **Q.** If we look at level three we see that it extended to indecent exposure and inappropriate
4 touch. Some of which could be indecent assault, is that fair?
- 5 A. Yes.
- 6 **Q.** If we scroll down to the bottom of that page, the heading at the very bottom of page 37, we
7 see the heading "Unresolved repeated level one and two cases and all level three cases"?
- 8 A. Yes.
- 9 **Q.** If we come across the page do we see that the approach for those cases involved verbal
10 warnings at the top of the page?
- 11 A. Yes.
- 12 **Q.** Or potentially at the bottom of the page a formal written warning?
- 13 A. Yes.
- 14 **Q.** Or at the very bottom of that page mediation?
- 15 A. Yes.
- 16 **Q.** And if we look at the mediation paragraph it was said that it may be appropriate that an
17 independent mediator be contracted to assist complainant and respondent to resolve the
18 situation?
- 19 A. Yes.
- 20 **Q.** 2006, some years ago now, but does it appear that, in the Nelson Diocese at least, mediation
21 was very much a promoted option even in indecent exposure or indecent assault cases?
- 22 A. I actually can't imagine that we would have gone down a mediation route if implementing
23 this policy in the particular case of indecent exposure. I mean that just strikes me as an
24 incredibly inappropriate way to deal with that.
- 25 **Q.** That's why I'm asking the question.
- 26 A. Yeah.
- 27 **Q.** Do you know how it could be that this would have found its way into the written policy?
- 28 A. I'm assuming, and I've perhaps lost track of where the paragraphing goes, that mediation, it
29 may be appropriate, so it would be about appropriateness, may have been about some —it
30 may be a way to work on a relationship where there is, say, unwanted talking, touch and so
31 forth. If I can speak more generally across the life of our Church and the life of the Diocese
32 of Christchurch, Nelson and other dioceses I've been involved, I mean we do get instances
33 where a parishioner, say, might say, you know, "I find the vicar is too touchy feely." The
34 vicar might say, "I'm just, you know, I'm a touchy feely person" and is not in a sense a

1 complaint that is about of assault but there is of feeling harassed of being annoyed, and
2 mediation potentially could be a way to help the two people to have a relationship that
3 doesn't involve that unwanted sort of touchy feely stuff. I'm not talking about—it's difficult
4 to find the words.

5 There is touch that is just—should not happen full stop, but in the life of the
6 church, a lot of us hug each other, for example, and if you're a part of the passing of the
7 peace in our Sunday services there is lots of greetings and people may be hugging each
8 other, sometimes we get a complaint that "So and so hugged me and I hadn't actually asked
9 for them to hug me." And we may need to resolve the fact that we need people to know
10 what's appropriate behaviour even in that situation where some people are hugging because
11 they know each other around think that's fine but others don't.

12 **Q.** If we just go back to the top of page 37, again the definition of level three. Maybe if we
13 include the definition of level four just so we can see those definitions. Level three where
14 mediation is an option does extend to abusive intercourse, even if consenting. Looking at
15 this now and having seen Ms Pauling's report yesterday, does it seem to you that there was
16 an over-emphasis on mediation in the Church's policy at this time?

17 **A.** It's up to the Nelson Diocese to say what its policy is right now. If I were involved in
18 writing a policy I have totally heard what has been said in the intervening years about
19 mediation as not appropriate in many, many instances where perhaps in 2006 it looked like
20 it might have been appropriate. So I would imagine writing such a policy today mediation
21 would be not mentioned at all in these levels.

22 **Q.** Just for completeness while we have level four on the screen, the policy said that if
23 harassment is at level four, that's when the course of action would be to go to the Police?

24 **A.** Yes.

25 **Q.** I think we can take that policy down. I just want to make sure that the Commissioners
26 understand where we are at currently because that obviously is an older policy. For your
27 current Diocese in Christchurch, what is the sexual harassment policy now and where do
28 we find that?

29 **A.** I'm embarrassed to say that I thought we had a sexual harassment policy easily located in
30 our handbook and when I checked the other night I couldn't easily locate that apart from
31 our sexual harassment material within our Keeping Them Safe Policy for children and
32 youth. So that is a situation that needs addressing.

33 **Q.** There's a gap, I take it, particularly for adults and vulnerable adults, is that right?

34 **A.** There is a gap. I'm pretty sure the policy is there but actually in the index I couldn't see that

1 it was there, so I will address that.

2 **CHAIR:** Would this be a different policy from the one Mr Mount's been referring to?

3 A. Yes, the Diocese of Christchurch had a different policy to the Diocese of Nelson.

4 **Q.** When did that come into being do you know?

5 A. I cannot remember the date for the Diocese of Christchurch as a policy.

6 **Q.** Obviously after 2006 which was this earlier one?

7 A. I would think the Diocese of Christchurch probably had a policy before 2006, an initial
8 policy.

9 **Q.** Sorry, I'm not being clear. Mr Mount has referred you to the 2006 policy and these are the
10 levels that we've just been going through. You say there's a new policy or a different policy
11 from that now in existence?

12 A. Mr Mount was showing a policy of the Diocese of Nelson where I used to work.

13 **Q.** Aah.

14 A. I'm now in the Diocese of Christchurch.

15 **Q.** Sorry, I missed that, so thank you for clarifying that. So we were looking at the Nelson
16 one. But in relation to his question about where the Christchurch one is or the Canterbury
17 one is, you say you can't find it, is that right?

18 A. When I did a quick check the other night I realised I couldn't easily locate it via our policies
19 that are on the web and via an index. I thought we had a policy, so I need to work out why
20 we don't have that available.

21 **Q.** Thank you for clarifying that.

22 **COMMISSIONER ERUETI:** Is this different from the policy in 2017, the Keeping the Children
23 Safe Policy?

24 A. The difficulty with Keeping Them Safe Children's Policy from 2017 is that someone might
25 think that only applies when you're working with children. So we need to be clear as a
26 diocese what our general policy is for all adults interacting with adults. It wouldn't, I
27 imagine, differ in substance from what's within the Keeping Them Safe Policy.

28 **QUESTIONING BY MR MOUNT CONTINUED:** We'll move on to one of the Witness
29 Statements that the Inquiry has received.

30 A. Yes.

31 **Q.** It's available on our website and you may have seen it. We will use the pseudonym Ms N
32 for Nigel. We'll pull it up on the screen to check you've had a chance to see it, it's ending
33 52001. This is a person abused at St Margaret's School by a teacher at the school?

34 A. Yes.

- 1 **Q.** Have you had a chance to read this statement?
- 2 **A.** Yes.
- 3 **Q.** Do you know the case?
- 4 **A.** I only know the case through reading about it.
- 5 **Q.** Just to summarise, it began with grooming behaviour by the teacher when the student was
6 aged 14?
- 7 **A.** Yes.
- 8 **Q.** And progressed to abuse in the final two years of school for the student when she was aged
9 up to 17?
- 10 **A.** Yes.
- 11 **Q.** The impact was severe?
- 12 **A.** Yes.
- 13 **Q.** If we turn across to paragraph 72 on page 11, for those who aren't able to read and to get it
14 on the record, I think we should read from page 72 and you did such a good job yesterday
15 of reading, could I ask you to read from 72 through to 80?
- 16 **A.** Sure. "When I told the school what happened to me I feel there was no duty of care
17 towards me, even though I was a previous student in their care and still a young person.
18 I had opportunities and inspirations that I lost. The process that I had to go
19 through to hold GRO-B-1 accountable cost me emotionally, medically, financially and
20 spiritually.
21 The process was both re-traumatising and traumatising in its own right. I lost
22 confidence in my capabilities and I lost trust in my personal safety.
23 I suffer ongoing consequences of this abuse. A specialist medical assessment by
24 ACC determined that I have an estimated whole person impairment of 28% as a direct
25 result of the mental injury from the abuse and redress processes with St Margaret's College
26 and the Teaching Council.
27 I had dreams and career aspirations that I put on hold. I had to divert my time and
28 energy to fighting the process and trying to ensure that other students were safe. I spent
29 years trying to reconcile my treatment by St Margaret's College and the Teaching Council.
30 I lost opportunities to engage with the St Margaret's community. The principal has
31 since died but as of 2020 the Deputy Principal is still there. Her name is Chris Wyeth and
32 is currently the head of pastoral care. She heard my evidence in private in front of the
33 board and sat in on meetings with no acknowledgment after GRO-B-1's deregistration.
34 I refer to confirmation of her attendance as WITN0052006. She had also been my science

1 teacher.

2 I lost my faith and spiritual home where I had my entire school education. I feel
3 the school neglected their duty of care for a past student and even basic human rights,
4 especially given I was under their care and groomed as a child in their environment. They
5 were determined they did not want anyone to know about it. I feel as though they included
6 with the teacher to make it an employment issue.

7 I was cut down from my opportunity to engage. I wanted psychological support,
8 my information back and legal support. There was no process on how to lodge a complaint
9 and no advice was given when asked.

10 I left Christchurch because it no longer felt like home. This was partially due to
11 there being no clarity or closure in the way the school dealt with the complaint. When
12 I moved cities, the abuser temporarily also moved to the same city and continued stalking
13 behaviour."

14 **Q.** One of your roles is as the warden of St Margaret's College?

15 **A.** Yes.

16 **Q.** Were you aware of this case as it came through the school as a redress claim?

17 **A.** You mean in the past or in the—

18 **Q.** In the past, and I'm sorry, I'm asking that only in a general sense as to whether in any of
19 your previous roles or whether in the last two years you've become aware of the way that
20 the school dealt with this case?

21 **A.** I've only become aware in the last, I don't know, year in terms of this being material that
22 has come to the Commission and the school has shared that material with me.

23 **Q.** If we look at the way that the school responded, paragraph 84 on the next page we see that
24 the school engaged lawyers to act for them?

25 **A.** Yes.

26 **Q.** Bottom of page 88 the school asked the complainant for DNA evidence?

27 **A.** Yes.

28 **Q.** At 92 the principal told the complainant that because the teacher had resigned the school
29 was not required to make a formal determination. 93, when the complainant asked for
30 further information the school declined to provide that information to the complainant. 98,
31 there was a request for assistance with further counselling,—

32 **A.** Yes.

33 **Q.** — which the school declined. 101, the principal of the school did not apply for
34 cancellation of the teacher's registration and at 104 we see the complainant was put on a

- 1 protracted five-year process with the Teachers Council—
- 2 A. Yes.
- 3 Q. —to pursue deregistration. At 107 we see that she was required to attend a process with 20
4 teachers from the community?
- 5 A. Yes.
- 6 Q. And at 112 she was cross-examined, including at 113 cross-examined by the perpetrator?
- 7 A. Yes.
- 8 Q. The Chair approved all questions by the perpetrator. 115, she felt physically sick during
9 that experience. At 119, the ultimate determination from the Teachers Council
10 unanimously was that the sexual relationship had occurred while she was a student and that
11 at all times the teacher was in a position of trust and confidence and in a position of power
12 over the—
- 13 A. Yes.
- 14 Q. —complainant. And then at 123 we see that even after the Teaching Council deregistered
15 this teacher, the survivor never heard from the school, never got an apology, there has been,
16 it seems, no acknowledgment of her trauma, the cost of making other students safe or the
17 massive personal and financial costs of coming to make the statement.
- 18 **MRS GUY KIDD:** Was that a question?
- 19 A. I'm acknowledging that paragraph, yes.
- 20 **QUESTIONING BY MR MOUNT CONTINUED:** And then at 126 there is a comment about
21 the role of the Diocese. We see that the Church did nothing as an overriding body to
22 support her or address the trauma in any capacity and she never heard from the
23 Christchurch Diocese and that she would like acknowledgment from the Diocese.
- 24 A. Yes.
- 25 Q. As the Bishop of Christchurch, your reaction to that?
- 26 A. I will honour that request. I will do so because we've got to this point in the Commission's
27 proceedings and I do not know why, in a sense, nothing was done because I assume the
28 warden back when the Board was addressing these matters would have been aware, or
29 perhaps should have been through papers, that such a significant case was before the Board.
30 But I will work on an appropriate acknowledgment to her.
- 31 Q. Does a case like this emphasise the information gap that seems to exist within the Diocese
32 between what is happening in the schools and the Diocese itself?
- 33 A. I think it highlights an information gap. I think what I will need to do is work with the
34 principals of our schools on a protocol for making information available to the bishop, to

1 the bishop's office so that, for example, we are also keeping records of formal complaints of
 2 this nature and in particular so that we can address any of our needs to respond to such a
 3 situation. And as we go forward our diocesan statistics need to include our schools.

4 I will also need to be working on our Anglican Care Board and its structure.
 5 Going forward I think there's been a reasonable degree of communication in the past
 6 Anglican Care to the Diocese, but there is a shortfall in the lack of a protocol with our
 7 schools about communication.

8 **Q.** As the current warden of St Margaret's, if a case like this were to happen in the future—

9 **A.** Yes.

10 **Q.** —how do you think it should be handled from the diocesan perspective?

11 **A.** I think one of the most important things I would be doing as warden in relation to the
 12 school in relationship with the Chair of the Board and the principal of the day would be
 13 working with them on ensuring that their response matched our Church's understanding,
 14 new understanding, of how we should be responding, especially in terms of redress, in
 15 terms of a trauma-informed approach of response to a survivor.

16 **Q.** Yesterday we talked about the Bishop having a due diligence role across the Diocese,
 17 including for the schools. Is this case an example of the opportunity for a more active
 18 exercise of that role in the future?

19 **A.** It is, yes.

20 **Q.** I am just about to move to a new topic which will take a little bit of time so I wonder
 21 whether we might even have an early—

22 **CHAIR:** Take an early break.

23 **MR MOUNT:** —break at this stage, Madam Chair.

24 **CHAIR:** Is that suitable to everybody? I'm sure you'd welcome a break, Bishop Peter.

25 **A.** Thank you.

26 **Q.** Very well, we'll take break 15 minutes now, thank you.

27 **Adjournment from 11.22 am to 11.47 am**

28 **CHAIR:** Yes, Mr Mount.

29 **QUESTIONING BY MR MOUNT CONTINUED:** For completeness, the experience we have
 30 just discussed of Ms N at St Margaret's, at the time of her statement she had no apology
 31 from the school.

32 **A.** Yes.

33 **Q.** I want to confirm on the record that after that statement the school did offer an apology and
 34 has offered to meet with Ms N—

- 1 A. Yes.
- 2 Q. —in relation to her experience. I'll just ask you to confirm that to your knowledge?
- 3 A. That's my understanding.
- 4 Q. We'll turn now to the evidence of Jacinda Thompson who appeared in this room last year.
- 5 A. Yes.
- 6 Q. You will have seen her evidence no doubt?
- 7 A. I was here.
- 8 Q. The ultimate conclusion of her case came in 2017 after an appeal decision of the Tribunal,
9 we have that decision, witness 49006. You see the date in the blue text, 26 October 2017.
10 And if we come in on the text to make it easier to read. After the Appeal Tribunal there
11 was publication of the determination dated 2016?
- 12 A. Yes.
- 13 Q. That determination being that the Reverend van Wijk knowingly engaged in sexual conduct
14 with the complainant when she did not truly consent?
- 15 A. Yes.
- 16 Q. For which he was deposed and ineligible for deployment to any office in the Church?
- 17 A. Yes.
- 18 Q. If we go back in time 12 years earlier?
- 19 A. Yes.
- 20 Q. 2005, you had some involvement early on in the case and yesterday in your evidence I
21 think you explained a particular e-mail where you didn't have full information?
- 22 A. Yes.
- 23 Q. I want to pull up that e-mail please, it's the document ending 1543. If we just look at the
24 top of the e-mail for a moment, it's from you to the Bishop at the time, Bishop Eaton, is that
25 right?
- 26 A. Yes.
- 27 Q. Who are the other people I'm sorry?
- 28 A. Ian Pask was Diocesan Registrar, effectively the Diocesan Manager. Alice Eaton was
29 employed as the PA to Bishop Derek Eaton.
- 30 Q. In terms of a timeline of the complaint, this was relatively early I think?
- 31 A. Yes.
- 32 Q. Just looking at your first paragraph, you prefaced your comments by saying you had looked
33 more closely at Title D in the light of a full disclosure insofar as you could tell the same
34 disclosure—

- 1 A. Yes.
- 2 **Q.** —to the Bishop, of the pertinent facts. So certainly, at the time you felt that you did have
3 full information or full disclosure?
- 4 A. I felt I did. Well, I had the disclosure I had, I had no reason to think it wasn't a full
5 disclosure.
- 6 **Q.** If you recall yesterday when we were looking at Ms Pauling's report from 1998, do you
7 remember her statement that an abusing minister will almost always minimise, lie and deny
8 when first confronted about a complaint?
- 9 A. Yes.
- 10 **Q.** Does it appear that in this case there was a degree of minimising or lack of candour when
11 first confronted?
- 12 A. There certainly turned out to be a lack of candour.
- 13 **Q.** Is this perhaps an example of the lessons that Ms Pauling had gathered from overseas
14 travel, training, not being well disseminated across the church?
- 15 A. I agree with that statement.
- 16 **Q.** I appreciate this is very much the previous process, not the forward-looking process. Do
17 we see, though, a weakness in a process where the bishop is receiving advice in good faith?
- 18 A. Yes.
- 19 **Q.** No doubt. But based on incomplete facts and incomplete information?
- 20 A. I think the situation around that date in terms of what then unfolded, and obviously
21 highlighted the inadequacy of where we were at, at that point in time. It highlights the
22 relevance and importance of a role such as the Diocese of Christchurch had, already had at
23 that time, the role of the monitor. So I would assume that if we had had a monitor, if you
24 like, in every diocese on the Christchurch model, and if Nelson had had the monitor, this
25 would have unfolded differently, and of course it would unfold differently under the new
26 process we now have.
- 27 **Q.** Your comment in paragraph 2 which we'll pull up, drawing an analogy with unintentional
28 shoplifting, perhaps just to have this on the record, could you read paragraph 2 for us?
- 29 A. "(Linked to 1) a possible analogy: Sometimes when people shoplift it's a deliberate and
30 intentional act of thieving. Sometimes it's an unintended action because the shoplifter's
31 mind is stressed to the max and they walk out of the shop simply forgetting to pay for the
32 goods in their hand. What happened with Michael seems to me to be more akin to the latter
33 than the former."
- 34 **Q.** For completeness, when you said "linked to 1", point 1 was recognising a personal crisis

1 with his marriage at the time?

2 A. Yes.

3 **Q.** With the benefit now of hindsight, what do you say about the analogy you drew in
4 paragraph 2?

5 A. Not so much the benefit of hindsight, I wonder if I could explain when I wrote that
6 I actually had in mind a reasonably well publicised incident in the Diocese of Christchurch
7 maybe in the 1990s, when a very well-known cleric had been charged with shoplifting and,
8 as I recall that incident, he had said that he'd absentmindedly put—from memory it was a
9 pouch of tobacco in his pocket, walked out of the store and was apprehended, so I was
10 actually thinking of a complaint involving a clergyperson.

11 In hindsight, I would want to bring in all learnings that have come through this
12 particular situation, and for me a particular learning is the complainant, or in this case the
13 potential complainant, because I don't think we had a formal complaint at that stage, but
14 that's not an important difference, there was going to be a complainant. My learning would
15 be we needed to ask the question where is the complainant at, what is happening for them,
16 what is their view on this. I think to apply that learning to such a situation would mean that
17 that e-mail would not be written in any form.

18 **Q.** Certainly your focus in this e-mail was on—was the title Reverend van Wijk?

19 A. He was an ordained person, yes.

20 **Q.** And the focus was on him?

21 A. It was. We were concerned for his wellbeing, we were insufficiently concerned for Jacinda
22 Thompson's wellbeing but we were concerned for Michael's wellbeing.

23 **Q.** At that time, it seems your analysis was that you could rule out most offences under
24 Title D, we've got paragraph 3 on the screen. Is that right?

25 A. According to the understanding I had at that point in time, yes.

26 **Q.** If we come down to paragraph 7.

27 **CHAIR:** When you say, Bishop Peter, your understanding, you mean the understanding of the
28 facts of the case?

29 A. The facts of the case as Michael had conveyed them—

30 **Q.** Had conveyed them to you?

31 A. —at that point in time.

32 **Q.** Thank you.

33 **QUESTIONING BY MR MOUNT CONTINUED:** From paragraph 7, does it seem that
34 Reverend van Wijk had been given the message that it might be better for him to resign as a

1 way to avoid a formal tribunal finding?

2 A. I suspect that there were two things going on with talking carefully about the possibility of
3 resignation. One, yes, that to resign would be, on the facts then known, an appropriate
4 response by him and would mean that we would not, if you like, force a determination, in
5 other words if he resisted accountability via resigning, force a determination towards a
6 tribunal.

7 The other thing which I think was going on was, because you will note that
8 I mention Ian Pask did not have to mention the word "resign", is that we would also have
9 been taking care not to construct his dismissal with the potential legal complications that
10 would then ensue. So it would be preferable, if you like, on both counts that he faced up to
11 the situation via his resignation.

12 Q. From what you now understand about this case and this topic more broadly, is it ever
13 acceptable to suggest that someone could avoid formal disciplinary consequences by
14 resigning?

15 A. Well, hypothetically across a whole set of reasons to resign, not only when a question of
16 harassment or abuse has been raised, it could be appropriate to talk about resignation as a
17 way to achieve a resolution of a complex situation. I think it would be fair to say that in
18 some situations if a clergyperson in a complaint situation, say, invoked the support of a
19 lawyer, and I'm thinking of a case where I believe this happened, the lawyer might work
20 with the bishop of the day, maybe the bishop's lawyer, on how to achieve some kind of
21 resolution of a situation that, if you like, avoided drawing out proceedings via tribunals and
22 so forth. And it could be that in that moment it would seem preferable to achieve that
23 resignation.

24 Now I think in the last 12 months in the light of how the various proceedings and
25 considerations that came to the attention of our church through the action of Ms Thompson,
26 we would take a different view on, if you like, too quickly and too easily heading to the
27 resignation point, because it could be that that would achieve something in the short-term,
28 but might still leave the whole situation open to further examination.

29 One other part of the learning out of that, I think, is that there are situations where,
30 as I say, you're involved with lawyers advising and wanting to do the best for their client,
31 the clergyperson, that the resignation also comes with a confidentiality agreement about the
32 circumstances of the resignation. And again, I think our learnings in the last 12 months are
33 that that ultimately it is actually not a helpful way to proceed. And again, my
34 understanding of how we will be moving forward on the new Title D is that we will,

1 probably only in exceptional cases, maybe driven by the complainant's wishes, only in that
2 situation accept a confidentiality agreement as part of the resolution of a complaint.

3 **Q.** To be clear, shouldn't the disciplinary question always be addressed entirely separately
4 from any decision about resignation?

5 **A.** Well, theoretically yes. In practice, in speaking about the past and not trying to
6 second-guess exactly where we will go in the light of new learnings in the future, some
7 situations seem to involve a complaint that says the clergyperson did this, the clergyperson
8 denies that happened, the bishop is saying well, okay, you're denying but this has become
9 very complicated about your life in the parish, we need to find a way forward, the
10 clergyperson's lawyer begins to open up the question well, would you bishop accept the
11 resignation and we kind of all move on. And while—I mean that is a compromise, if you
12 like, relative to yes, ideally the question of discipline in the past would have been pursued
13 and a question of resignation being a separate matter.

14 But in the heat of a moment of intense feeling, of great difficulty around what's the
15 future of the parish here, because often at this point rumours are seeping around, the life of
16 the parish, about what may or may not have happened, it can seem like a clear resolution to
17 accept the resignation. Again, speaking of how I think some cases have worked in the past.

18 Now it is quite true that we could look at some of those cases and say you know
19 what, the bishop then moved on too quickly, because you could have a resignation and still
20 bring that disciplinary proceedings. But life is sometimes quite messy.

21 **CHAIR:** If I may, Mr Mount, there's also a question of whether the disciplinary process should be
22 tied to the redress process.

23 **A.** There would be that question, yes.

24 **Q.** Yes, and in this case, which was complicated and long and drawn out I accept, there doesn't
25 seem to have been much if any separation between the two.

26 **A.** No, no, and it was complex and drawn out.

27 **Q.** Yes. Thank you.

28 **QUESTIONING BY MR MOUNT CONTINUED:** Is there not great danger in accepting that
29 someone can avoid a disciplinary process by resigning for the exact reason we see in
30 paragraph 7, that the person avoids having a permanent record on their file?

31 **A.** There's a huge danger in that, and I would want to stress that at the level we thought
32 Michael had behaved at the time seemed reasonable, I wrote that paragraph. That
33 paragraph is not reasonable in the light of what we discovered a month or so later. What
34 we discovered a month or so later would always need to be, under any system, recorded on

- 1 the personnel file of the clergyperson. Perhaps I should amplify that a little bit. I think, as
2 we have kept learning, we need to keep on personnel files of our clergy all instances of
3 complaint, reasons for resignation and so forth.
- 4 **Q.** One obvious reason being that if resignation is too easy a way to avoid those consequences,
5 a problem can simply be moved from one place to another?
- 6 **A.** No, I wouldn't say that. In the past going back in the life of the Anglican Church maybe, in
7 my estimation as late as the 1970s there would appear to be a case or two the Commission
8 is aware of where there would appear to be an element of a bishop moving or, if you like,
9 colluding with the movement of clergyperson from one diocese to another in the hope that
10 behavioural patterns would cease. I think it's a long time since we've been doing that and—
11 I do acknowledge there may be exceptions so I'm not trying to give a complete history in a
12 couple of sentences. But in this case the possibility at this point in time of Michael
13 resuming ministry was certainly possible but it could only have been possible if
14 considerable work was done by him on the situation in his life as it was then known.
- 15 **Q.** Certainly paragraph 8, that was the focus, when it comes up on the screen, a focus on how
16 Reverend van Wijk could be helped to restore his marriage and his ministry?
- 17 **A.** There was a focus on the possibility of restoration.
- 18 **Q.** You have touched on this already, but we don't see any reference in this quite long and
19 considered e-mail any reference to the support for Ms Thompson or her perspective on
20 things. That's a clear deficiency?
- 21 **A.** The clear deficiency and the reason for my apology yesterday and mistake I owned to is not
22 considering her situation. As far as support of her went, I think the assumption in my mind
23 was that in her local parish context there was support. I was in Nelson, the situation arose
24 in another part of the Diocese. I may have been naive in the assumption etc, that's for
25 another part of the paperwork to be worked through on that particular assumption, but the
26 particular mistake I made, and I own to, is not considering this from her perspective.
- 27 **Q.** You've acknowledged you had a pastoral relationship with Reverend van Wijk?
- 28 **A.** Yes.
- 29 **Q.** And that this could give rise to the perception of a conflict?
- 30 **A.** Yes.
- 31 **Q.** Does it go a bit deeper than just a perception. Do we see in this e-mail a very real conflict
32 in that your immediate focus is on how to support Reverend van Wijk and then your advice
33 goes to the Bishop on that basis?
- 34 **A.** I'm not quite sure how to answer it, in this sense: Yes, there was a conflict of interest, in a

1 sense there always is a conflict of interest.

2 **Q.** And more than just perceived?

3 A. Yes, but a conflict of interest that's intrinsic to the role of a ministry educator in a diocese.
4 The role involves pastoral support for clergy in training, but in the context of that Diocese
5 and the situation I was in, I was one of the people, aside from our Diocesan Chancellor,
6 who was most well versed in Title D, so I was also giving that perspective on legislation,
7 I'd been part of the General Synod that had passed the 2000 Title D legislation.

8 I can see now it is a real conflict of interest, but I didn't see it then. I did see
9 myself as part of providing advice within the life of the office. In one sense the e-mail is a
10 discussion document. There might have been a discussion without anything put in writing
11 and similar advice might have gone to the Bishop. But I did put it in writing and I own to
12 the e-mail.

13 **Q.** The apology in your second statement, it's paragraph 21, is worded in perhaps a somewhat
14 conditional way, the formula, "I apologise *if* this e-mail has caused any additional pain and
15 suffering". From a survivor perspective, that use of the word "if", could that suggest a
16 conditional element to the apology that might not give full effect to the idea of an apology?

17 A. It could do that, and I've looked at that word "if" subsequent to submitting the statement
18 and realised it does have that potential impact. What I've tried to say, understanding that
19 the major hurt and pain that Ms Thompson has suffered is, if you like, focused on a range
20 of matters of which the e-mail is a part and it's not so much you may or may not have been
21 hurt but I'll apologise. It's if this e-mail has contributed to the pain in the context of all the
22 pain that's been there, I am totally apologising. I probably would reword that if I was to
23 rewrite it today. I'd probably want to actually use more language about owning up to being
24 responsible for that e-mail.

25 **Q.** Would you like to have another go now, Ms Thompson may be able to watch?

26 A. Yes. I apologise for the hurt and pain that this e-mail has caused Ms Thompson.

27 **Q.** I think the e-mail was April 05. Ms Thompson described in evidence to us her meeting
28 with the Bishop a few months later in July of that year?

29 A. Yes.

30 **Q.** And there are—it's a reasonably long clip I'd like to play if I may. But at the end of it I'll
31 ask you whether, from what you now understand, there are unsatisfactory aspects of that
32 conversation. So if you have a piece of paper you might want to note down any
33 unsatisfactory aspects as you go and I'll ask you about that at the end if I may?

34 A. Sure.

1 (Video played).

2 **Q.** Your reflections now acknowledging this is a neighbouring diocese not your own, your
3 reflections about unsatisfactory aspects of Ms Thompson's experience with the Church?

4 **A.** It's, I think, fair to say that I don't know what was going on in the minds of Bishop Derek
5 and Ellena, I know them well and I'm sure they had good intentions about being seeking to
6 be pastorally helpful. That's clearly not how it was experienced by Jacinda. I think my
7 main reflection is that there should not be a conversation about whether a matter will go to
8 Title D or not, between the bishop and the complainant, because that's too close a
9 conversation. The complainant has to have the right to be able to push for Title D having
10 received independent advice about that, and the bishop needs to make a decision also, if
11 you like, receiving advice through the chancellor.

12 My main reflection would be that there would need to be a third person in that
13 kind of conversation about what might or might not, or what should or should not happen,
14 and that does become another part of the reasoning of our church in moving to our new
15 system, so that actually it's completely out of the hands of the bishop as to whether we
16 would proceed to a tribunal or not.

17 **Q.** Should a bishop ever discourage someone from participating in a disciplinary process in
18 this way?

19 **A.** No.

20 **Q.** Clearly in this case the complainant survivor didn't have access to accurate information
21 about the church's process. Do we see how important that accurate information is?

22 **A.** We do, and I think that reinforces what you pointed out before about our Diocese website,
23 that at some point of the website there is full access to the full information about Title D.

24 **Q.** We saw there the idea that the Church might have no power to hold Reverend van Wijk to
25 account because of his resignation?

26 **A.** Yes.

27 **Q.** Proved not to be the case ultimately?

28 **A.** That's right.

29 **Q.** But do we see there the danger of that idea, namely, well, he's resigned so really there's
30 nothing that can be done?

31 **A.** That is very unhelpful, it's unhelpful—was unhelpful in that situation. It was also unhelpful
32 in the McCullough situation.

33 **Q.** There seems to have been active discouragement from going to the Police. Again, that
34 shouldn't happen, should it?

- 1 A. It shouldn't, I don't think it's for me to comment on exactly what was in that conversation at
2 that point, or the intentions in Bishop Derek or Richard's mind.
- 3 **Q.** In principle, though, should it ever happen that a bishop would actively discourage
4 someone from going to the Police?
- 5 A. I don't think a bishop should actively discourage someone from going to the Police. I think
6 if a bishop had a—some concern about a person going to the Police, the appropriate advice,
7 I think, would be to encourage the person to talk that through with a trusted
8 counsellor/advisor, but not the bishop trying to help the person to make that decision.
- 9 **Q.** The Bishop's statement “this wasn't really serious”, was pretty low end compared to what
10 was going on overseas, I realise the awkwardness for you in having to comment on another
11 Bishop's statement, but should a bishop who would be an ultimate decision-maker for many
12 aspects of the case, should a bishop ever give an opinion like that to a complainant early in
13 a process, minimising their experience?
- 14 A. It is important not to minimise experience. I think it's important that bishops are not having
15 these conversations full stop. Again, the position of the registrar going forward or position
16 in our Diocese we have had of the monitor, they are so important to ensure that there is
17 separation between a bishop and a complainant at those points where the bishop's
18 conversation may affect how the complainant is making their complaint known and seeking
19 to move it forward.
- 20 **Q.** The overall lack of support for Ms Thompson in this process, would you agree, appears
21 quite striking?
- 22 A. In reading through the paperwork for the Commission it appears striking. My
23 understanding also, looking at the paperwork, is that Bishop Derek and Richard Ellena,
24 who was the then vicar but later became the Bishop of Nelson, they have made a very
25 fulsome apology to Jacinda.
- 26 **Q.** I realise, as we have said a couple of times now, that it's a moment of transition for the
27 church into the new process.
- 28 A. Yes.
- 29 **Q.** I take it your expectation as a bishop would be that anyone in this position in the future
30 would have an entirely different experience?
- 31 A. Entirely different, absolutely different.
- 32 **Q.** One other aspect of this that I think I mentioned yesterday, was it appears from the files
33 Reverend van Wijk hadn't received the boundaries training that he was meant to have
34 received. Was that something you were aware of at the time given your involvement with

- 1 the case?
- 2 A. My memory of—I became the Ministry Educator in 2001 in the Diocese for Nelson. My
3 memory is that we did not have a systematic programme for regular boundaries training. In
4 hindsight that was a mistake. We should have had that. We let Michael down on that
5 score. I look back and think now why was that and I just want to speak for myself and not
6 for any other views in the Diocese at that time. I think there was a complacency that we
7 were basically a set of good people, good clergy, not so much that we didn't need
8 boundaries training but that it wasn't an urgent priority as we were seeking to offer other
9 forms of—I mean other things that were also important in training our clergy. I would now
10 expect that apart from a regular cycle of boundaries training for all clergy at whatever stage
11 of ministry they're at that post-ordination training, which then was for three years in the
12 Nelson Diocese, it's for three years in our Diocese, that that will also include boundaries
13 training as well as the regular cycle.
- 14 Q. The last case study, if I can call it that, that I wanted to ask you about was Mr Jim
15 Goodwin.
- 16 A. Yes.
- 17 Q. You will know his evidence as a former Christ's College student?
- 18 A. Yes.
- 19 Q. To refresh our memories, we have a short excerpt from Mr Goodwin's evidence, perhaps if
20 we could play that now. (Video played). It appears that despite the abuse coming to the
21 attention of the Housemaster at Christ's College, no formal process was triggered and
22 certainly none that came through the Diocese I think it's fair to say?
- 23 A. Yes.
- 24 Q. Is this case a good example of the opportunity that now exists for greater exercise of that
25 due diligence role we talked about?
- 26 A. Yes, it does.
- 27 Q. Would, as part of that, it be appropriate to have a broader review of the role of warden and
28 how that is understood in the relationship between the Diocese and schools?
- 29 A. I think we do need to have a conversation, it would help me to know how much more
30 proactive I could be in the life of each school, if you like, without the school wondering
31 why the warden has suddenly become rather proactive. The role has, to me, has in a sense
32 been more about if a crisis arises, whereas you are highlighting the need for the pro-activity
33 that means the warden on some regular basis is doing due diligence in these areas which are
34 of concern to the whole of the Anglican Church, to the whole of our Diocese.

1 **Q.** It's a nice transition to the final opportunity I want to give you, which is the
2 forward-looking series of questions about the future. What do you see as the most
3 important priorities for the new system that has already begun to be rolled out but
4 presumably which will need to be further developed?

5 **A.** Well, for me as the Bishop of Christchurch, the most important priority in terms of, I hope
6 the next week or two or three, is that we do get the up-to-date information so that we can
7 communicate effectively the new complaint process, and I think even if that at this stage is
8 in English only, that's a start, but other languages and other forms, in terms of disabilities as
9 discussed in the last day or so, need to be brought out.

10 The second priority for me would be that we actually give our system a chance to
11 work on complaints as they come in, and I imagine it will take us a year or two to get a
12 sense of what it means for it to be working as a process and some sense of do we think it's
13 working well. And I think as bishops, collectively, we need to be, if I call it conducting a
14 review, a review of how well it's going, not looking into what's going wrong with it, but
15 that review in the early stages it helps to fine-tune and so forth.

16 But I think the other thing, of course, it's not only about the bishops, do we think
17 it's working well, it has to be about what's a survivor's view of how it is working, is it a
18 good process, does it actually help.

19 **Q.** Something we have heard from a number of survivors, and the Church has already
20 supported this on record in this hearing, is an independent redress agency—

21 **A.** Yes.

22 **Q.** —for both state and faith-based claims. I realise the Church has taken a position, but I'm
23 interested in your view as Bishop of Christchurch, what do you think about that?

24 **A.** My concern is for the survivors' experience. I'll be frank and say I'm a bit concerned about
25 such an independent body covering so many potential cases. I would remind the
26 Commissioners that the church in New Zealand is not only the Salvation Army, the Roman
27 Catholic and Anglican Churches, there are not only other mainstream denominations,
28 so-called, like Presbyterians and Methodists, there are literally thousands of churches, not
29 all of which are kind of well-structured across our land like the three you are looking at
30 currently.

31 A concern I would have is that an independent body could mean a person
32 complains and then there's quite a delay in process. I believe what we've set up for the
33 Anglican Church in Aotearoa New Zealand is a process that will be efficient in responding
34 to complaints and timely in dealing with them. The idea I would like to put to the

1 Commissioners, while remaining open to an independent commission, but I wonder if it
2 would be helpful to have a Government-appointed Ombudsman or similar title to be, if you
3 like, an appeal person or office so that if someone engaging with the life of the church does
4 end up not having a satisfactory experience in our Anglican case under our new approach,
5 they feel they can go somewhere that is at that point beyond the control of the church.
6 I want to stress I think in our new system we're looking for some independent input into the
7 Ministry Standards Commission, I think the Archbishops, I believe, will talk about that
8 when they are speaking.

9 **Q.** Any other reservations about a potential national independent redress system?

10 **A.** No, my central reservation is that it might actually prove to be an unwieldy body because
11 potentially, and just focusing on the church apart from the State, there are a lot of churches
12 in New Zealand.

13 **Q.** All right. Any other forward-looking reflections, observations, comments you'd like to
14 make?

15 **COMMISSIONER ERUETI:** Can I just ask, Mr Mount, just quickly, Bishop Peter, about
16 whether earlier I think it was yesterday we talked about the Australian Royal Commission
17 Inquiry into care.

18 **A.** Yes.

19 **Q.** And there, one of their key recommendations was a National Redress Scheme—

20 **A.** Yes.

21 **Q.** —to cover all the faith-based institutions in Australia. And, you know, there have been
22 issues with implementing that process. But I wonder whether you personally had paid
23 close attention to that process and had been following that process and the
24 recommendations made?

25 **A.** I haven't been paying close attention to the National Redress Scheme in Australia, I have
26 seen the recommendations from the Commission to the Anglican Church in Australia and
27 recommendations, for example, about common discernment practice across all diocese, and
28 we haven't talked about that in the last couple of days, but I would be very open to a kind of
29 similar implementation of that.

30 If by the National Redress Scheme is meant a plan to, if you like, work on all the
31 outstanding redress to date in the life of the churches, going back to 1950, I'd be very much
32 in favour of making sure we're dealing with what is yet outstanding, on the assumption that
33 new systems going forward then are much, much better at redress than we have been to
34 date.

1 **Q.** Thank you.

2 **MR MOUNT:** Bishop Peter, thank you very much for your participation and responses to the
3 questions. Madam Chair.

4 **CHAIR:** Thank you. I'll just check to see if our Commissioners have any further questions.

5 **COMMISSIONER STEENSON:** Tēnā koe.

6 **A.** Kia ora.

7 **Q.** First of all, I just wanted to understand the motivations just turning your mind around
8 records and why you think a previous bishop might want to destroy or have a bonfire, as
9 you've coined it, for records?

10 **A.** I can't second-guess what was in the mind of Bishop Allan Pyatt. In my personal
11 experience of him, I knew him, he was a good and honourable person, and it's entirely
12 possible that his sole motivation was to not bequeath acres of papers. I mean every time
13 I've shifted on from a job I've gotten rid of things and—so it may be that he largely
14 destroyed things that he felt were not particularly relevant to the ongoing archives and
15 history of the Diocese. But in the end, I don't know. He may have been burning things that
16 should not have been burned.

17 **Q.** Thank you. And you've apologised around the unacceptable abuse that was suffered in the
18 care of the Diocese for survivors and the unacceptable response when they have
19 approached the Anglican Church. You talked about numerous and substantive changes to
20 improve the processes.

21 **A.** Yes.

22 **Q.** So I just want to understand, have these processes, changes, been mainly focused around
23 how the organisation handled complaints as opposed to a redress process that's
24 survivor-focused in your view?

25 **A.** Changes have been focused on improving the complaint process, the process of making
26 sure we receive a complaint, receive it well and, through the monitor process, investigate
27 well. Yes, we haven't changed around redress and certainly not towards some of the things
28 that are becoming clear and apparent through the work of the Commission. But I don't
29 think that means that we're disinterested in redress.

30 Except I would acknowledge that I think that redress, until recently, has often
31 meant how do we bring a situation to some kind of resolution, and if, per chance, there was
32 compensation effectively here is the one-off payment. And we're now clearly through the
33 work of the Commission looking at a trauma-informed process and I know that will be
34 guiding the new Title D process. But that is something I also need to work on with, say,

1 our schools, that they have an understanding of that important change and, if you like, a
2 new conception of what redress means.

3 **Q.** Thank you. And just looking at the new process around whether there will be a registrar,
4 I'm just wondering from a survivor perspective, how comfortable you think they might feel
5 dealing or providing a complaint to somebody who has predominantly had a strong legal
6 career and whether or not that may or may not be survivor-focused?

7 **A.** My understanding is that the appointment of John Priestley as Registrar is an initial
8 appointment so that we're moving forward on the matter of the new Title D being able to
9 actually be implemented because there is a registrar as the Title D provides for. That it is
10 absolutely a question, what is the most appropriate person, maybe persons who would be in
11 that office in terms of receiving complaints, because inevitably there are questions in the
12 life of our church, not only about whether the person is a lawyer or not, but whether they're
13 male or female, whether they're Pākehā or Māori.

14 Again, the Archbishops I'm sure will speak to this, but my general understanding
15 is that we would be developing a team, maybe under the leadership of the Registrar, so that
16 people would feel that they could bring their complaint to a person they felt comfortable
17 bringing the complaint to. As in a female Māori might feel most comfortable bringing the
18 complaint to a female Māori within that registrar's office. So in other words we're open to
19 making sure we're doing the right thing by survivors.

20 **Q.** Thank you. Tēnā koe.

21 **COMMISSIONER ALOFIVAE:** Thank you, Bishop Peter, for your candour over the last couple
22 of days. I was really encouraged to hear your reflections about looking forward and getting
23 the information back out to your congregants even if it was just in the English language to
24 begin with. Because the hierarchy of your Church is that there are some significant points
25 of influence. And so obviously the role of the bishop is one of those roles. Being able to
26 socialise issues down—

27 **A.** Yes.

28 **Q.** —would be important.

29 **A.** Absolutely.

30 **Q.** And given that that redress, but in particular abuse in churches general but specifically to
31 the Anglican institution at this point, do you see it as being important to socialise these
32 sorts of social issues the same way you would bequests, land issues, asking for volunteers
33 on your different committees, almost making it it's part of your Anglican way to socialise
34 important topics that people wouldn't feel comfortable necessarily talking about?

- 1 A. It is important to socialise them. It is important to not only, if you like, promulgate papers
2 and posters and policies, but to also work on a change of culture, of the way we do things.
3 But you mentioned getting volunteers for committees as an example of how the Church
4 does its stuff. I can assure you that sometimes it's very difficult to get those volunteers for
5 committees, so I do not want to underestimate the challenge of socialising our changes.
- 6 Q. I think my point is really when there are particular mindsets in certain institutions, being
7 able to change the mindset through influencing attitudes and behaviours—
- 8 A. Yes.
- 9 Q. —often starts when you've got some really courageous leadership at the top.
- 10 A. That's right, yes.
- 11 Q. So that it becomes the norm, people aren't afraid. I mean a lot of our faith-based survivors.
12 And you've heard it again this morning in our witnesses, that in the clips, the whole power
13 imbalance and being able to proactively work at it from the power perspective, I suppose, is
14 something that will always be a work in progress.
- 15 A. It will always be a work in progress. And I think particularly in churches in Aotearoa
16 New Zealand because culturally we pride ourselves on being egalitarian. I think one of the
17 things that's difficult, for example, for an ordained leader in the Anglican Church to keep
18 remembering is that there is a power imbalance because we often like to work our lives out
19 in the Church, we're all just the team or the family, but we're not, and clergy always need to
20 check in with the fact that there is a power imbalance in their relationships with other
21 people.
- 22 Q. And if I could just ask you to perhaps expand a little bit on your view around the
23 Christchurch Diocese and the enormous—you've got 58 ministry units, you've got six
24 schools, the Anglican Care, the City Mission, it's almost a bit like an ecosystem. So you've
25 made a lot of comments around due diligence, which is—
- 26 A. Yes.
- 27 Q. —very helpful. And you've also talked a lot about the Anglican way.
- 28 A. Yes.
- 29 Q. And expanding or perhaps understanding the role of warden in a new light in terms of the
30 influence that it could have on all of the institutions that you really have the covering over.
- 31 A. Yes.
- 32 Q. Do you think it's possible, bearing in mind the complicated commercial structures and the
33 board arrangements with a lot of the institutions that aren't part of your core body, that it's
34 actually possible to have one redress system that would apply across all of your entities

- 1 under the Anglican umbrella in your Diocese?
- 2 A. Well, we might need more than one redress scheme if we think about parishes, schools,
3 Anglican Care boards. But what we're hearing in the Commission proceedings is that we
4 do need consistency in redress schemes across the dioceses, the Hui Amorangi, so if we
5 have a redress scheme focused on our schools it's the same redress scheme that's focused
6 on, say, the schools in the Diocese of Wellington, the Diocese of Auckland, the Diocese of
7 Waiapu and so on. So that would certainly be an important matter for our whole church to
8 have regard for, that there might be not one but, say, three schemes, social services,
9 schools, parishes. But we're clearly getting a message, hearing a message that we do need
10 consistency across the different parts of our church.
- 11 Q. So it's not impossible in the two-year cycles in which your General Synod meets to be able
12 to achieve that consistency across the board?
- 13 A. No, it's not impossible, but it's also the case that a redress scheme does not necessarily
14 need—I'm thinking out loud here—the underpinnings of statutes decided by General
15 Synod. They could be a matter on which, for example, we all agree as, say, bishops that
16 these will be what we implement.
- 17 It would be interesting in our schools because there is a lot of differing
18 relationships between our schools and the diocese in which they reside. That would be a
19 harder work to get, if you like, a national agreement on. But not impossible. And certainly,
20 actually wouldn't be about General Synod, it would be about the schools having a common
21 mind that they would accept a consistent redress scheme.
- 22 Q. So just a common drive to be able to achieve it within a defined timeframe perhaps?
- 23 A. Yes.
- 24 Q. Thank you, Bishop. No further questions.
- 25 **COMMISSIONER ERUETI:** Tēnā koe, kia ora ano. You said something quite striking
26 yesterday morning, or early in your testimony, about how you thought that the low levels or
27 the lack of complaints on abuse coming to you could be due to just the lack of prevalence
28 of sexual abuse in your Diocese.
- 29 A. Yes.
- 30 Q. Another comment about how it wasn't swarming with children was the other thing that was
31 quite striking to me. I just wonder if you still stand by those comments after the discussion
32 we've had subsequently about, first of all, kind of the issues with communications that
33 you're having with languages and the location of posters only being in churches and not in
34 other places outside of the church. Access to information, perception of conflict of interest

1 in the complaint process and actual conflict of interest in the complaint processes and also
2 having the greater appreciation of the size of the vulnerable community that's not just the
3 parishes but also Anglican Care and the schools, that these factors might account for the
4 low numbers of complaints coming to you?

5 A. I think we're talking about questions rather than statements and conclusions. So a question
6 would absolutely be if we communicate more widely, more effectively we may find there
7 are more complaints come to light, and the statistics would then change. What I was saying
8 about maybe we have low stats because of the factors I mentioned is very much about a
9 question, is that an explanation or not. So it may not be and it may be that we would find,
10 you know, imagine you at the all seeing eye of God that indeed our statistics in that case
11 are, if you like, pretty similar to Australia, the point Mr Mount made, but it could be they're
12 still low even when we have communicated more widely.

13 I think what I hear you saying is that we need to do that work on eliciting
14 complaints rather than rest on our laurels about maybe we've got an explanation for low
15 stats.

16 Q. What I'm asking you is if you see there could be a connection between all of these factors
17 and the low numbers?

18 A. There could be a connection, yes.

19 Q. Okay, thank you. The other point is with the National Redress Scheme in Australia
20 consistency is all important, of course. But they were heavily influenced by the calls for an
21 independent process, independence is so critical, we keep hearing it over and over and over
22 again. And so, you know, we've had discussions about the Monitoring Committee. My
23 question is this new process. There are always degrees of independence, we saw that with
24 the State redress scheme processes about your mind, to what extent it's independent of the
25 Anglican Church?

26 A. I hope I'm hearing your question correctly. If a recommendation from the Commission was
27 for a National Redress Scheme to focus on all outstanding complaints from the last 70
28 years, all complaints that have not been well addressed, in other words, the redress if there's
29 been—some has been unsatisfactory; I think we are at a point where that needs to be an
30 independently overseen process to basically set a whole lot of things to right. So I'm
31 distinguishing that from raising the question whether as we go forward we might, and I'll
32 speak as an Anglican only, we might give our new process a chance to see whether that's
33 working well as we go forward into the future.

34 Q. In your assessment today would you see it as—to what degree do you think it's

1 independent?

2 A. Well, it's—it's independent in the sense that the new scheme takes matters out of the hands
3 of bishops, the complaints have to be forwarded to the new Office of Registrar. It's
4 independent to the extent that the Registrar and/or Registrar's team of people who will work
5 on the complaints have no beholdenness to any of the bishops or the Archbishops, and it's
6 independent to the degree to which, as we established in the Ministry Standards
7 Commission, we're able to bring some independent voices into that and then there's the
8 independency which I did raise the question of whether we might have a
9 Government-appointed Ombudsman or Ombudsman body in order to ensure that if, in the
10 end, people were dissatisfied with the process they could appeal. To try to give a positive
11 reason for having a body such as we have constructed, which I totally, acknowledging, is
12 not perfectly independent, it is that that body I think would have some understanding of
13 how our particular church works and some empathy for how a complaint would have arisen
14 and how redress might then be worked through in a way that works within our rules and our
15 disciplinary procedures and so forth, which inevitably will be different to the Salvation
16 Army, Roman Catholics, to the Presbyterians.

17 Q. I take your point on that. Lastly is in the design of that process—it might be question better
18 placed for the next witnesses—but the degree of participation of survivors in designing this
19 process, including Māori, Pasifika and those with disabilities, to what extent was it
20 informed by views over other than, say, Stephen Winter at the University of Auckland and
21 others?

22 A. I wonder if I could respectfully leave that question to the Archbishops.

23 Q. Okay, tēnā koe, ka nui te mihi ki a koe. Kia ora, thank you for your answers.

24 **CHAIR:** I think all of the issues I was planning on talking about have already been raised, I'm not
25 going to belabour the points, I think my questions are probably more appropriately
26 addressed to the forthcoming witnesses. Bishop Peter, can I sincerely thank you for your
27 evidence, both you and Bishop Ross have put yourselves in the firing line and we
28 appreciate the fact that you and other members of the Anglican Church have been so
29 willing to engage and to do so in such a forthright way, and I know that it's not been
30 comfortable for you or for Bishop Ross, and probably the Archbishops are not looking
31 forward to this either, but I want you to know that it's important to us that you have made
32 the commitment to be here and support us.

33 And the last thing I want to say is I really appreciate from you the way in which you
34 are so obviously learning from the evidence already given to the Commission and

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 Waiapu 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 deposed from ordination doesn't remove the responsibility that the church has for the
2 perpetrator.

3 **MRS GUY KIDD:** So when one is deposed, what does that actually mean, if you can explain
4 that?

5 **ARCHBISHOP PHILIP:** This will maybe sound odd in an essentially secular context. But we
6 believe that, in the laying on of hands in ordination, there is an ontological change, your
7 being is changed. Someone said to me before I became a bishop that God would not ask of
8 me anything that God would not sustain me in, enable me in. I've had many times in the
9 last 22 years when I have been aware that I've been supported by something far beyond
10 myself and my own capabilities.

11 To remove Holy Orders from someone is to say that that action of God either did
12 not happen or needs to be revoked, and from where I sit and in terms of what I believe and
13 how I've lived my life, there is nothing that I can think of that would undermine my sense
14 of identity more as a priest than that.

15 **MRS GUY KIDD:** And once that happened, are they entitled to be known as Reverend anymore?

16 **ARCHBISHOP PHILIP:** No.

17 **MRS GUY KIDD:** Not entitled to wear the clerical collar?

18 **ARCHBISHOP PHILIP:** No.

19 **MRS GUY KIDD:** I think we'll take a break there.

20 **CHAIR:** All right. We'll take 15 minutes and resume again at about quarter to 4. Thank you.

21 **Adjournment from 3.29 pm to 3.48 pm**

22 **CHAIR:** Thank you Ms Guy Kidd. Welcome back.

23 **MRS GUY KIDD:** Archbishops and Archbishop Philip we'll turn to the next person you wish to
24 speak to at page 239.

25 **ARCHBISHOP PHILIP:** Thank you. I wish to acknowledge Louise Deans. I want to
26 acknowledge her courage in sharing her experience not just to this Commission but over
27 many years. She has demonstrated a clarity of purpose and resilience in the face of
28 significant resistance from the church.

29 I want to acknowledge also that both her evidence and what she spoke about in her
30 book Whistleblower: Abuse of power in the church: A New Zealand story, had an
31 influence, a significant influence on the changes to Title D in 1992 and continues, I believe,
32 to be one of those seminal moments in the life of the church. I think it marked also the
33 introduction of a renewed focus and an expansion of the focus in boundaries training and a
34 particular clarity and understanding of sexual harassment and sexual abuse.

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:**

24 GRO-C

25 GRO-C

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GRO-C

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

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

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

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

20 **MRS GUY KIDD:** A private school?

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

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

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

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

34 **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**