

**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, Ms Kirsten Hagan, Ms Jane Glover, Mr Michael Thomas and Ms Echo Haronga for the Royal Commission  
Mrs Fiona Guy Kidd QC, Mr Jeremy Johnson and Ms India Shores for the Anglican Church  
Ms Sally McKechnie, Mr Alex Winsley and Mr Harrison Cunningham for the Catholic Church  
Ms Sonja Cooper, Dr Christopher Longhurst and Ms Kate Whiting for SNAP

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

**Date:** 22 March 2021

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**TRANSCRIPT OF PROCEEDINGS**

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**Hearing opens with waiata and karakia tīmatanga by Ngāti Whātua Ōrākei**

(10.03 am)

**CHAIR:** Tēnā koutou katoa. Nau mai hoki mai ki tēnei hui tūmatanui koutou kua tae mai ā tinana oti rā, koutou e mātakitaki mai i tā wāhi. Tēnā koutou katoa. Mōrena Ms Anderson. Mōrena te Archbishops.

**MS ANDERSON:** Good morning, Madam Chair, before I commence with the questioning there's a matter that my colleague Ms Guy Kidd is going to resolve in relation to an aspect of an apology that is just going to be read a second time into the record due to some technical issues.

**CHAIR:** Thank you Ms Guy Kidd. Good morning.

**MRS GUY KIDD:** Good morning Commissioners.

Archbishop Philip, you wish to speak to Robert Oakly.

**ARCHBISHOP PHILIP:** I do. I want to speak to the evidence of Robert Oakly. This evidence had a particular and personal impact on me. The abuse that you suffered was violent and horrendous. You suffered at the hands of a senior leader of our Church. Some of the evidence that I have read suggests that the Church did not know until Archdeacon Jameson's conviction.

These things happened in a small community, small communities are aware of what is happening. I simply don't believe that the Church did not know. I don't understand why following conviction Archdeacon Jameson wasn't deposed from Holy Orders and was able to continue to represent himself as a priest of the Church. To you, Mr Oakly, there are no words that can in any way be an adequate response to what you have suffered and the impact of that abuse on your entire life. But for the fact that we failed you, we failed to believe you and we failed to act against your abuser, I do apologise.

**MRS GUY KIDD:** Kia ora.

**CHAIR:** Thank you Archbishop. Yes Ms Anderson.

**QUESTIONING BY MS ANDERSON:** Kia ora and good morning.

**ARCHBISHOP PHILIP:** Good morning.

**MS ANDERSON:** You'll be familiar with the process that you will have observed through the first part of this hearing where there'll be a series of questions moving from theme to theme or topic to topic, and as will be the process in relation to the questioning of you.

The first topic that I wanted to raise, perhaps not to spend too much time on at this point, but you made a number of comments in your evidence on Friday when we left off relating to the topic of reconciliation and the role of reconciliation overall in relation to

1 matters of abuse.

2 One of the comments that you made, just to refresh your memory, was that you said  
3 that reconciliation is not possible without justice and that without justice and redress  
4 reconciliation is not possible. So that's an articulation which I think, am I right, very  
5 strongly emphasised, you articulated your view at that point.

6 Then we had Archbishop Tamihere said that reconciliation must be viewed also as  
7 being within the prerogative of the survivor. It's not something that can be imposed and it's  
8 also theirs to interpret and apply. It may be that reconciliation with a person that wronged  
9 them — sorry, I'll just read that again. It may be reconciliation with a person that wronged  
10 them, but that cannot be made an expectation.

11 Is there anything else you think you want to mention in terms of your understanding  
12 of reconciliation in addition to the comments that have been communicated on Friday?

13 **ARCHBISHOP DON:** Just as a response to your question and I think — thank you for repeating  
14 what we said on Friday. That represents quite clearly our understanding. I'm not sure  
15 there's much more we can add to that other than to say that reconciliation and concepts like  
16 that for us are part of the vocabulary of our faith and draw not only on biblical  
17 understandings but our understandings of tikanga practice as well. There are times, I guess,  
18 where the general understanding held by the public might be slightly different, but I think  
19 in the end the way that we sought to clarify that in relation to this kaupapa was about  
20 ensuring it needed to be understood in relation to the survivor and their prerogative first.

21 **MS ANDERSON:** Thank you for clarifying that. I think that's what I took, that it had a sense of  
22 how the word might be understood both in the Church context primarily but also a  
23 recognition that the word might have different meanings in other contexts. But we'll come  
24 back later on to how this plays out in a redress context.

25 **ARCHBISHOP PHILIP:** If I could just add what was in my mind in speaking to that, was the  
26 clause in the Canon, particularly pre-2020, that there's an obligation on the bishop to seek  
27 to reconcile the parties and I think that that has been problematic in our experience,  
28 certainly as a bishop, I think we've tended to try and make it good or make it right without  
29 necessarily therefore putting the needs and the perspective of the survivor first.

30 **MS ANDERSON:** Thank you for that. Commissioners, that's a reference in some of the earlier  
31 versions of the Canons. You've already heard that under the Canon disciplinary process  
32 there could be a track via mediation, so a bishop could direct something to mediation or  
33 could direct to a determination track. But there was a preceding requirement as a first step  
34 that the bishop attempt to reconcile the parties.

1 I think what we've seen in the evidence, even if the language of the Title D hasn't  
2 happened when a complaint's come in, what we've seen is that focus on reconciliation,  
3 trying to make it good as Archbishop Richardson has just identified through the language  
4 he's used.

5 We're going to play a clip now. You'll recall the evidence of Reverend Louise  
6 Deans. You'll recall that she refers in her evidence, just to orientate everyone to the clip,  
7 this is the second meeting that she's having with the bishop in Christchurch. She talks  
8 about this on page 40 of her brief, we don't need to go to that, but what she says is that  
9 Bishop M opened the meeting with a bible reading and with prayers for hearing each other  
10 with open hearts and for reconciliation. And we're just going to play the clip now.

11 (Video played).

12 So just in relation to the comments there, this is somebody who's inside the church,  
13 familiar with the language of use of reconciliation in the Church context, and you can see  
14 the clear expression of both surprise that reconciliation is a focus of the meeting, and  
15 secondly confusion about what reconciliation might entail in that context.

16 Have you got any reflections to make on the expectations being put on a survivor  
17 coming into a conversation with a senior Church leader with that focus on reconciliation,  
18 recognising of course this happened 30 years ago?

19 **ARCHBISHOP PHILIP:** Thank you. I mean it's pretty hard to argue with everything that Louise  
20 said, it's very clear and it's absolutely correct. I'm not wanting to suggest that this is the  
21 intent, but my sense of it, with the hindsight of 30 years, is that is spiritually manipulative  
22 and it re-traumatises those who have suffered abuse. It's a very explicit example of what I  
23 was saying earlier in response to your question about the nature of reconciliation, that if it's  
24 about the need of the institution or the leadership to hear words of forgiveness or, you  
25 know, recognition, then that's not serving the need of the survivor at all. It seems to me that  
26 was being played out in this situation.

27 **MS ANDERSON:** And in terms of that spiritual manipulation and re-traumatising, do you agree  
28 that as we heard Louise's evidence, which of course does not include everything that's in  
29 her book, that that attempt to make her focus on reconciliation has been very damaging in  
30 the meeting at that time?

31 **ARCHBISHOP PHILIP:** Yeah, I would suggest not just in the meeting at that time, but that that  
32 was the kind of overlay that the women who were abused by Mr McCullough experienced  
33 for years to come.

34 **MS ANDERSON:** How confident would you be in the Church in modern day that no-one else

1 would experience that pressure to reconcile that Reverend Louise Deans has demonstrated?

2 **ARCHBISHOP PHILIP:** I could not be confident. I think that we have worked incredibly hard  
3 around things like discernment processes, psychological testing, all of those sorts of things.  
4 We have worked really hard around processes and I'm sure we'll come to it, but the 2020  
5 Title D changes which take things out of the hands of bishops.

6 So what I'm really saying is that there is this kind of imperative in us as people of  
7 faith to try and make something right, to try and reconcile —

8 **MS ANDERSON:** There's a wide range of possibilities of what is right.

9 **ARCHBISHOP PHILIP:** That's what I was going to go on to say, is that that imperative, I'm not  
10 convinced that that wouldn't still get in the way of the handling of a situation, which is why  
11 I think the independence is so critical.

12 **MS ANDERSON:** And in terms of doing what is right, you made a reference in the response  
13 you've just given me that the needs of the institution perhaps prevail over the needs of the  
14 survivor when there's a focus on reconciliation.

15 **ARCHBISHOP PHILIP:** I believe that is clearly evident in the example that we've just watched.  
16 I would hope that that is less and less so, that there is a higher level of consciousness about  
17 the nature of power, the way power is used, the way power is associated with role and  
18 position, and that our processes are significantly better than they were. But I'm not  
19 prepared to exclude the possibility that our drive to seek to make things right might not get  
20 in the way of the need of a survivor. That's the point that I'm making.

21 **MS ANDERSON:** Thank you. I think your evidence is very candid in those kinds of admissions,  
22 and contains admissions of the sort that you've just articulated here. So would I be right to  
23 characterise the way the church is interacting with the Inquiry at this point is to be very  
24 accepting of the fact that things have not worked well in the past from a survivor's  
25 perspective?

26 **ARCHBISHOP PHILIP:** Absolutely.

27 **MS ANDERSON:** You say in paragraph 15 of your written statement, I'll just read it out so  
28 you've got it — perhaps you'd like to read it out if you've got that there.

29 **ARCHBISHOP PHILIP:** I'm happy for you to read it thank you, I'm just finding it.

30 **MS ANDERSON:** "The path towards reconciliation and healing is one that the Anglican Church  
31 has committed itself to and will continue to walk through the duration of the Inquiry and  
32 beyond."

33 Just interested in the sense of which you've intended to use that word  
34 "reconciliation" in that paragraph of your witness statement?

1 **ARCHBISHOP PHILIP:** It's a fair question, given the confusion that we've been exploring  
2 around the nature of the word and its use both in common parlance and theologically, if you  
3 like. Certainly in this clause I'm using it in the theological sense that we've been  
4 describing. In saying that, acknowledge that that doesn't necessarily communicate well and  
5 immediately.

6 **MS ANDERSON:** So in that theological sense, what would you be asking a survivor to read into  
7 that?

8 **ARCHBISHOP PHILIP:** I would be asking a survivor to read no more than that the Church is  
9 committed to the kind of scrutiny and the kind of changes that can provide an environment  
10 where the justice that precedes reconciliation is done and that that is driven by the needs of  
11 the survivor. Now that's taken me four sentences to explain and so clearly what I said in  
12 clause 15 doesn't help very much, does it.

13 **MS ANDERSON:** No, but it's helpful to have had that clarification. Just got one further question  
14 on the topic of reconciliation before we move on to another topic. The new Title D 2020,  
15 and I think we're all very clear, so correct me if I'm wrong, this is a mechanism for  
16 disciplining the relevant clergy or office holder?

17 **ARCHBISHOP PHILIP:** For the handling of complaints and discipline, yeah.

18 **MS ANDERSON:** And it's not been described and you're not intending to say that it is in itself a  
19 redress process?

20 **ARCHBISHOP PHILIP:** Correct. Presumably, however, some aspect of a perpetrator being  
21 held accountable might contribute to the experience of redress.

22 **MS ANDERSON:** And some survivors do want that, don't they, they want accountability of the  
23 individual and sometimes they want the accountability of the institution as well?

24 **ARCHBISHOP PHILIP:** Correct.

25 **MS ANDERSON:** And what Title D delivers is really the accountability of the individual.

26 **ARCHBISHOP PHILIP:** Correct, there's no institutional accountability in that.

27 **MS ANDERSON:** In — and we don't need to go through it on the screen — but the outcomes, if  
28 there is — just to, sorry, step back a minute. If something's been characterised as  
29 misconduct it goes down the disciplinary route under the Title D?

30 **ARCHBISHOP PHILIP:** Correct.

31 **MS ANDERSON:** And the outcomes of that that can be imposed upon the relevant individual  
32 who's caused harm are admonition, suspension, deprivation or deposition. So those are all  
33 varying degrees of penalty effectively, aren't they?

34 **ARCHBISHOP PHILIP:** Correct.

1 **MS ANDERSON:** There's a provision in the new Title D, I'm just going to read it out into the  
2 record. It says "Any of the outcomes — so this is referring to the four outcomes — may  
3 include a process of reconciliation carried out in accordance with the principles of the  
4 relevant tikanga."

5 I'm just curious to understand what you say is the role of the reference to  
6 reconciliation in this outcomes part of a disciplinary process statute?

7 **MRS GUY KIDD:** If I could just assist, because Counsel Assisting has only referred to the  
8 outcomes of a. to c. If those could be identified for the witnesses because there's an  
9 important one that is excluded from those processes, so we all understand what it means.

10 **CHAIR:** All right, a. to c.

11 **MS ANDERSON:** This is the admonition, suspension or deprivation of office of ministry.

12 **CHAIR:** Is there anything other than that in a. to c.?

13 **MS ANDERSON:** No and the d. to which this reconciliation does not attach is in relation to  
14 deposition, so effectively when somebody's removed from the ordained status. So for the  
15 three penalties up until that point, this permissive provision, because it's "may", it's not  
16 mandatory, it may include a process of reconciliation.

17 **CHAIR:** Thank you.

18 **ARCHBISHOP PHILIP:** Thank you, I want Archbishop Don if he is willing to respond, but  
19 simply to say that one of the reasons for this provision is because of the tikanga nature of  
20 the Church.

21 **ARCHBISHOP DON:** In context, an application Title D is a disciplinary process that  
22 contemplates generally Church matters. So, for instance, it can capture things like if a  
23 priest offers a particularly terrible sermon that causes offence, let's say. So in that context  
24 part of the resolution would be reconciliation obviously because that would be appropriate.

25 What Title D isn't, and should never contemplate, is the management of criminal  
26 matters. So in that case, you know, if a finding of Title D is somebody's worthy of  
27 deposition to have their ordination removed, then that's not a reconcilable outcome, that  
28 that has to become a permanent fact.

29 **MS ANDERSON:** So just picking up on that distinction between a complaint about a type of  
30 sermon, is that something you would say would come into the category of misconduct that  
31 comes through to these penalties, or is that something that's unsatisfactory conduct that  
32 would be referred back to the bishop?

33 **ARCHBISHOP DON:** Generally unsatisfactory but captured by the same Title D process.

34 **MS ANDERSON:** And if there was an example where somebody's come forward with a

1 complaint of a serious abuse, say take the Robert Oakly example, heading into that you  
2 don't know what the outcome might be, so just can we make an assumption in the  
3 current — on an assumption, circumstances of offending of the nature that Robert  
4 experienced and there is an upholding of finding that the abuse occurred and the penalty  
5 imposed is deprivation of office, for example, how do you see reconciliation in accordance  
6 with the principles of the relevant tikanga coming into effect in that factual scenario?

7 **ARCHBISHOP DON:** Reconciliation doesn't remove the need for consequence. So within our  
8 theological framework, as I said, forgiveness is the prerogative and the domain of the  
9 survivor. Repentance is the obligation of the perpetrator. Those two things have to exist  
10 before reconciliation can be contemplated. So on that basis just in relation to what we've  
11 been talking about, reconciliation is not assumed to be imposed or mandatory at any point,  
12 it stays there as a unique possibility if the other conditions are fulfilled.

13 **ARCHBISHOP PHILIP:** One of the things this was trying to do was acknowledge the collective  
14 nature of both Tikanga Māori and Tikanga Pasefika as well. In the example of Robert  
15 Oakly, I just want to reinforce that I think the, if proven, deposition is the appropriate  
16 response. I think I made the point on Friday thinking about this need that the Church has to  
17 try and hold people in the extended family, that baptism is the basis of that. So I think we  
18 need to have a much lower bar for deposition than we have had.

19 **MS ANDERSON:** In terms of raising that bar, just moving forward to the point that the  
20 Australian Royal Commission's recommendations, that if somebody has been removed  
21 from ministry that it's a permanent removal and they can never come back.

22 **ARCHBISHOP PHILIP:** Mmm.

23 **MS ANDERSON:** What's your view in relation to the recommendation from the Australian Royal  
24 Commission and its appropriateness in the New Zealand context?

25 **ARCHBISHOP PHILIP:** There is no coming back from deposition. Once a priest is deposed,  
26 they can't be re-ordained, they are deposed, they cannot be a priest. And I'm saying that I  
27 think that that needs to be — I think the bar for that needs to be lowered in the sense that  
28 deposition must be applied more rigorously and more frequently.

29 **MS ANDERSON:** But if the penalty imposed was —

30 **ARCHBISHOP PHILIP:** Deprivation.

31 **MS ANDERSON:** — deprivation, because I don't think we've seen any examples at all of  
32 deposition have we?

33 **ARCHBISHOP PHILIP:** There are some examples but they are few and far between.

34 **MS ANDERSON:** If the penalty is to remove the person from ministry, do you think that there

1 should be an ability to come back into the ministry at a later point, or do you think it should  
2 be the position here in New Zealand as the Australian Royal Commission said that it should  
3 be permanent removal?

4 **ARCHBISHOP PHILIP:** It's difficult to answer that question honestly without knowing what the  
5 circumstances are. I'm finding it difficult to imagine a situation where a person who has  
6 committed abuse of the kind of nature that they should not be allowed back in the ministry,  
7 why they wouldn't be deposed. That's my point really, is that I think deposition should be  
8 used fully and finally and that's the end of it.

9 I think if someone is deprived of their office, then that implies that they could be  
10 reinstated to an office. And I think if we don't get that right, and I don't think we have got it  
11 right in the past, then we will continue to have problems.

12 **MS ANDERSON:** Thank you.

13 **COMMISSIONER ERUETI:** May I just raise a quick question, Counsel. Referring to the  
14 tikanga matter you referred to, Archbishop, about collective perspective, I think you said,  
15 but I wonder whether in this context whether concepts like utu and mana are more apt about  
16 the principle of reciprocity and restoration of mana of survivor and indeed the mana of the  
17 Church?

18 **ARCHBISHOP DON:** Could you rephrase the question?

19 **COMMISSIONER ERUETI:** Thinking about the concept of reconciliation, we've seen it's  
20 recognised how inappropriate it can be in engaging with survivors, but the reference here is  
21 to any of the outcomes may include reconciliation with reference to relevant tikanga,  
22 Tikanga Māori. I wondered whether that would import concepts of utu, mana, restoration  
23 of mana?

24 **ARCHBISHOP DON:** Absolutely, so for instance, I think an example of a reconciling process  
25 within Tikanga Māori would be the concept of hohourongo [?]. This is where the English  
26 falls over a little bit. It's reconciliation but probably more apt to describe it as a restorative  
27 process. It's at that point you begin to identify each of those principles; the mana that has  
28 been diminished and affected be restored, can the tapu that's been affected be restored.

29 The concept of utu, the most benign way to translate that is as you have done is  
30 reciprocity. But also again, these things have a theological context for us, so all of this is  
31 held in a wānanga and a dialogue and discourse with our gospel principles. So it might be  
32 that utu's been considered, but how is that altered according to the principles of the gospel,  
33 tika, pono, aroha. So it might be in the process of a restorative discussion that the affected  
34 party might say "I would like, you know, punishment is deserved, but aroha asks me to

1           behave in another way." So these are all possibilities, once you engage in a tikanga  
2           context.

3           **COMMISSIONER ERUETI:** Thank you counsel.

4           **MS ANDERSON:** Archbishop Richardson, turning to the apologies. So you've got some specific  
5           apologies in your witness statement, you've got a reference in a document that was given to  
6           the Inquiry at the beginning of the survivor voice hearing which talked about the need for  
7           an unequivocal apology and then we're also coming later today to the Primate's statement  
8           which provides an apology.

9                     But I had some questions arising out of the specific apologies that you've provided.  
10           I think I'm right from comments you expressed at the time of being here during the  
11           November/December hearing that somehow hearing the person giving their evidence even  
12           had a different impact on you than simply reading their witness statement, am I right?

13           **ARCHBISHOP PHILIP:** It's hard not to be impacted by what we heard.

14           **MS ANDERSON:** But you had the same information in the written statement before the person  
15           gave evidence, didn't you?

16           **ARCHBISHOP PHILIP:** I can't remember whether there was anything additional, there was  
17           certainly, I think in the leading of the witness through their evidence, there was an  
18           emphasis and a coherence around what was communicated. And it's impossible not to be  
19           impacted by just the sheer impact of that enduring lifelong suffering and that  
20           communicated powerfully.

21           **MS ANDERSON:** So there's something, potentially something there, I'm not going to explore  
22           them, but just to leave them with — to see whether you accept the propositions that there's  
23           something in the supported way in which the survivors were assisted by the Inquiry to put  
24           their evidence before you that perhaps created a point of connection with that evidence that  
25           might be quite different from somebody sending an e-mail in.

26           **ARCHBISHOP PHILIP:** Absolutely. I mean at a number of levels it raises some issues. Firstly,  
27           it was clearly incredibly well-supported; secondly, we cannot anticipate that the way we  
28           receive a complaint in the first instance is going to communicate the depth of what is  
29           behind it.

30           **MS ANDERSON:** And being able to actually hear the person meant that you received the  
31           information and it had an impact on how you wanted to respond, which is quite different  
32           from a paper-based system?

33           **ARCHBISHOP PHILIP:** Yes, yes, I think there's a lot of learning in that. I was approached  
34           yesterday after the service in Hawera by a survivor who said that watching the briefs of

1 evidence had given him a sense that he needed to come forward, but he wanted to know  
2 would it be safe and I was able to unequivocally say that the way that is held and supported,  
3 whether ended up giving evidence in front of the Commission or not, was a safe  
4 environment. That's salutary for us, you know, what is the kind of safe environment that  
5 we help to create for survivors.

6 **MS ANDERSON:** So safe in terms of people coming to the Inquiry but also safety when they  
7 come to the Church?

8 **ARCHBISHOP PHILIP:** Absolutely, that's exactly what I mean.

9 **MS ANDERSON:** There were some of the survivors who gave oral evidence, including one  
10 whose witness statement was read out, that you didn't include a personal apology in your  
11 witness statement and so that included Maggie Wilkinson, Ms M and Mrs D. And I was  
12 reflecting that those are persons who were in care in an institutional context and I wondered  
13 whether the setting in which their abuse occurred had influenced your decision-making  
14 about whether to offer your own specific apology to each of them in your witness  
15 statement.

16 **ARCHBISHOP PHILIP:** Yeah, so what was the basis of my selection. Quite simply those  
17 witness statements — I mean I found all of the testimony profoundly impactful and some of  
18 the examples that you've just cited were equally horrendous. In a number of the cases that  
19 I spoke to we had a situation where an abuser committed abuse across a number of  
20 Dioceses or a number of institutions.

21 Understand my role here is as Archbishop and Primate speaking across the whole of  
22 the Church. So my view, rightly or wrongly, is that the evidence that I responded to, the  
23 individuals that I responded to, had that dimension to it, where there had been a whole of  
24 Church failure in the practicalities of it, and I wanted to name and identify those failures.

25 One, I think, being the fact that the siloing Diocese by Diocese or episcopal unit by  
26 episcopal unit meant that a person could move from one place to another and not be held  
27 accountable in the way that then had a huge impact on people.

28 **MS ANDERSON:** Well, a huge impact in the sense that abuse could continue and people who —

29 **ARCHBISHOP PHILIP:** Thank you.

30 **MS ANDERSON:** — might not otherwise had suffered abuse were abused.

31 **ARCHBISHOP PHILIP:** Exactly, that's unacceptable in every sense, isn't it.

32 **MS ANDERSON:** I've got a question for you about the Church's response as opposed to  
33 individual by individual, the propositions around collective forms of redress and you'll  
34 recall that Stephen Winter in his paper, his evidence for the Inquiry, refers to the need at

1 times, you know, a collective form of redress will be appropriate. It talks about the two  
2 strands, individual and collective.

3 I'm just going to call up on the screen an extract from Maggie Wilkinson's second  
4 brief of evidence where she's proposed effectively a collective form of redress. It's just  
5 coming up on the screen in front of you. Can we just call up paragraphs 3 to 5. Could I ask  
6 you to read that out please.

7 **ARCHBISHOP PHILIP:** Sorry for me to read it out?

8 **MS ANDERSON:** Yes please.

9 **MRS GUY KIDD:** Madam Commissioner, I think when it's a survivor's voice I would be  
10 concerned whether they are traumatised by hearing someone from the organisation reading  
11 it. I'd just like your direction about what the appropriateness of, or whether it should come  
12 from Counsel Assisting.

13 **MS ANDERSON:** I'm happy to read that out if that's a concern.

14 **CHAIR:** I think it's a proper concern, certainly thank you.

15 **MS ANDERSON:** "I would dearly love one of the beautiful stained glass windows at the Holy  
16 Trinity Cathedral in Parnell, one of the prominent windows to be dedicated by the Anglican  
17 Church to the many mothers destined to a lifetime of grief and to their children who were  
18 taken/abducted by the judgmental philosophy of the Church. To acknowledge and  
19 remember with sorrow the impact of that action on those who were harmed by faith-based  
20 actions and New Zealand's adoption legislation.

21 Although I would rather a remembrance place not be placed in a building of  
22 religion, I would definitely love an acknowledgment to be in that position of prominence so  
23 that people can mull over a practise that was and is normalised by religion and society.  
24 And so they can begin to think about the harm done by taking a new-born from his or her  
25 mother."

26 So effectively that's a proposal for a collective form of redress. What are the  
27 church's processes, what's your role as Archbishop and/or as primate when people are  
28 coming forward with suggestions as to collective forms of redress, do you have a process  
29 that they would go through?

30 **ARCHBISHOP PHILIP:** That's a process which, again, is by diocese by diocese, but it's a  
31 common process which is that any proposal of that sort for a permanent dedication does  
32 need the approval of the bishop. But it's a simple process.

33 In the example given, it would require that the local governing body of the Holy  
34 Trinity Cathedral in Parnell would need to agree and they would petition the bishop for

1           what's called a faculty to allow a memorial to be put in place. The bishop's concern in that  
2           situation is simply that it is something that is appropriate for the context. So it would be  
3           about design, wording and that sort of thing.

4   **MS ANDERSON:** So before it gets into that decision-making forum that you've described,  
5           somebody has to pick up and decide to put it into that decision-making process.

6   **ARCHBISHOP PHILIP:** Mmm.

7   **MS ANDERSON:** Is that the bishop's responsibility.

8   **ARCHBISHOP PHILIP:** It could be, a bishop could initiate that, others could initiate it, it could  
9           be an idea that is sent by an individual to a bishop and the bishop champions that. Yeah,  
10          I mean I was just reading that and thinking of the situation in relation to the  
11          acknowledgment that was sought in the Christchurch Cathedral to the women who had  
12          been abused by Mr McCullough and the opposition that they faced from a whole range of  
13          quarters.

14   **MS ANDERSON:** That's right, isn't it, I don't think there's anything that we know about from the  
15          Inquiry's side that would be some kind of collective redress outcome that's been actioned.

16   **ARCHBISHOP PHILIP:** That's right, but we know from examples here in Aotearoa and around  
17          the world where pain and suffering is acknowledged in a permanent way that that can be a  
18          place of permanent sort of wānanga, of revisiting the failure. So I think of the stones on  
19          Portsmouth Drive in Dunedin in front of the caves where the Taranaki prisoners were  
20          incarcerated and whenever you go to Dunedin you have to go there and visit those to pray  
21          there, to remember the story. Something like this would be entirely appropriate, wouldn't  
22          it.

23   **MS ANDERSON:** So is that something that might be taken away from this conversation that  
24          perhaps as a leader of the Church that conversations around what might be possible in that  
25          collective form of redress is something that you could be championing. Not specifically  
26          this example, just in a general sense?

27   **ARCHBISHOP PHILIP:** Yes, absolutely.

28   **COMMISSIONER ERUETI:** May I just quickly ask, the sense this is reactive on a case-by-case  
29          basis as it arises from the survivor rather than as an element in a suite of policies about  
30          redress?

31   **ARCHBISHOP PHILIP:** My unthought-through response would be to say I don't see why it  
32          couldn't be both/and. Thinking, for example, in Wellington Cathedral, which although it's  
33          the cathedral for the Diocese in Wellington, stands in the capital city right next to  
34          parliament. There's an extraordinary tribute to the women of the Church. Its placing there

1 was because of its proximity to parliament, women getting the vote, a whole raft of things.

2 So it seems to me that that kind of acknowledgment and recognition, there could be  
3 situations where something that is intensely personal and private would be appropriate.

4 And there are things that need to be public and more global as in the example that I gave  
5 around the contribution of women to the life of the Church and society in Wellington  
6 Cathedral.

7 **COMMISSIONER ERUETI:** Because the point I'm making is there could be a number of  
8 things, right, that are collective, like a commemoration or the dedication of some form of  
9 real property or personal property in the name of a collective, but it's whether, you know,  
10 the content of that will be determined on a case-by-case basis, but it's whether the principle  
11 has been clearly established and reduced to writing and communicated. It doesn't seem that  
12 so far we have that.

13 **ARCHBISHOP PHILIP:** I guess the closest equivalent in terms of redress would be an example  
14 which is currently, just need to be a little careful, where survivors have asked to be part of a  
15 service of cleansing within the context in which they experienced abuse, and that is being  
16 organised.

17 So in terms of when we talk about redress, the whole raft and range of things I think  
18 needs to be up for consideration. Everything from clearly financial reparation right through  
19 to anything that would assist a survivor to — I think the word "closure" is too quick and too  
20 cheap, but to be able to be supported through that stage of the process.

21 **COMMISSIONER ERUETI:** Yes. Survivors will need to know what the options are, that's  
22 right, and that needs to be clearly communicated. I would have thought, particularly for  
23 ngā amorangi, that in that context this would be an important kaupapa, both in bringing  
24 claims as a collective but also in the type of redress that one would have. I did wonder  
25 whether we have any instances of that historically about redress in the collective form so  
26 far, and also whether that forms part of the suite of remedies, if you like, going forward  
27 under the new process.

28 **ARCHBISHOP DON:** It's hard to think of examples, Commissioner, but certainly the kōrero, the  
29 wānanga, the dialogue is a very active space. So if you think about what some of our  
30 wonderful kahurangi leaders are doing in some of the conversation around Oranga  
31 Tamariki, the ongoing discussions before the Waitangi Tribunal, and I'm thinking  
32 particularly of the claim brought by Dame Areta Koopu and others around the mana of  
33 wāhine.

34 But in each case those principles are being considered and applied, there has to be a

1 space within which we can have, I think in the first instance, the proper, safe dialogue to  
2 find what the resolutions are. I think it's more about creating that tūrangawaewae, the space  
3 within which we can come together and have the conversation in the first place, as opposed  
4 to identifying principles that are kind of pre-determined. Here's a range of outcomes you  
5 can choose from off the shelf. So I think the Māori response has been we prefer a more  
6 dynamic space within which in each instance we can start again and say, okay, what is the  
7 best possible outcome in this situation.

8 **COMMISSIONER ERUETI:** I appreciate that. It seems so far prospective as in we're at the  
9 formative stages of drawing on these different strands of learnings and understandings as  
10 part of the new process going forward.

11 **ARCHBISHOP DON:** Absolutely. And freedom to, you know, we certainly have already  
12 identified enduring principles, aroha, manaakitanga, mana, tapu, ihi. Again, I'd say it's  
13 about, in this case, negotiating the freedom and the right to apply those things.

14 **COMMISSIONER ERUETI:** Kia ora.

15 **MS ANDERSON:** Just moving on to, again, a very short topic before we move into looking at  
16 some documents. What we've heard this morning, and repeated in your brief, is that there  
17 is no redress process currently. That's either there's no written redress process and nor is  
18 there an unwritten redress process. In your witness statement you draw this distinction  
19 between claims on the one hand and complaints on the other with complaints leading to a  
20 disciplinary track and then we've got claims on the other. So in terms of responses to date  
21 and in the evidence relating to claims, do you agree that overall it looks pretty hard for  
22 somebody to get anything out of the Church other than an apology?

23 **ARCHBISHOP PHILIP:** It's not only that it looks that but when you read the evidence it has  
24 been really hard, and the recourse to concerns around liability, recourse to lawyers and that  
25 kind of exchange of protection of space. I mean I understand why that's happened, but  
26 when you look at it evidentially in the story of people's lives, it's pretty hard to see that as a  
27 tenable approach.

28 And I think while our instincts have been significantly better around making sure  
29 that our people are well-trained and are held accountable, that's the primary purpose of  
30 Title D, it's aspirational at one level it, sets the ministry standards, says this is the kind of  
31 life, it's expressed in very positive language, but then it follows immediately with a process  
32 for dealing with failures to meet those standards. It's all about that at one level, it's all  
33 about us.

34 So the redress conversation, you're absolutely right, is kind of almost brand new for

1 us, and you've seen the draft work. But it's very early and I'm sure we'll come to it, but my  
2 view is that we are not well-placed to handle a redress process well, and I do think that  
3 there needs to be a consistency across the whole of our society in terms of both the  
4 principles that would be brought to redress and understandings of what reasonable redress  
5 might look like in that sort of holistic sense of —

6 **MS ANDERSON:** But leaving aside the future state —

7 **ARCHBISHOP PHILIP:** Sure.

8 **MS ANDERSON:** — you know, one of the options that will inevitably be discussed is the  
9 Australian model of this independent —

10 **ARCHBISHOP PHILIP:** Yeah.

11 **MS ANDERSON:** — mechanism or some other variation on that, or alternatives of that where the  
12 response to the individual is effectively not directly actioned by the faith-based institution  
13 that's harmed them. But we're in a period now where you don't know what change might  
14 happen on that international front. So how do you think you can get past the position where  
15 you say you just don't know how to do a redress process in the Church, given that one  
16 option might be that you do need to look at improving your systems and processes?

17 **ARCHBISHOP PHILIP:** Yeah, so I mean we're certainly being proactive around that. One of  
18 the really challenging conversations in the last 12 months has been looking at that draft  
19 redress policy with our school leadership, with principals and with board chairs and others,  
20 and they've engaged pretty energetically with that. But what it revealed, again, was that the  
21 independence of our schools from each other means that we really have to take people with  
22 us in a — we can't — we have no mechanism to require them to legislate for them to take a  
23 common process.

24 **MS ANDERSON:** But leaving aside that institutions that are in a slightly, you know, further from  
25 the centre, like schools; in terms of the Church's own activities over which you do have  
26 control, so there is something that should have been done in the past that hasn't been done  
27 there?

28 **ARCHBISHOP PHILIP:** Yeah, look it's much easier for us to get what we've called the core  
29 Anglican entities working together on this and there is a commitment to do so.

30 **CHAIR:** May I ask, there's a commitment. Has anything started?

31 **ARCHBISHOP PHILIP:** Yes, there is that draft document that's been engaged with by all of the  
32 bishops of the Church, it's been disseminated around the Church for discussion in each  
33 episcopal unit.

34 **CHAIR:** This is not the school unit, this is not the school draft one?

1 **ARCHBISHOP PHILIP:** It's the same.

2 **CHAIR:** It's the same.

3 **ARCHBISHOP PHILIP:** It's the same. What the schools have said, understandably, is that their  
4 context requires some differences and the episcopal unit context requires some differences.  
5 The same with our care providers. But there's some core principles, a core approach around  
6 which we would hope there would be some commonality. That's going to be the huge  
7 challenge for us as a society generally, is how to establish some things that are core and  
8 some things that are sector by sector relevant.

9 **CHAIR:** Where have you got to in relation to the draft one that relates not to the schools but to  
10 the Church?

11 **ARCHBISHOP PHILIP:** That's at very early stages it's been disseminated. The discussion for  
12 the bishops has been around vicarious liability, which is assumed in that redress document,  
13 but it's not been something that has been easily come to.

14 **CHAIR:** Thank you.

15 **MS ANDERSON:** I think you say in your evidence at paragraph 16 that over the last decade that's  
16 been characterised as attempting to get better at dealing with abuse complaints. Although  
17 you've used the language there of complaints, you're effectively meaning disclosures, it's  
18 not about the distinction between a complaint and a claim, is it?

19 **ARCHBISHOP PHILIP:** No.

20 **MS ANDERSON:** I'm just going to take you back further in time in the last decade and move  
21 through some of the activities and actions within the church that relate to this need to  
22 address this area. I'm going to begin in 1989. I'm just going to call up document  
23 WITN0243005. This is a letter from Reverend Patricia Allen to the Archbishop of the day  
24 following up on matters relating to abuse and the recent media coverage. This is clearly  
25 referencing the events in Christchurch, isn't it?

26 **ARCHBISHOP PHILIP:** Yes, it is.

27 **MS ANDERSON:** And over on the second page, the beginning of the second paragraph, I'm just  
28 going to call up the first part of that second paragraph. So what she's saying there is, "I  
29 believe that as a Church going into a decade of evangelism there is an urgent need to  
30 critically examine the underlying issues surrounding this present crisis." That crisis that  
31 she's referring to there, and you haven't had time to read the document, but it is about abuse  
32 in the Church.

33 **MRS GUY KIDD:** Was there a question there, did you want him to read it?

34 **MS ANDERSON:** I'm just going to go through a few documents and then we'll come back with

1 the questions.

2 **CHAIR:** I just want to know, do you accept that this is about — sorry, I'd forgotten how you  
3 described it, Ms Anderson. We got a nod but not a word.

4 **MS ANDERSON:** We got a nod, yes.

5 **ARCHBISHOP PHILIP:** Sorry, yes, I accept that this is in response to the Mr McCullough  
6 situation and the learnings that women were collectively directing towards Church  
7 leadership.

8 **MS ANDERSON:** About the existence of abuse in the Church?

9 **ARCHBISHOP PHILIP:** Correct.

10 **MS ANDERSON:** Not just Rob McCullough but abuse generally in the context of the Church?

11 **ARCHBISHOP PHILIP:** Correct.

12 **MS ANDERSON:** Then we're going to call up a document ANG002742. Just to orientate you to  
13 this Archbishop, which is unlikely to be a document that you'll be familiar with, so I'll just  
14 provide some context for you and for the Commissioners. Nerys Parry is a psychologist  
15 who has been used relatively often by the Church in relation to people who have allegations  
16 against them. At times she's acted as a mediator, so she's had some involvement with the  
17 whole mechanism of the process of responding to abuse. And she's responding to some  
18 specific matters, but you'll see that she identifies a problem at paragraph 2 beginning "I am  
19 inclined".

20 So this is a problem identification that she's — there are potential problems in each  
21 Diocese having a different set of guidelines, and again this is in relation to sexual  
22 harassment. However, some of them may appear to be in content. She identifies certain  
23 dangers of them, including different interpretation.

24 Coming down to the last part of that page she sets up some recommendations. So  
25 you can see that she's proposing that bishops agree on a set of national guidelines, the  
26 structure, potentially with some local variation, to address all three potential pitfalls that  
27 she's identified for regional or cultural differences. She refers to the need for there to be  
28 three distinct but interrelated documents, and you'll see the third one there is a complaints  
29 procedure with a special section pertaining to sexual misconduct being harassment and  
30 abuse. So that's come into Reverend Bruce Moore at that time in 1993.

31 The next document I'm calling up is WITN0049008. Again, just to orientate you,  
32 this is a media article dated in July 2002, where it refers to Anglicans and other faiths  
33 strongly encouraging complainants to go to the Police, indicating a zero tolerance towards  
34 sexual abusers amongst their midst and refers at the bottom of the page, could we just call

1 that up, "A group of women survivors of clergy abuse, however, are pushing for an  
2 independent avenue for complaints within the church, such as an ombudsman for church  
3 affairs."

4 Then we're going to leap forward to a document WITN0265166. We don't have a  
5 date on this document, but I suspect from references in it that it must be at least after 2003,  
6 so it may be around that 2003/2004. So you see the title to it "Pastoral justice and advocacy  
7 guidelines for the church's response to survivors of sexual exploitation by the clergy".

8 You'll see in the first paragraph, I won't call it out but while you're reading it there  
9 on the screen, there's reference to a Primates Working Group which has begun researching  
10 and acting in this area from 2003, with this area being a reference to the issue of abuse.  
11 Are you able to explain what that Working Group might have been and when it might have  
12 been set up?

13 **ARCHBISHOP PHILIP:** I think your timing is absolutely right, I was reading this document  
14 earlier and trying to locate it. It is, I think, from about 2002 to 2004 as best I can tell.

15 **MS ANDERSON:** But the Primates Working Group, if it was in existence, you wouldn't have  
16 been a member of that at that time?

17 **ARCHBISHOP PHILIP:** No, no.

18 **MS ANDERSON:** If we could call up the third paragraph, "The call is to now move", just the rest  
19 of that page. So you see there's a call being expressed in this document to move beyond  
20 reactive and responsive behaviour in the church towards proactive advocacy. This is a  
21 spiritual call to actively work for those who have been marginalised by abuse. The  
22 following reference there, and we'll just take a little bit of time to go through these  
23 principles. Marie Fortune, I think you'll be familiar that she's referenced in a number of  
24 Anglican documents, including some of the sexual harassment policies back in 94 and 96,  
25 so she's clearly been seen as an authoritative voice within the Church. She's not within the  
26 Church here in New Zealand, but she's a recognised expert.

27 **CHAIR:** Do you accept that?

28 **ARCHBISHOP PHILIP:** Sorry, yes, I do.

29 **MS ANDERSON:** What's set out here are the four factors that Marie Fortune has identified in her  
30 writings about the seven elements. We'll come back to look at them but I'll just read them  
31 out to give Commissioners an overview of what they are.

32 The first you can see there on the page is truth-telling, the second is acknowledging  
33 the betrayal, the fourth is acknowledgments from the Church that pastoral abuse is evil —  
34 sorry, that's a subset of that one. The third one is accountability, the fourth one is

1 compassion. The fifth one is protecting the vulnerable, the sixth one is restitution and the  
2 seventh principle is liberation.

3 Before we come back to discuss those principles I'd like to move to the second half  
4 of page 2 and just call up the heading part way — from that heading downwards thank you.  
5 So you can see that it's recommended that a national pastoral justice and advocacy unit be  
6 created to manage procedures where they're required. It talks about the relevant skill set  
7 that would be needed, including experience in Title D, but also pastoral empathy and  
8 sensitivity. Proposes that a unit would be the coordinator of pastoral justice and advocacy  
9 when called upon to do so by an Anglican institution and/or a survivor of sexual abuse.

10 Just over at the very top of the next page, there's a recognition that to prevent  
11 survivor stories being treated twice over, a way of working hand in glove with the  
12 procedures of Title D would need to be discovered. Proposes some options, and then over  
13 just to the conclusion on the last page, it's recommended that this paper be the basis for  
14 agreed guidelines by the Standing Committee of General Synod, the bishops and the ethical  
15 standards sexual harassment groups of each Diocese and that the chancellors of each  
16 Diocese be advised of the guidelines.

17 So it looks, at that point, that there's quite a substantial amount of work leading up  
18 to this paper. Do you know whether the work anticipated by this paper here, before we go  
19 back and look at the seven principles, has been taken forward?

20 **ARCHBISHOP PHILIP:** Not in a comprehensive or appropriate way, no.

21 **MS ANDERSON:** Just moving back to page 2 with the seven principles beginning there, is there  
22 any comment that you wish to make in relation to the appropriateness of those principles to  
23 the Church when designing its response to persons coming forward with disclosures of  
24 abuse?

25 **ARCHBISHOP PHILIP:** This is work that I am familiar with, and my familiarity has been at the  
26 point where we have developed educational and training materials for in-service training  
27 and professional development for clergy and lay ministers, Marie Fortune's work has been  
28 influential in that space. This has been completely disconnected, in my view, from the way  
29 in which we have been trying to develop common processes in relation to dealing with  
30 disclosure and complaint.

31 So our focus has been on canonical structure and process. What we're seeing  
32 already from the Ministry Standards Commission is them saying actually where is the kind  
33 of pastoral and justice principles that need to be embedded in these structures and in these  
34 processes, and these are the kind of things that need to guide and shape, but they haven't

1 done to date, in my view.

2 **MS ANDERSON:** Then coming over to document ANG0004744.

3 **COMMISSIONER ERUETI:** Counsel, may I just make an observation really. Having had this  
4 discussion just a couple of minutes ago about these fundamental values of aroha,  
5 whakapapa, whanaungatanga, pono, I can't see any evidence of that discussion in these  
6 seven principles either, and I wondered whether in formulating these whether the Pīhopa of  
7 Aotearoa participated?

8 **ARCHBISHOP PHILIP:** Those were a person with expertise and academic experience offering  
9 some reflections in an offering to the Church. The educational development that I was  
10 talking about is within Tikanga Pākehā. And I think, you know, the challenge in our  
11 society is around how we weave something that is authentically us. These are not mutually  
12 exclusive, there needs to be a kind of dialogue between them, but the way Pīhopatanga  
13 Aotearoa had been working around these issues is another matter entirely.

14 **COMMISSIONER ERUETI:** Did you want to comment on that as well?

15 **ARCHBISHOP DON:** There is a dimension within which we operate as one body, so we're  
16 obviously informed by this discussion. There's plenty that we can take within these  
17 proposed principles as having a universal value and that we can correlate to our context.  
18 But it becomes a question of, you know, how can you then apply them with some integrity.  
19 So the dialogue, the wānanga, needs to be ongoing. But I guess at the very least we're  
20 saying that the discussion is underway, we're trying to work out how best to take care of  
21 survivors and how best to apply these principles in responding to their needs.

22 **COMMISSIONER ERUETI:** That's a tremendous challenge, isn't it, because we've heard from  
23 both the Auckland and the Christchurch bishops about candid, you know, we are fairly  
24 monocultural, and it seems that there are — how you bridge between the different primates  
25 to ensure you have Pasefika, Tikanga Māori concepts embedded in a redress scheme, that  
26 you don't have these different silos having conversations. I wonder whether with the  
27 development of the new redress or Title D as well as plans for an independent redress  
28 scheme, consistent, whether you're pulling upon all of those influences from the different  
29 Primates?

30 **ARCHBISHOP DON:** Yes, absolutely. I think part of the value of having a united and unified  
31 approach to this is that we bring this all into the same room around the same table. And it's  
32 at that point that we can begin to assure ourselves that we're incorporating our tikanga  
33 elements and incorporating the principles that are important to us. It's the siloed approach  
34 that has made that very difficult. Obviously we're not separate from our society and our

1 community, many of the challenges we face internally in terms of cultural dialogue are  
2 reflected externally across the community. So we continue to be informed by that space as  
3 well.

4 **COMMISSIONER ERUETI:** Kia ora.

5 **COMMISSIONER ALOFIVAE:** If I could just ask a question as well. Thank you Archbishops,  
6 I was probably going to save it for later but I'm wondering if now might be the right time,  
7 given that Tikanga Pasefika is not represented and I understand the primate is based  
8 overseas; is that correct?

9 **ARCHBISHOP DON:** Based in Suva.

10 **COMMISSIONER ALOFIVAE:** So just in terms of your structure if we're talking about redress,  
11 is the assumption correct that it's also applicable then to Tikanga Pasefika or are there  
12 jurisdictional issues?

13 **ARCHBISHOP DON:** It applies to us constitutionally in a way that we're arranged as a Church.  
14 So internally it will apply to all of us, but of course we have to think about our context and  
15 certainly in the case of the Diocese of Polynesia, Tikanga Pasefika you have several  
16 different national and legal jurisdictions, Fiji, Tonga. So what we agree to together needs  
17 to then be applied contextually.

18 So, you know, in some ways it's more simple for us, the Archbishops that you see  
19 before you in terms of the Aotearoa New Zealand context, but we have to weigh in balance  
20 the broader context that our Church represents and encompasses when we're talking about  
21 Pasefika as well.

22 **COMMISSIONER ALOFIVAE:** Of course that would bring in the complexity of the language.  
23 We've heard words this morning about reconciliation, restoration, because when your  
24 primate is based overseas in those very embedded Pacific contexts, again those words  
25 probably carry, I was going to say a different or a deeper meaning in terms of the biblical  
26 foundations.

27 **ARCHBISHOP DON:** Absolutely, and that's why when we have a tangata whenua principle, we  
28 defer to the local culture. We've actually been witness to, for instance, the process of ifoga,  
29 which is a Samoan approach to reconciliation and restoration. That's part of the dynamic  
30 that our Church affords us. We will adapt protocol as it's locally appropriate, while trying  
31 to maintain the same kind of fundamental principles.

32 **COMMISSIONER ALOFIVAE:** We're conscious of your struggles.

33 **COMMISSIONER ERUETI:** Can I just clarify, so you've incorporated ifoga into your  
34 complaints redress processes?

1 **ARCHBISHOP DON:** Certainly within the Diocese of Polynesia, that's where tikanga comes to  
2 the fore, we have this structural expectation but it's tikanga that gives it life.

3 **CHAIR:** However, we are here in Aotearoa New Zealand and for me the essential question is,  
4 bearing in mind you have not got the processes yet, really a call that any processes that are  
5 developed are not only inclusive of Māori Tikanga but also of the Pacific values and the  
6 understandings of Pasefika, as well; and we've heard, haven't we, about the multi-cultural  
7 nature of your Tikanga Pākehā system.

8 So I think all of us are saying, whatever happens in your Pacific regime, you must  
9 be mindful — I think it's self-evident, isn't it, but I think it needs to be stated — of the  
10 cultural differences and it points out the difficulty of coming to some form of standardised,  
11 unified process. But I think that's probably the message that we are wanting to convey to  
12 you. Do either of you wish to comment on that?

13 **ARCHBISHOP DON:** Tēnā koe, you're absolutely correct. You know, Aotearoa New Zealand  
14 has a wonderful multicultural aspect, so the fact we're open to having this conversation  
15 gives us an opportunity to be incorporative. I guess we'd also say that in terms of the form  
16 of redress, the structure of redress that's been signalled in our discussions at the moment,  
17 we have to obviously incorporate more than just our own faith traditions as well. So if this  
18 was to be applied, say, in the context of our brother and sister Muslim communities in  
19 Christchurch, you know, such a system of redress would have to incorporate what is  
20 important to them. Tēnā koe.

21 **CHAIR:** Thank you. Tēnā koe.

22 **MS ANDERSON:** Thank you. Archbishop Richardson, moving from the 2003/2004 document  
23 with very strong recommendations, do you agree with the strong recommendations to  
24 proceed to develop guidelines for responding to abuse when it's disclosed; do we agree?

25 **ARCHBISHOP PHILIP:** We agree.

26 **MS ANDERSON:** Then we jump forward, the next document I've got for you is in 2016. This is  
27 a letter from Cooper Legal to the Anglican Church. And the message in this letter is that  
28 the Church doesn't seem to have any clear processes for investigating, considering and  
29 responding to complaints that they're bringing through on behalf of clients. And can we go  
30 into the next page and just call out from the third paragraph down.

31 So you see there's a reference to, the church should consider doing something  
32 similar to what the Catholic Path to Healing process does. Noting there that complaints of  
33 abuse are not likely to cease, so there's still an issue to be faced. Asking that you consider  
34 the — the church consider the concerns raised here, and giving genuine thought as to how

1 the Anglican Church should best respond to those who have been abused and/or mistreated  
2 in its care. So that's a communication that's been received from Cooper Legal. I'm not sure  
3 whether — would you have seen that letter at that time?

4 **ARCHBISHOP PHILIP:** More than seen it. As a result of receiving this letter the General  
5 Secretary and I went to Wellington to meet with Cooper Legal to discuss the content of this  
6 letter. And to —

7 **MS ANDERSON:** I think that might actually have happened the following year.

8 **ARCHBISHOP PHILIP:** It's not this letter?

9 **MS ANDERSON:** It's a subsequent communication, but yes we will cover that process.

10 **ARCHBISHOP PHILIP:** It was certainly involved, yeah.

11 **MS ANDERSON:** Can I just turn to the last page of this document, I'm just pulling up, which was  
12 an attachment to the document — we might need to come back to that one. Can we just  
13 expand those slightly please.

14 **CHAIR:** I just want to be clear exactly what we're looking at here so we're all on the same page  
15 thank you.

16 **MS ANDERSON:** Can you include the text underneath of what we've got there. So this was an  
17 attachment to the letter that Cooper Legal have sent. You can see at the bottom there  
18 there's a reference to some General Synod Standing Committee minutes. I can confirm,  
19 and asking you to assume for the moment, that it's correct that these are extracts from an  
20 Australian Synod committee, not New Zealand, and this identifies principles to provide  
21 pastoral care and assistance to those who have been sexually abused by clergy or workers,  
22 or church workers.

23 So you can see that what's happened here is that Cooper Legal have provided you as  
24 well as saying you need a clear process, they've actually given you material from Australia  
25 that identifies what a voluntary scheme might have some elements of. So that's at that  
26 point. And that was the attachment to the 29 July — sorry, the 22 December 2016 letter.

27 And then if we move forward to ANG004388 and what we'll see in this document,  
28 Archbishop, is the reference to the meeting that you recall having as a consequence of  
29 concerns being raised. So it refers to having had a meeting in May 2017 to raise the  
30 concerns.

31 And again, what's provided at this time, we won't have time to go through it, but is  
32 again an outline of the concerns they've had and some suggestions on the way forward.  
33 And again, we won't, in the interests of time, go to them, but there's a similar  
34 correspondence between Cooper Legal and the Anglican Trust for Women and Children.

1 **ARCHBISHOP PHILIP:** Right, so the letter in December was what prompted our visit to  
2 Cooper Legal which is referred to in this letter, so one followed the other.

3 **MS ANDERSON:** One followed the other?

4 **ARCHBISHOP PHILIP:** Yeah.

5 **MS ANDERSON:** What, from your perspective, what action followed that meeting in May 2017?

6 **ARCHBISHOP PHILIP:** This was part of what I believe was a growing body of evidence, if you  
7 like, that we needed to substantially reform our Title D. I've already acknowledged that  
8 that is only dealing with part of the issues raised. But from the perspective that we were  
9 looking at this, the greatest impediment to independence and transparency and consistency  
10 for survivors was our disaggregated Diocesan system and the fact that bishops were acting  
11 inconsistently, or I think that's probably unfair to the collective, but the potential for  
12 significant inconsistency was inherent in our system. So rightly or wrongly we started at  
13 that point and this was one of the prompts.

14 **MS ANDERSON:** So in this prompt, is this a prompt towards reform of Title D, or is it a prompt  
15 to reform of something else?

16 **ARCHBISHOP PHILIP:** We certainly acknowledged in the process, I remember a discussion at  
17 the General Synod Standing Committee, that it needed to be much more holistic than our  
18 Title D, a review of Title D, and I think the minutes would show that there were a number  
19 of discussions where members of the Standing Committee raised concerns about a holistic  
20 approach to survivor support and care. But it was more in that sort of language, about  
21 support and care rather than driving a process from a survivor perspective.

22 **MS ANDERSON:** So standing back now thinking about the sequence of the documents that I've  
23 taken you through, some internal, some from people reaching into the church with  
24 messaging, so that's beginning reference to a crisis in 1989 through to you've met with  
25 Cooper Legal in May 2017. Do you agree that's a very long period where there seems to  
26 have been a consistent message being given you should have a process and it needs to be  
27 designed in accordance with certain survivor-focused needs in mind?

28 **ARCHBISHOP PHILIP:** Yeah, look when you lay it out in the way that you have it's pretty  
29 irrefutable, and I wouldn't want to try and rationalise our way out of that. The biggest  
30 challenge to this church has been how we commit to a collective approach, and a collective  
31 approach that takes account not only of the jurisdiction of bishops but the tikanga diversity  
32 which we had committed ourselves to in 1992. All of that, from the perspective of the  
33 survivor is pretty unconvincing I suggest. It's clearly there. A lot of the material you've  
34 referred to has had some influence on the educative training area that I've talked about.

1 **MS ANDERSON:** From a safeguarding perspective?

2 **ARCHBISHOP PHILIP:** Yeah, but not in terms of front-ending our processes, that's taken far  
3 too long.

4 **MS ANDERSON:** We're just at the break, but before we break, one of the observations is that this  
5 is a Church that, from a period where there were certain changes in 1984 through to your  
6 constitutional changes in 1992, have created a world unique constitutional structure for the  
7 Church in a period of time that's much shorter on one view than the period of time to deal  
8 with how do we create a process to respond to survivors coming forward to us. Would you  
9 agree that, looking at those two things, a question that emerges is why?

10 **ARCHBISHOP DON:** Can I say, not quite. From a Māori point of view it's taken us from 1814.  
11 So to —

12 **MS ANDERSON:** I accept that.

13 **ARCHBISHOP DON:** — to get to a constitution that's attempting to reflect the Treaty of  
14 Waitangi. But again I want to echo Archbishop Philip's reflection, from a survivor's point  
15 of view that's not acceptable.

16 **MS ANDERSON:** But what's the explanation, why is it proving so hard?

17 **ARCHBISHOP DON:** We don't want to rationalise this in a way that diminishes the suffering of  
18 survivors. But the context that we operate in has challenges, you know, obviously that are  
19 our challenges, and this particular matter doesn't exist in isolation or in a vacuum. There  
20 are a number of conversations that we have to have to build unity and consensus. A little  
21 bit like trying to get multiple district councils to work together on something, a couple of,  
22 you know, political parties to work together; these are very particular human and  
23 community challenges that we have.

24 In context, though, and particularly I think Archbishop Philip would agree, the  
25 changes that we're beginning to implement are accelerated as we bring this matter to the  
26 fore, so that in no way excuses the pace of change, but just in an attempt to respond to your  
27 question, trying to describe the nature of the challenges that are before us as we try to  
28 change.

29 **MS ANDERSON:** Thank you. Archbishop, you look like you've got something you're wanting to  
30 add to that?

31 **ARCHBISHOP PHILIP:** It feels very difficult to say anything that doesn't in any way diminish  
32 the significance of this kaupapa and our failures in the face of this kaupapa. Every week  
33 there are literally thousands of pastoral encounters and the primary work that faces us on a  
34 day-by-day basis is ensuring that those pastoral encounters are undertaken by clergy who

1 are living and working sacrificially and that they do so to the very highest of standards and  
2 you know, that's a constant, constant challenge.

3 And then it feels like the kind of bigger issues, like wrestling as we have done for,  
4 as Archbishop Don says, more than 200 years with what a Treaty based gospel driven  
5 Church might look like consumes huge energy. The fact that the Church was wrestling for  
6 the best part of 20 years with gender equity and the place of LGBTQI members of our  
7 church in our life and they absorb and consume significant amounts of energy and  
8 controversy. And I think the blunt and honest truth is that we haven't attended, as our  
9 gospel would require us to, to the most vulnerable. And this Commission has put the most  
10 vulnerable in front of our faces.

11 **MS ANDERSON:** Thank you. That might be an appropriate place to take the morning  
12 adjournment.

13 **CHAIR:** I agree, we'll take 15 minutes. Thank you.

14 **Adjournment from 11.36 am to 11.57 am**

15 **CHAIR:** Thank you, yes Ms Anderson.

16 **MS ANDERSON:** Moving slightly forward in time again to the 2019 policy document that you've  
17 been making reference to, we're going to have a little bit more of a look at that in detail, but  
18 we'll just get that called up on the screen, page 1 of that. While that's just happening, am  
19 I right that the 2018 Standing Committee Synod notes refer to an earlier version of this that  
20 had been in circulation and in discussion the year prior to this version being circulated  
21 internally for comment?

22 **ARCHBISHOP PHILIP:** Yeah, I think that's right. I can't be categorical about that. I believe  
23 there was an earlier version.

24 **MS ANDERSON:** And we'll come back to that because I will be looking backwards slightly to  
25 the 2018 version while we're — but we can confirm this is the most current draft when  
26 you've given your witness statement at the end of last year and provided this as one of the  
27 documents you've referred to, this is the most recent document.

28 **ARCHBISHOP PHILIP:** At the time when the witness statement was prepared, yes.

29 **MS ANDERSON:** There may be ongoing work —

30 **ARCHBISHOP PHILIP:** Correct.

31 **MS ANDERSON:** — after that date. As at December 2020, this was the current version.

32 **ARCHBISHOP PHILIP:** Correct.

33 **MS ANDERSON:** And we can see the description that it's addressing abuse, principles and  
34 procedure in responding to complaints of abuse. The use of that language there of

1 "complaints", given the complaints and claims distinction you've made in your witness  
2 statement about complaints going to a Title D process; is the word "complaints" being used  
3 here in a different sense?

4 **ARCHBISHOP PHILIP:** Am I able to refer to the document?

5 **MS ANDERSON:** Sorry, have you got it on the screen in front of you?

6 **ARCHBISHOP PHILIP:** I've got the front page.

7 **CHAIR:** Would you like to see the hard copy?

8 **ARCHBISHOP PHILIP:** If at all possible, I just want to be able to orientate myself if possible.

9 **CHAIR:** I'm sure that's possible.

10 **MS ANDERSON:** It's WITN0265017.

11 **CHAIR:** Sorry, we're all looking at Madam Registrar, we should all look somewhere else, it's  
12 horrible to be spied on. There isn't another bundle of documents available, is there?

13 **MS ANDERSON:** While we're doing that perhaps we could move to the second page which  
14 might help you give some more context while we're taking some steps to ensure you've got  
15 a complete copy of the full document. Could we just expand, highlight those.

16 **ARCHBISHOP PHILIP:** Thank you, look for the Registrar, I'm fine now, thank you, I just  
17 needed to orientate myself that I —

18 **MS ANDERSON:** That you were in the right document.

19 **ARCHBISHOP PHILIP:** In the right document, yeah. I know lawyers are used to bundles of  
20 documents but it sits that high and I'm getting a little confused, my apologies, I'm in the  
21 zone.

22 **CHAIR:** You're not the only one, Archbishop.

23 **MS ANDERSON:** So this is the introductory comments and it sets it up, doesn't it, that the  
24 principles and procedures have been adopted to give practical effect to the commitment,  
25 and that is the commitment to acknowledge wrongdoing in the form of abuse of anyone  
26 within the care of the Church. The commitment extends to providing redress where there  
27 has been wrongdoing and to reviewing policies and procedures to prevent the recurrence of  
28 similar wrongs. So quite a firm commitment.

29 **ARCHBISHOP PHILIP:** Indeed.

30 **MS ANDERSON:** And the principles that are identified there, do you want to just read those out  
31 and make any comments you wish to make in relation to each of them?

32 **ARCHBISHOP PHILIP:** 1.2 to d?

33 **MS ANDERSON:** Yes.

34 **ARCHBISHOP PHILIP:** "The focus of the principles and processes on providing a process that

1 is complainant-centred while ensuring the principles of natural justice are observed."  
2 Maybe I'll read through them all. "Establishing on balance of probabilities what occurred.  
3 Acknowledging and accepting institutional responsibility. Providing redress and making  
4 changes to practises and procedures to rectify any institutional failings."

5 So some general comments first. The first is that, you know, when you look at  
6 something again with a set of eyes that have listened to survivor evidence, you would want  
7 the language to be different. So "providing a process that is survivor-centred while  
8 ensuring the principles of natural justice are observed." There would seem to me to —  
9 need to read this alongside the Title D process, so it may well be that a process around  
10 discipline is underway or has already been concluded. So "the principles of natural justice  
11 if they apply to a respondent", may already have been catered for. "Establishing on balance  
12 of probabilities what had occurred"; again, there may be other processes, whether criminal  
13 processes or the internal Title D process that have addressed the question of balance of  
14 probability.

15 But if this is without either of those processes, and it's hard to imagine something of  
16 this kind of seriousness, talking about abuse around which there isn't a more investigative  
17 element already taking place or has taken place. "Acknowledging and accepting  
18 institutional responsibility", I think that whole matter of vicarious responsibility is key, and  
19 I think this document focuses in on responsibility and the responsibility of the individual,  
20 the responsibility of the institution when it comes to talking about redress, so I think that  
21 language is appropriate. The provision of redress, obviously as we've said this is an early  
22 document in that process.

23 And then the consequential element of that is exactly the kind of deficit that you've  
24 picked up and identified prior to the break, which is that we've had a number of  
25 opportunities through some very good reflections on our life and practise to make  
26 adjustments and they haven't been made. So the consequence of a policy which is adopted  
27 by our General Synod now with the basis of cross-episcopal entities and cross-Tikanga  
28 commitments established, that would be the basis for this sort of implementation.

29 **MS ANDERSON:** And we'll come on because the rest of the documents sets out some principles  
30 first and then it sets out some procedures, doesn't it?

31 **ARCHBISHOP PHILIP:** Sure.

32 **MS ANDERSON:** In terms of the references we saw on the front page to persons making a  
33 complaint of abuse, and we've got the language here of complainant.

34 **ARCHBISHOP PHILIP:** Mmm.

1 **MS ANDERSON:** If somebody is coming forward to the church and can we agree that perhaps at  
2 that point we'll use the language of making a disclosure, so they're disclosing that some  
3 harm has happened to them through the actions of a person subject to the authority of the  
4 Church. So using that language of disclosure, how somebody coming forward, and you've  
5 talked about in your witness statement of effectively two pathways in the back room. So  
6 once they come in through the door you've got your discipline track for a complaint and  
7 your redress track for what you're thinking of as a claim.

8 So if somebody was looking at this document and looking at coming forward, what  
9 would be explained to them about the interrelationship of making a disclosure that might  
10 mean that the institution wishes to proceed on a discipline track with the individual while  
11 the person is also looking for the response that they're looking for their own person from  
12 the Church?

13 **ARCHBISHOP PHILIP:** What would be available?

14 **MS ANDERSON:** Yes.

15 **ARCHBISHOP PHILIP:** Just a reflection, if I may. I wonder what invites people to open the  
16 door or to knock on the door. What is it that says this might be a door that's safe, what says  
17 this is a place where both accountability in terms of the handling of discipline, so  
18 accountability of the individual and responsibility, which is my imperfect understanding of  
19 redress both for the individual and for the institution making redress I mean to a survivor;  
20 what actually encourages you to approach that door, to have confidence in it. We have  
21 acknowledged that we have given no reason to give people the confidence to approach that  
22 door, or to trust what they might find on the other side of that door.

23 That said, and, you know, acknowledging that our Ministry Standards Commission,  
24 the five Commissioners and those who are supporting them are very new, but —

25 **CHAIR:** Just slow down a little bit, Archbishop.

26 **ARCHBISHOP PHILIP:** My apologies.

27 **CHAIR:** That's all right.

28 **ARCHBISHOP PHILIP:** What I'm finding encouraging is that these are exactly the debates that  
29 are going on within that Commission as they look at the establishment processes. So what  
30 front-ends it, you talked about the two engines, if you like, or the two back rooms, what  
31 actually front-ends that, what would provide ease of access, what would ensure support,  
32 what would ensure clarity of — what process might look like without having to commit  
33 yourself even to a conversation perhaps, but, you know, readily available information.

34 So you'll remember that in the Ministry Standards Commission description there is

1 a high educational component and element, and a high component of ensuring facilitation  
2 and access of process. So that's the very conversation that they're having at the moment.

3 There's nothing in the language of this document that would encourage you to feel  
4 that it's going to be empathetic by way of process. I think there are other things that have to  
5 be put in front of it.

6 **MS ANDERSON:** Before we continue on with this document, because I'm just going to have an  
7 aspect of the scope under the statute for the Ministry Standards Commission called up on  
8 the screen because I think that will be relevant just to jump to that point at the moment  
9 before we come back and continue with a dialogue about this document.

10 **CHAIR:** This is the most recent?

11 **MS ANDERSON:** This is the 2020 Canon because the Ministry Standards Commission, of  
12 course, didn't exist prior to being established under this.

13 So just looking at the functions and powers of that Commission, it can give general  
14 advice as to matters of discipline, it can issue guidelines on vetting; so that's effectively to  
15 safeguard first, discipline, second safeguarding role. It can issue codes of practice and  
16 general policy guidance to persons exercising functions in connection with ministry  
17 standards, including on training required in relation to ministry standards. And we'll come  
18 back to what might be within the ambit of that. It can audit certain units of the church in  
19 relation to training and monitoring of ministers, it can issue regulations and that's, of  
20 course, about the disciplinary process of the tribunal itself. And it can maintain a list of  
21 those qualified and prepared to act as Church advocates and make arrangements for the  
22 provision of those fundings.

23 It also maintains a list of certain qualified people, appoints the registrar, gives  
24 advice to the registrar on matters of tikanga and doctrine, maintains a list of persons who  
25 can act as chaplains to provide pastoral support and to report at each session of the General  
26 Synod.

27 So in terms of your perspective that the Ministry Standards Commission has got an  
28 active role in relation to developing a redress process as opposed to a focus on discipline  
29 and safeguarding elements in that mandate, where do you see the mandate under the statute  
30 for the Commission to have that role?

31 **ARCHBISHOP PHILIP:** So it's absent at the moment and the commitment that's sort of  
32 evidenced by the exploration around what redress might look like has implications for this  
33 Title. As you're aware, we were wanting to get this statute across the line in May of 2020,  
34 recognising that there are significant further developments that need to take place.

1 I mean the language of redress and the understanding of redress is something that  
2 this Commission has brought into really sharp focus, so it's a clear omission, but not in the  
3 sense of — the point and focus of the work over the last four years on this has been around  
4 trying to get our disciplinary process into an independent and transparently independent  
5 form.

6 **MS ANDERSON:** So it is fair so say, isn't it, that quite a lot of focus has been directed at the  
7 reform of the Title D statute itself?

8 **ARCHBISHOP PHILIP:** Absolutely. What I was observing was that what the Ministry  
9 Standards Commissioners themselves are finding is that they cannot enter into the work  
10 they're doing around the policies and procedures in relation to handling disclosure and  
11 complaint — sorry, I get carried away with myself — without also considering how the  
12 church and the individual take responsibility. Discipline and the consequence of that  
13 disciplinary process addresses the ongoing professional status of the respondent. How the  
14 church as institution and how the individual, the respondent, takes responsibility directly  
15 towards the survivor is a completely different matter. That's what this document seeks to  
16 start the conversation around. But it is behind our work on the disciplinary Canon.

17 **MS ANDERSON:** Just coming back to the 2019 document, just looking at section 2 which I think  
18 begins on page 3 of the document, as I said, the first section sets out principles. So we'll  
19 just — while those are being expanded, the first set of principles, just to orientate the  
20 Commissioners to it, there is certainly, you see there, the response to abuse must  
21 acknowledge the wrong which has been done to those who have suffered the abuse. We'll  
22 come back to the question, I'll flag it now, Archbishop Richardson, about at what point  
23 through this process might there be an acceptance of wrong, does that come after the  
24 investigation or whatever, but this is a clear principle of accepting, acknowledging the  
25 wrong, should that be established.

26 Just moving down to the next key principle is that the investigations must be robust  
27 and unflinching. And then down to the third principle at the bottom of that page, 2.3,  
28 complaints must be dealt with in a timely manner. So those are the three core principles  
29 and the rest of the aspects expressed under each of those principles clarify aspects of those  
30 core principles.

31 What I'm going to do now is to have called up on Trial Director the 2018 version of  
32 these principles that had some significant differences to the principles articulated before we  
33 move into a comparative look at the procedures. So we can see there, just calling up 2.1,  
34 we can see a similar core principle that the response to abuse must be to acknowledge the

1 wrong. Then coming down to 2.2 we see the same principle that investigations must be  
2 robust and unflinching.

3 We don't, in this version, have the equivalent of the 2.3 that we've just looked at in  
4 terms of timeliness. But just coming down to the rest part of that page I'll just give you a  
5 little moment to read through.

6 So express reference to consider addressing whanaungatanga. Over the page, if you  
7 can highlight the top half of the page, reference to the church being a family to abusers as  
8 well. Next principle of considering addressing mana. Further down the page consider  
9 addressing tapu, consider addressing utu and over the page, consider addressing  
10 kaitiakitanga. And those matters that are stipulated there in the 2018 version accord very  
11 strongly with matters that both you and Archbishop Tamihere have been identifying as  
12 what should be within a redress system. Is there a specific reason that you can recall that  
13 that component must have come out of the 2019 version?

14 **ARCHBISHOP DON:** If I recall correctly I think partially because we wanted more time to  
15 wānanga, to dialogue those principles further. It's very difficult in the context of  
16 developing a document or an approach like this to kind of codify the full extent within  
17 which we would apply tikanga. So, you know, if we chose four principles, it doesn't mean  
18 there's not a fifth or a sixth that are equally valuable. So it's my recollection of the  
19 reasoning that there would be ongoing development of that tikanga within the structure of  
20 that document you have.

21 **MS ANDERSON:** Has that dialogue been continuing since that 2018 version? Are you able to  
22 expand on where that might be landing or when that might resurface in a written form that  
23 the Inquiry might have access to?

24 **ARCHBISHOP DON:** It's hard for me to say, certainly we could capture the development of our  
25 dialogue if the Commission required, but for me, just to say that it's also in context of our  
26 broader conversations around how we indigenise and inculturate our ministry and practise  
27 as a Māori Church within the context of our three tikanga structures. It's not in a vacuum  
28 and it's progressing in that space.

29 **MS ANDERSON:** So ongoing activity.

30 **COMMISSIONER STEENSON:** May I ask — tēnā koe.

31 **ARCHBISHOP DON:** Kia ora.

32 **COMMISSIONER STEENSON:** So that was around having wānanga around which principles  
33 to include, tikanga principles, rather than removing them entirely?

34 **ARCHBISHOP DON:** Yes, absolutely.

- 1 **COMMISSIONER STEENSON:** Thank you.
- 2 **COMMISSIONER ERUETI:** May I follow-up too. I understand that, I understand that if you're  
3 talking about ngā whakaaro nui(?),[\[part 2 24.50\]](#) these concepts at that broad level you  
4 don't know where to stop, right. But it seems from this description that you've got the core  
5 principles that I would expect to see a document of this nature. Would you agree with that?
- 6 **ARCHBISHOP DON:** Yeah, you certainly wouldn't want to see any of these principles missing.
- 7 **COMMISSIONER ERUETI:** That's right, you certainly wouldn't. And you may add other  
8 concepts. I'm not sure whether whakapapa is there or aroha and other concepts. So I take it  
9 from that, then, where you draw the bounds is an issue that's happening within the ngā  
10 amorangi, is that where the points of difference are?
- 11 **ARCHBISHOP DON:** Yes, so part of it is, you know, our desire to really have the depth of  
12 wānanga that is required to honour this kaupapa, so that we could have some accuracy in  
13 terms of the principles that we are choosing to apply. Again, this is against a background  
14 that kind of constitutionally anything we do within the Church must adhere to  
15 tikanga-appropriate principles anyway. But some of it is also — I think one thing we're  
16 sensitive to certainly within our hāhi is we don't want to be monolithic, even when it comes  
17 to Māori principles. So, you know, a Ngāti Porou approach I would expect to be different  
18 maybe to a Te Arawa-centred approach, a Ngai Tahu-centred approach. And more and  
19 more we're wanting to allow for that diversity within our own space. It doesn't take us  
20 away from fundamental principles necessarily, but it's more about the ways within which  
21 we can come to understand those principles and therefore how they can be applied.
- 22 **COMMISSIONER ERUETI:** I can understand, appreciate that too, about the different  
23 perspectives from hapū and iwi about the application or what goes in the basket, if you like.  
24 Is there also a challenge too with having these as principles for the other primates, the  
25 Pasefika and the Pākehā primates?
- 26 **ARCHBISHOP DON:** Absolutely. We never assume that these things can be just transferable  
27 into another cultural context. But the significant dimension for us as a hāhi is that the  
28 wānanga of our faith can often lead these principles to take on a different dimension. So  
29 just for the sake of example, sorry, a concept like rangatiratanga, in public discourse tends  
30 to be more defined by the Treaty sector. And it leads you to arrive at a certain  
31 understanding. If we were to wānanga the understanding of rangatiratanga against the  
32 principles of the gospel, where we end up is understanding rangatiratanga as servanthood.  
33 So within a church context there's a dimension for us to add and bring a greater scope,  
34 I guess, to the way these principles are applied.

1 **ARCHBISHOP PHILIP:** If I could just add, perhaps responding also to Ms Anderson, I think the  
2 difficulty with the 2018 version was that it had not come from Tikanga Māori, I think  
3 Archbishop's been very careful in what he said. But the reality is that those principles had  
4 not arrived in that document as a result of the Pihopatanga doing their work around that, or  
5 a kind of discussion that needed to happen between Tikanga, and Pasefika hadn't been  
6 engaged at all. So the view was in terms of 2019, it was better to take out and effectively  
7 leave the space and all the implications of that, given we'd already begun the discussions  
8 around it, than to leave something in that had not been appropriately formed.

9 **COMMISSIONER ERUETI:** Can I just quickly, just to follow-up on counsel's question, what  
10 specifically will you do now, what's the next steps to resolve all these wānanga, all these  
11 difficult questions?

12 **ARCHBISHOP DON:** I suppose a key component of the word "wānanga " is the understanding  
13 of time. I don't want to say disingenuously that wānanga takes as long as it takes, but we're  
14 engaged in the process of understanding the importance of providing outcomes for our  
15 survivors. So a big part of the wānanga is also us determining how do we envisage our  
16 tamaiti, mokopuna, our vulnerable people at the centre of this conversation. I don't want to  
17 say about timing, but that's the focus and direction for us at the moment.

18 **COMMISSIONER ERUETI:** Yes, because obviously time is of the essence, we have survivors  
19 and communities who are waiting for a process. So while we're waiting for something to  
20 be established, a concern they would have is what is being done in the interim to address  
21 those needs; the person who came to see you in Hawera over the weekend, for instance. I'll  
22 leave it to counsel to continue with their questioning, but simply to explore with you later,  
23 thank you.

24 **MS ANDERSON:** Thank you. That is an aspect that we'll come back to a little bit later in terms  
25 of what would happen to somebody now coming forward. In terms of looking at the  
26 procedures that are in the 2019 draft policy, we won't have time to go through all of these,  
27 but the structure of it, as you'd expect, is to set out certain definitions, including the  
28 definition of abuse, which is broadly framed here, including physical, sexual or  
29 psychological abuse.

30 Then am I right in terms of what happens under this process is that there is an  
31 investigator and they're the person that receives and processes a complaint from a person  
32 coming forward? Let's use the word "disclosure", who processes a disclosure from a  
33 person coming forward. So under this system that's the role of the, effectively the registrar  
34 and the Title D process, isn't it, that here you've got somebody who's got the label of

1 investigator, and although they're the investigator, they don't actually, necessarily  
2 themselves, carry out all aspects of the investigation, they appoint an interviewer who will  
3 then go and interview the person who's come forward with the disclosure. Is that your  
4 understanding of that initial phase of the procedures?

5 **ARCHBISHOP PHILIP:** The simple answer is yes, and the more complicated answer is that  
6 those titles and the processes are also open to really quite significant tikanga development.

7 **MS ANDERSON:** And we've heard reference, haven't we, that it might be how can we  
8 accommodate an element of choice of an appropriate person that the person coming in  
9 through the door wishes to engage with. So you're giving consideration to that.

10 But for the moment we've got this language, it's a person, and it may be the most  
11 culturally appropriate or gender appropriate or whatever, but it's a person is to receive and  
12 process the complaints of abuse. And they have to appoint for the person coming in  
13 through the door a contact person for them, so there's a linking in of another person who  
14 will — a person who will engage directly with the survivor coming forward.

15 And the investigator does this process of meeting with the complainant only and  
16 then we get to a point where they're really making a recommendation about whether an  
17 investigation should be launched. So that's the first phase, isn't it? The respondent's not  
18 spoken to at that time, by the interviewer, it's just simply an interview with a complainant.

19 **ARCHBISHOP PHILIP:** Yeah, I'm just feeling a little bit of a lack of not having the document  
20 in front of me.

21 **MS ANDERSON:** Shall we track through it a little bit shall we.

22 **ARCHBISHOP PHILIP:** Sure, thank you. I'm sure you're right, I'm not wanting to challenge  
23 that.

24 **MS ANDERSON:** As we know, sometimes we try to go more quickly and it doesn't quite work  
25 out that way.

26 **ARCHBISHOP PHILIP:** My problem is I don't recollect detail in that kind of way, I need to  
27 have it in front of me.

28 **MS ANDERSON:** I think unhelpfully the policy document refers to a diagram attached which I  
29 think would help us, but —

30 **ARCHBISHOP PHILIP:** It probably would.

31 **MS ANDERSON:** — which is not attached at the moment. If we're starting at procedures, you see  
32 just as a quick scan down the page that you've got at 3.1, that this describes this section is  
33 about the procedures. It gives some definitions there, as I've said, talks a bit about records,  
34 structures and personnel.

1           Then we just move over to the next page. Talks about the functions of the  
2 investigator there at paragraph b. which includes receiving the complaint and ensuring that  
3 there's an investigation. And at subparagraph iv. you see that to appoint for complaints a  
4 contact person etc. And down at the bottom they've got a power to recommend a  
5 suspension and at x. to recommend whether a disciplinary process should be commenced as  
6 a result of the complaint. And there probably is a lack of clarity at this point, so I'm  
7 checking this with you, about in fact how a disciplinary process would interact or intercept  
8 with this redress process.

9 **ARCHBISHOP PHILIP:** Correct, because the disciplinary process can only deal with those who  
10 hold a licence either as an ordained person, a lay person or are officially an office holder;  
11 because as we could imagine this applying across our schools, applying across our care  
12 institutions and across the core of the church as well, this would be picking that up in a way  
13 that Title D cannot.

14 **MS ANDERSON:** And then if we just call out f., the investigator is responsible for seeing that all  
15 pastoral and legal obligations are identified and acted upon promptly. Over at paragraph  
16 3.5 on the next page, if we just call out all of that, it has to carry out these functions which  
17 is an interview of the person making the complaint by a skilled person, to provide for the  
18 ongoing support of the person making the complaint and for the accused and investigation  
19 of the complaint.

20           You can see there that there doesn't seem to be a reference to the need that family  
21 and other people around the complainant might need also to have support and care offered  
22 to them. Is that an aspect that's likely to come back into whatever policy you're  
23 developing?

24 **ARCHBISHOP PHILIP:** I can't imagine that this kind of language, its structure, its individuation  
25 would get past Tikanga Māori or Tikanga Pasefika as they fully engage with this draft. It's  
26 also striking in terms of the language when you look at it with fresh eyes, but also  
27 omissions like in terms of abuse might have expected a document like this to have included  
28 spiritual abuse which has a particular form and shape to it, and we might have some  
29 expertise at identifying that, yet we haven't even named it, or cultural abuse.

30 **MS ANDERSON:** Certainly in the Tikanga Māori parts that were in the 2018 version you do —

31 **ARCHBISHOP PHILIP:** It's identified.

32 **MS ANDERSON:** — express reference to that spiritual —

33 **ARCHBISHOP PHILIP:** Correct.

34 **MS ANDERSON:** — abuse dynamic which, as you say, is currently lacking from the document.

1 **ARCHBISHOP PHILIP:** Yes.

2 **MS ANDERSON:** So coming through for, just so you get a little bit more of a sense of the  
3 document; over at 4.3 we can see that this is the person appointed by the investigator to  
4 interview the person coming forward with the disclosure.

5 **ARCHBISHOP PHILIP:** Mmm-hmm.

6 **MS ANDERSON:** And then over the page at g. and after receiving a report of the interview. So  
7 this is just having talked to the complainant, so it's effectively establishing does it look on  
8 the face of things that there might be something here. Then the investigator, having  
9 received the report from the interviewer, decides that the complaint requires investigation.  
10 So that's the initial triage component. And then you can see on the balance of the page that  
11 for an investigation, terms of reference are to be developed, there may be further inquiries  
12 and it's at that point the, shall we use the language "respondent" might be spoken to or  
13 others might be spoken to?

14 **ARCHBISHOP PHILIP:** Yes.

15 **MS ANDERSON:** Then coming over on (ix) on the next page, at the conclusion of all the  
16 interviews of the complainant the accused and any corroborative witnesses — a factual  
17 report should be written by the investigators. Just calling up the next two points, we can  
18 see there, can't we, that it's not appropriate for the entity to be conducting its own  
19 proceedings at the same time as any secular proceedings.

20 The use of the word "proceedings" there, is that a reference to this complaint  
21 process or is that a reference back to Title D? Shouldn't be conducting your own  
22 proceedings while there's something happening either with Police or with Oranga Tamariki  
23 or if litigation's been issued in court.

24 **ARCHBISHOP PHILIP:** I've got to assume that it refers to both, depending on the context of  
25 who is responding. So is it someone who's licensed, is it someone who's an office holder,  
26 the process would be followed under Title D. Anyone who's made a declaration of  
27 adherence, or is it someone in an entity or holds a different role or position, may be  
28 governed by an employment contract or, you know, some other form of relational  
29 document.

30 **MS ANDERSON:** So we see this point from a victim survivor perspective that they might have  
31 come in through the door with their disclosure, then it might be they're being told this  
32 process here has to be put on hold until processes in other fora are resolved.

33 **ARCHBISHOP PHILIP:** I think, you know, your own process within the Commission has found  
34 a way of dealing with that for survivors, where the integrity of their experience can be held

1 in one process while, you know, for example, the criminal process is being undertaken. So  
2 you know, I mean I would need to seek advice, that's always a dangerous thing to do, but it  
3 seems to me that that clause might be somewhat more prescriptive than we need. You can  
4 tell what profession's written this draft, can't you. It's not a theologian.

5 **MS ANDERSON:** But the engagement across the Church in commenting on this draft and input  
6 to it to get to this point, that's been circulated a lot, hasn't it, within people, ordained  
7 persons within the Church. Hasn't there been quite a wide — obviously hasn't gone out to  
8 survivors for comment, but within the church it's been quite widely circulated?

9 **ARCHBISHOP PHILIP:** Yes, I think to be fair, the group that have done the most work on this  
10 is our school community. It lacks good scrutiny across both the Anglican Care network. I  
11 understand that they're reviewing it, but certainly across the episcopal units, which would  
12 mean that some of our people who are involved in ensuring the quality of ministry, our  
13 ministry educators, for example, our archdeacons who are kind of like regional overseers,  
14 haven't had a chance to engage. But really looking at this language I'm not sure I'd want  
15 them to just yet.

16 **MS ANDERSON:** So a work in progress?

17 **ARCHBISHOP PHILIP:** Work in progress.

18 **MS ANDERSON:** Coming over to 4.7 on — sorry, the pages are not numbered but my expert  
19 will be able to locate that. Just calling up and highlighting the first part of resolution,  
20 calling that out. So this deals with what might occur after the investigation's been  
21 completed. So it can be resolved by an admission of guilt, proven through the investigative  
22 process, or it could be not proven, so those are the three outcomes identified there, aren't  
23 they, not surprising this themselves.

24 **ARCHBISHOP PHILIP:** Yes.

25 **MS ANDERSON:** Then we see at b. the Board, this is really a reference, isn't it — the policy has  
26 been drafted on that it might apply to a range of different entities, but the language of the  
27 Board; so, for example, if we were looking at that in the context of a bishop for their  
28 diocese, would it be that you'd read that reference there to the board being responsible for  
29 resolving the complaint having received the recommendations, would that be a bishop in a  
30 parish context?

31 **ARCHBISHOP PHILIP:** It would, I think, depend on the nature of the complaint, but assuming  
32 abuse, yes. Clearly in a school it relates to something else, clearly in a care institution it  
33 relates to something else. The boards of those bodies.

34 **MS ANDERSON:** But the policy intent there is that it will go back to a decision-maker within the

1 relevant entity?

2 **ARCHBISHOP PHILIP:** Correct.

3 **MS ANDERSON:** So not an independent person?

4 **ARCHBISHOP PHILIP:** Correct.

5 **MS ANDERSON:** And just highlighting c. from the bottom of that page and across to the top of  
6 the next page, we see what's happening here is that the investigator, having completed the  
7 investigation, effectively makes recommendations, and that's not surprising in itself  
8 necessarily, is it?

9 **ARCHBISHOP PHILIP:** No.

10 **MS ANDERSON:** Although often it might be the case that it's simply findings of facts and in an  
11 employment law context, someone doing an employment law investigation would simply  
12 coming forward with findings of fact not what should happen as a consequence.

13 So we see here the factors taken into account when making those recommendations  
14 are whether the complaint's proven, what might be a suitable way of acknowledging and/or  
15 apologising, what support and assistance is needed to the — and we see here's the reference  
16 to the victim's family or friends, so we've got the concept coming through here of a wider  
17 group of people who are harmed by a single or multiple instances of abuse to a particular  
18 individual. A recommendation on penalty, what support, treatment or rehabilitation is  
19 needed by the accused and any shortcomings in the entity's procedures, then with a final  
20 capsule any other matter relevant to the complaint.

21 So that's the bundle of factors under this policy. Have you got any observations that  
22 you wish to, or reflections you wish to make on the appropriateness of those as being what  
23 should be taken into account at that point?

24 **ARCHBISHOP PHILIP:** The piece that feels missing to me is impact. So the impact on the  
25 person who has disclosed, to use your language, which I think is a better language. Yeah.

26 **MS ANDERSON:** And that's consistent, isn't it, with a lot of what the inquiry has seen is that  
27 what should be the focus is the impact on the individual, because we know that a person  
28 might have suffered something that could be characterised as being at the minor end of the  
29 spectrum of abuse but it still can have a very profound impact on them and so there's a —  
30 it's not always that you would look to the nature of the conduct as the measure for what  
31 you're taking into account.

32 Just turning through, just a couple more minutes on this document here. Just  
33 looking at d. on just, calling that out. This is the outcome, so this is the core part for what a  
34 victim or survivor might be looking at what could happen for them after they've gone

1 through this process. So in the event of either guilt being admitted or it being proven, we  
2 can see there at 1, can't we, that the language that the well-being and recovery for the  
3 victim and recovery as far as possible from the harmful effects of the abuse including an  
4 apology on behalf of the entity. So reference to the potential apology.

5 Another common suggestion with a note there will need to be put forward in a  
6 sensitive way so as not to cause offence is that the victim may appreciate some counselling.  
7 In the case of sexual abuse the entity should also advise that there may be some payment  
8 for counselling expenses under the ACC provisions provided that ACC approves of the  
9 counsellor.

10 So what would your expectation be at the end of this process where there might be a  
11 discussion with an individual about whether counselling will assist, what's your reflection  
12 about the messaging there? Is it they should go and knock on another door to get that,  
13 would that be a fair impression somebody might take —

14 **ARCHBISHOP PHILIP:** I think — sorry.

15 **MS ANDERSON:** Would that be a fair impression of what that language might convey to  
16 somebody if they were seeing this in a publicly available policy?

17 **ARCHBISHOP PHILIP:** Language like "should also advise" reflects a kind of arm's-lengthing  
18 or an externalisation, which I don't think was intended but it's in the language.

19 **MS ANDERSON:** Then we see there in appropriate cases, and on receipt of legal advice, the  
20 entity may also contribute a lump sum determined in advance for counselling or provide  
21 general compensation that can be applied to counselling. Do you accept that it appears an  
22 intention in this policy to limit any financial redress to what might be required for  
23 counselling purposes?

24 **ARCHBISHOP PHILIP:** The only reference in there that I can see to payment, even in terms of  
25 the lump sum, has to do with counselling. Even the providing general compensation that  
26 can be applied to counselling is really specific and linked.

27 **MS ANDERSON:** Do you think it's appropriate to put that kind of boundary around what might  
28 be available by way of financial redress?

29 **ARCHBISHOP PHILIP:** I think all of the literature on redress suggests a wider understanding of  
30 what should be part of a range of options that can be used in terms of redress. So I would  
31 say that it's too limited.

32 **MS ANDERSON:** Thank you. Those conclude my questions in relation to the policy. We've just  
33 got one other topic that we'll commence before the break, we may not need to come back to  
34 it in the next session because we're concluding your evidence shortly, but we will be back

1 with both of you as primates for further evidence this afternoon.

2 In terms of redress outcomes, best practice, do you see that there's a role for the  
3 Church in attempting to seek out and find people that have been harmed in the care of the  
4 Church?

5 **ARCHBISHOP PHILIP:** Yes.

6 **MS ANDERSON:** And we've seen, haven't we, in the papers, and we won't go to it, but the  
7 institution, Sedgley institutions where the Board of Trustees at a certain point recognised  
8 that it looked like that there might have been systemic abuse in that institution and they  
9 issued public advertisements calling for people to come forward. Doesn't appear to be a  
10 mechanism that's been used very often, but it is one that's available to the Church, isn't it?

11 **ARCHBISHOP PHILIP:** It certainly is. In my memory it's an absolute stand-out in terms of an  
12 appropriate approach, and I think those who led that as a consequence quite quickly heard  
13 from survivors in a way that was quite compelling to the way the process followed from  
14 that. So it's clearly a good example and they are limited.

15 **MS ANDERSON:** Yes, but there are limited examples.

16 **ARCHBISHOP PHILIP:** Exactly.

17 **MS ANDERSON:** I'm just going to play a clip just before we lead into the adjournment. This is  
18 Neil Harding. (Video played). It's very powerful words reflecting that desire to be sought  
19 out. In terms of where the Church is heading in the future, do you see that there is a role  
20 for the church to take a much more proactive role in attempting to reach out to persons who  
21 might have been harmed in the care of the Church?

22 **ARCHBISHOP DON:** Absolutely.

23 **ARCHBISHOP PHILIP:** Can I just say, Neil came looking for the shepherd instead, to our  
24 shame. But I agree with Archbishop Don, absolutely. There is an increased and improved  
25 role. We need to figure out what are the kinds of ways of reaching out that are actually  
26 going to be appropriate, empathetic, without judgment or institutional self-interest. And  
27 that's a really fine balance to try and achieve. There's a face to the institution, but the  
28 institutional weight can quickly take over. So how do we ensure that it doesn't.

29 **MS ANDERSON:** Thank you. Commissioners may have some questions for you before we  
30 convene or would you prefer to keep your questions until the end?

31 **CHAIR:** Is there anything pressing we need to ask at this point? I think we will leave it at this  
32 point. We know we've got the pleasure of your company after lunch, so we will, if there's  
33 anything that arises we'll do that then. Ms Anderson, we'll take the lunch adjournment,  
34 we're going to take it until 2 o'clock?

- 1 **MS ANDERSON:** 2 pm.
- 2 **CHAIR:** You get a whole extra 5 minutes as a result of that. Thank you, we will adjourn until 2.
- 3 **ARCHBISHOP PHILIP:** Madam Chair, can I just seek a clarification?
- 4 **CHAIR:** Please.
- 5 **ARCHBISHOP PHILIP:** Have we finished the cross-examination? Are we able to speak with  
6 counsel over the lunch or not?
- 7 **CHAIR:** You've finished the questioning, we don't use the word cross-examinations.
- 8 **ARCHBISHOP PHILIP:** My apologies.
- 9 **CHAIR:** No, sorry, I'm just being sarcastic, we do try and call it questioning. Ms Anderson, do  
10 you have anything to say about that?
- 11 **MS ANDERSON:** I would say in relation to the evidence that's been responded to here from your  
12 statement, there would be no limitation, we're about to move into a new phase where when  
13 we come back the primates will read their evidence and questioning will continue in  
14 relation to that, so there is a separation.
- 15 **CHAIR:** So the answer is that if the questions relate to evidence yet to be given, no problem?
- 16 **MS ANDERSON:** Because they're not under examination in relation to that there's no issue in  
17 relation to that.
- 18 **CHAIR:** That sounds like a lawyer's response, Archbishop. Do you have any idea what was  
19 meant by that?
- 20 **ARCHBISHOP PHILIP:** I think it's yes we can talk over lunch?
- 21 **CHAIR:** You can talk over lunch about the evidence that you are about to give, but anything that  
22 relates to questioning about the redress process and all the matters, you'd be safer to not talk  
23 about that.
- 24 **ARCHBISHOP PHILIP:** Thank you very much.
- 25 **Luncheon adjournment from 12.57 pm to 2.04 pm**
- 26 **CHAIR:** Ms Guy Kidd.
- 27 **MRS GUY KIDD:** Tēnā koutou katoa Commissioners. We now have the witness statement of  
28 the Primates of the Anglican Church of Aotearoa New Zealand and Polynesia which will be  
29 read by Archbishop Don Tamihere. We're not going to read all of it but segments of  
30 particular relevance.
- 31 **CHAIR:** Thank you. Kia ora Archbishop Don.
- 32 **ARCHBISHOP DON:** Tēnā koe. Hē hōnore, he korōria, ki te atua i runga rawa, te kaihangā o te  
33 rangi me te whenua, te puna o te oranga, te ariki o te rongomau. E kore e mutu te mihi me  
34 te tangi ki ā rātou kua wehe atu ki te pō. Tēnā hoki tātou o rātou waihōtanga ki muri nei, e

1 whai nei i ō rātou tapuwae ki te tūtuki i ō rātou tūmanako nui. Kei te Kōmihana, koutou te  
2 Tiamana me ngā mema, koutou hoki te hunga āpiha me ngā kaimahi e hāpai nei i te  
3 kaupapa tapu o tēnei Kōmihana, tēnā koutou, tēnā koutou, tēnā koutou katoa. This  
4 statement comes from the three Archbishops of Tikanga Māori, Tikanga Pākehā and  
5 Tikanga Pasefika who jointly formed the Primacy of the Anglican Church in Aotearoa  
6 New Zealand and Polynesia.

7 He Whakapāha. On behalf of the Anglican Church in Aotearoa New Zealand and  
8 Polynesia we apologise to those who have suffered abuse while in the care of the church. It  
9 is horrific, shameful and completely unacceptable that people in our care have suffered  
10 abuse. We recognise and acknowledge that abuse has occurred within our church and we  
11 apologise unequivocally. We want to acknowledge the courage and the strength of those  
12 who have given testimony to this Royal Commission. It was incredibly difficult for us to  
13 hear about the abuse you suffered at the hands of people that represented our Church and  
14 were meant to uphold all its values. We were horrified and we felt ashamed. What we felt  
15 was nothing compared to what you suffered and went through. We apologise to you  
16 unequivocally.

17 We remain horrified and ashamed that children and vulnerable people in the care of  
18 the church were subjected to abuse. This abuse has been sexual, physical, verbal and  
19 emotional and was carried out by cruel, manipulative and predacious people. They took  
20 advantage of the positions of trust that they were given and used these positions to prey on  
21 the weak and vulnerable. Such behaviour is indefensible and completely antithetical to the  
22 gospel that we believe in and the values that we uphold.

23 On behalf of the church that they represented and that we represent, we want to say  
24 that we completely reject what they have done as being incompatible with our beliefs and  
25 values. It was and is completely wrong and unacceptable and we apologise unequivocally.

26 There is some evidence that some offending was ignored or covered up within the  
27 Church. To have ignored or covered up abuse is deplorable and sickening. This means that  
28 people within our Church failed to protect those in its care and clearly also failed to hold  
29 some perpetrators to account. We apologise unequivocally.

30 Survivors have had to live with the consequences of the trauma they suffered for  
31 decades. This suffering is almost impossible to comprehend. We want to extend our  
32 deepest sympathy and sorrow to you for all that has happened. We apologise  
33 unequivocally. We apologise to all who have been abused while in the care of the Church  
34 and have suffered through the failures of all those who were meant to protect and care for

1           them. We apologise also to their families who have also carried the long-term  
2           consequences of abuse. We acknowledge what has happened. We apologise unequivocally  
3           and without hesitation. We are sorry that this has happened and we want to do all that we  
4           can to ensure that it never ever happens again.

5   **MRS GUY KIDD:** Thank you Archbishop, I'll take you through to page 5, matters of tikanga.  
6           I'm just going to start at the top of that page and then go down to para 20 following your  
7           statement there.

8   **ARCHBISHOP DON:** In recognition that we have been singing this before at the beginning of  
9           every session, and just it seems appropriate to return to the power of its words. E hara i te  
10          mea no ināianei te aroha, no ngā tūpuna i tuku iho, i tuku iho. Love is not some mere  
11          recent and inconsequential thing, it is the most precious and enduring gift of our ancestors  
12          handed down from generation to generation. If I may, we've responded in this statement to  
13          questions and requests around our views on tikanga.

14   **MRS GUY KIDD:** I think we'll go to para 20.

15   **ARCHBISHOP DON:** I feel that we've had good discussion about that so far, we just wanted to  
16          add an additional dimension to the kōrero so far, if we may. "We would also like to make  
17          the case for the particular inclusion of principles of what we would call for the sake of this  
18          discourse as whakapono Māori, of which Te Hāhi Mihinare is a part. We see whakapono  
19          Māori as a Māori centred epistemology of faith. For us it means drawing upon the  
20          principles of our own particular faith tradition as Te Hāhi Mihinare. For other Māori that  
21          may mean drawing upon other faith traditions, such as Te Hāhi Ringatū, Te Hāhi Rātana,  
22          Pai Mārire or Katorika, Weteriana, Perehipitīriana or others, or those that are drawn from  
23          atua traditions that existed before. In any case, the point we seek to make here is that  
24          wairuatanga, whakapono and tikanga karakia are important and fundamental components of  
25          what it means to be Māori. Māori culture is not inherently secular and therefore seeking to  
26          build recommendations for the care of whānau Māori based solely on secular principles  
27          would, in our view, be inadequate and doomed to repeat the failures of the past.

28                 We would advocate for a genuine and considered inclusion of wairuatanga  
29          principles and for a respectful consideration and inclusion of the whakapono traditions  
30          honoured within Māori community as part of this Royal Commission's ongoing work, mode  
31          and place for undertaking hearings. And for the development of the final recommendations  
32          this Commission will make towards the way that we, as a nation, care for children, young  
33          people and vulnerable adults in our communities. This would help. It would help the  
34          Commission provide for a more holistic approach in its determinations and

1 recommendations in a way that would be more fully incorporative of a respect and care not  
2 only for the tinana and hinengaro of all people but also for their wairua.

3 The wairua aspect of those we care for is something that needs to be taken seriously  
4 into account and provided for at every step. Wairua is not simply spirituality, a concept  
5 that can be much maligned in secular thought. But from a Māori and Mihinare point of  
6 view it is one that also encompasses intellect, imagination, creativity and emotion.  
7 So-called intangible things that in reality have very tangible effects on the health and  
8 well-being of a person and impacts their self-esteem and relationships at every turn.  
9 Tikanga karakia and whakapono traditions that are offered with integrity and authenticity  
10 provide positive reinforcement to these intangible things. Tikanga and whakapono become  
11 a fabric between which whānau and community can weave their values and principles, their  
12 hopes and aspirations and within which they can hold each other accountable to higher  
13 ways of being and doing.

14 We acknowledge that because abuse has occurred within Anglican and other  
15 Christian institutions, that many may feel that any and all faith-based Christian and/or  
16 religious institutions are therefore untrustworthy and dangerous and any values that they  
17 purport to hold should be shunned and cast aside. This may be unfair to the many hundreds  
18 of thousands of good people who are a part of our Mihinare and other faith communities  
19 that live up to the values and principles of their faith every day and have done no wrong.

20 But with the fact that abuse has occurred within our institutions comes a sense of  
21 shame and disappointment and anger that our values and principles have been failed and  
22 betrayed. This, of course, is nothing compared to the hurt and shame that those who have  
23 been abused have had to endure and suffer with still. But for healing and restoration to  
24 take place, we believe that we have to return to the principles of our whakapono and faith  
25 with full integrity."

26 **MRS GUY KIDD:** Thank you, if you can answer any questions from counsel assisting and the  
27 Commissioners.

28 **CHAIR:** Thank you Ms Anderson.

29 **QUESTIONING BY MS ANDERSON:** Thank you. In terms of the questions that I have for you  
30 as the primates, it may be that I'm addressing them one question but you might both have  
31 perspectives to share on those. The questioning might track back a little bit just in relation  
32 to some of the factual matters we've covered simply to bring that out in the context of what  
33 I'm going to be talking to you about first, which is really your role being primates as leader  
34 of the leaders, and of course there's been some dialogue yesterday relating — or Friday,

1 feels like yesterday, but Friday, as to the impact of the need to influence outcomes.

2 But at this point of the dialogue my first question to you in terms of being leaders of  
3 the leaders is just if we can get as crisp a sense as possible of what you think the levers are  
4 that you have to deploy to influence change in the church?

5 **ARCHBISHOP DON:** The levers. I was looking at my colleague. Sometimes it feels like we  
6 have none at all. The kind of leadership that we are afforded comes by way of the nature of  
7 the community that we have been chosen to lead. If I could explain it in a Māori way. If  
8 you think about the mana that a rangatira might exercise, you have to understand then the  
9 nature of mana as what I might call what I might call mana tuku iho, authority inherited,  
10 what I call mana kua riro, authority achieved and what I call mana kua tukua, authority  
11 conferred. We exist in a space that brings all of those kinds of authority together. There is  
12 within our structure—

13 **MS ANDERSON:** Sorry, before you move on, so that coalition of those aspects, is that unique to  
14 the primate role, or do you also see aspects of that at other levels in the Church?

15 **ARCHBISHOP DON:** I think it exists up and down our structure in various ways. So which  
16 makes it entirely consistent then as a way of understanding the way that authority is  
17 expressed within our Church. We've talked previously about how unique our structure is in  
18 the Anglican world. There are other models at play, globally. So overseas you might go to  
19 a jurisdiction where an Archbishop has high levels of authority and is able to command  
20 therefore compliance in ways that we can't.

21 **MS ANDERSON:** So it's not a command and control structure at all, is it?

22 **ARCHBISHOP DON:** No. We've learned in our context to differentiate between power and  
23 influence. So we might describe power as having a magic button that when you push it  
24 what you want to happen happens, and there's been many times when Archbishop Philip  
25 and I try to push the button.

26 So what you're left with then is to have to wield influence and in our context that  
27 means having to build relationship to build trust, to build consensus and that's the space that  
28 we operate within I would say 90% of the time. We do have authority over some things,  
29 there's a limitation and constraint to that. You've heard about the nature of our polity, the  
30 way that we have diocese and amorangi, there can be silos sometimes.

31 But if anything, I think the work of this Royal Commission has helped to highlight  
32 the need in situations like this, if we're talking about the needs for survivors to be centred in  
33 these matters, then we need to find a way to create broad accountabilities and we do that  
34 together in a way that you've seen us signalling. For instance through the Ministry

1 Standards Commission and so forth.

2 **MS ANDERSON:** So in terms of that work of influence of through building relationships,  
3 building trust and building consensus, Archbishop Richardson, do you agree that that's the  
4 appropriate framing of how in your leadership role you're looking to lead?

5 **ARCHBISHOP PHILIP:** Yes, I think if you can establish consensus you then get action that  
6 flows from that, because everyone has committed to it. I feel a strong sense of consensus,  
7 for example, that we should have been part of and continue to be part of this Commission.  
8 I heard not one single voice amongst the senior leadership of the Church suggesting that  
9 that was not the right thing and the appropriate thing to do. I think that's an example of  
10 consensus which then means that when we do speak, even if we might make a mistake in  
11 something that we have said, the consensus of the church is behind us. That should also  
12 lead to flow-on action, I would hope.

13 **MS ANDERSON:** So if I could posit an example, Archbishop Richardson, and then come to you,  
14 Archbishop Tamihere. In terms of that consensus, if we take one of the difficult issues that  
15 we've heard in the evidence is around perhaps a culture of allowing people to resign as a  
16 way of moving through circumstances where wrongdoing's been disclosed. In terms of the  
17 primate's role to build a consensus in the Church, that that should not be a response to a  
18 disclosure of abuse, how might you go about that?

19 **ARCHBISHOP PHILIP:** I think the first thing I want to say about that is that it was  
20 disappointing to hear about that mechanism. Looking, for example, well, one of the  
21 examples that we heard, the canon that was in place at that time clearly said that resignation  
22 could not be the basis for a process to stop.

23 So, for example, if someone resigns their office in Holy Orders, they remain in Holy  
24 Orders, so they remain accountable to the canon and it needs to be acted on. It's  
25 disappointing that that has been at times used as a way of avoiding I think the  
26 responsibility.

27 **MS ANDERSON:** Yes, the cultural temptation I think has been pretty clear that notwithstanding  
28 you've got the hard-edged black letter law there's been a temptation not to use it and to  
29 resolve it through matters like resignation. So my question is, if you're looking to establish  
30 a culture within the Church where that's simply not seen as acceptable and accountability is  
31 the preferred value in that circumstance, what would you be doing to build the consensus?

32 What I'm trying to understand, and not intending to put you on the spot about it, but  
33 just to understand within the structures and governance arrangements of the Church that  
34 you've described, how would that be actioned in a way by you? What could you do to build

1 that consensus?

2 **ARCHBISHOP PHILIP:** Not wanting to sound like a lawyer, but the reality is that the canon is  
3 really clear, that is not an option. So yes, it's important to build a culture where that is an  
4 unacceptable response, but in fact if that response was used now I believe that would be a  
5 basis for acting against, for example, a bishop that took that line.

6 **MS ANDERSON:** In fact it in itself becomes a disciplinary matter to be attended to because it  
7 would be an inappropriate departure from standards to take that approach.

8 **ARCHBISHOP PHILIP:** Exactly.

9 **MS ANDERSON:** So that's the outcome, but is there a conversation — how would that be  
10 communicated? How would that, yes, that's black letter law, but how do you have the  
11 hearts and minds with that?

12 **ARCHBISHOP PHILIP:** I think it's now about transferring that from one generation to another.  
13 So I think that if you were to sit with the entire House of Bishops, there would be no-one  
14 who would suggest that was an appropriate way of responding. So I think the key is how  
15 do we take this cultural shift on that one particular aspect as an example and embed that  
16 culture into the behaviour of leadership going forward.

17 **MS ANDERSON:** Archbishop Tamihere, did you have anything you wished to add in relation to  
18 that dialogue?

19 **ARCHBISHOP DON:** Only to say that I think the growing momentum, the growing tide of  
20 sentiment and therefore culture approach at the moment, across society and within the  
21 church, is that we need to be far better in this space than we've ever had to be before. And  
22 some of the incidents that we've referred to, some of them 10 years ago, 20 years ago, 30  
23 years ago, 50 years ago, from one point of view you might view them to a greater or lesser  
24 extent as being products of their time, so it might be more stereotypical, in a way, to say  
25 that you could imagine a bishop in some era would be more concerned about the reputation  
26 of the church than about the needs of a survivor.

27 But increasingly, you know, we want to be able to say to you with clarity that's not  
28 the case anymore. We are a product of our time as well. And what we're learning in our  
29 space is that those failures must not be repeated, we need to be very clear about what our  
30 principles are and about how we adhere to them and in terms of not only inculcating that  
31 culture within our structure, you know, no doubt being an important mahi nonetheless, we  
32 as leaders do have to take more care in the way that we embody and consistently message  
33 those same expectations.

34 **MS ANDERSON:** So in terms of a comment you've made about not repeating the failures of the

1 past and reflecting back to the conversation before the lunch adjournment that there isn't yet  
2 anything in place written or unwritten that would tell a person wanting to disclose abuse  
3 what the process would be within the church and what the outcomes might look like, if  
4 tomorrow someone came forward and made a disclosure to the church, what would they  
5 then experience?

6 **ARCHBISHOP DON:** I think with the change to the Title D process in 2020, the new Ministry  
7 Standards Office Registrar and Commission in place, they would be experiencing  
8 something that's quite radically different to what they would have seen before in the sense  
9 of having a central place to come that will adhere more strictly to principles that are  
10 survivor-centred. That's a massive transformation in our development. But it's also a living  
11 development that's ongoing. We are actively seeking to learn from the Royal Commission,  
12 we're actively seeking to learn from the broader response to the Commission, we are  
13 unafraid to keep making the changes that are required.

14 So on that basis if you were to push the pause button and scrutinise where we are  
15 and how we're placed now, you would find that we are still imperfect and not quite where  
16 we aspire to be. But in terms of the trend and the growth and development, I think we're  
17 much further towards our goal and aspiration of looking after survivors in a much better  
18 way than we ever have been before.

19 **MS ANDERSON:** So you've made reference there to having a centralised place to come to and  
20 the new Title D process and mechanisms and the Ministry Standards Commission, but of  
21 course that's responding, isn't it, to the discipline aspect within the church. That's not a, in  
22 itself, a response to the complainants' needs, is it?

23 **ARCHBISHOP DON:** It is, it's not, as you say, comprehensive, but it's a response from within  
24 our structure and who we are; but alongside that the context, as I say, of Title D is that we  
25 sit alongside the fabric of our common law. So it's a mandatory expectation, certainly from  
26 the bishops that we're building into developing procedures that, whether it be criminal  
27 matters or other things, we also are not constrained from referring to other spaces that can  
28 do a better job than we can.

29 **MS ANDERSON:** In terms of the Ministry Standards Commission that you've referred to, so it  
30 sounds like it's been quite a major activity to get off the ground. You've basically gone  
31 from ground zero to now having a Commission established and beginning some of the work  
32 that its functions are provided for under the Title D statute, what sort of resourcing has been  
33 required to get that up and running, what's the process of having brought that together?

34 **ARCHBISHOP PHILIP:** So the initial seeding funding for that was made available through our

1 general church trust board and currently limited to 100,000. The Ministry Standards  
2 Commission Commissioners are offering their time and their expertise as a gift to the  
3 church, the expenses are supported. The registrar is a contracted position. We've signalled  
4 to the general Church Trust Board that this is just the beginning of the kind of level of  
5 resourcing that is needed.

6 We see a significant proportion of the work of the Commissioners as educational  
7 and formational which means that we can approach the St John's Trust Board for funding.  
8 We recognise that if this is going to be done well, and given the learnings over the course  
9 of this Commission to date, there's some significant investment around support for those  
10 who come forward with disclosure that needs to be factored in at a level that we haven't  
11 factored in to date. So the message the Church needs to hear and that we need to  
12 communicate is that to do this well it's going to require significant resourcing.

13 **MS ANDERSON:** And in terms of decision-making over that resourcing, leaving aside applying  
14 for funding from a particular sector, in terms of your role of leaders of the leaders, how are  
15 you looking to drive that internal recognition that if this process is not adequately resourced  
16 it can't hope to succeed?

17 **ARCHBISHOP DON:** We sit at the heart of a number of discussions. As primates and  
18 archbishops we are the Presidents of our General Synod, which is the highest governing  
19 body of our Three Tikanga Church and also of the Standing Committee —

20 **CHAIR:** Excuse me Archbishop Don, I think our stenographer's having trouble hearing you. Do  
21 you Remember the Waiapu River that I spoke of the other day?

22 **ARCHBISHOP DON:** We don't always yell across the river, but yes. Kia arohamai. We sit as  
23 the Presidents, the Chairs of the General Synod, also of its Standard Committee, which is  
24 like an executive, it does the work of that Synod in between sessions. We are afforded  
25 access to some of these trust boards as well, either by way of membership as trustees or as  
26 primates being welcome to come along in an ex officio capacity and speak into those  
27 spaces.

28 So in response to your question, we certainly do have the opportunity and the  
29 capacity to be driving this conversation and helping to ensure that something like the  
30 Ministry Standards Office and Commission is, I'm not going to say adequately resourced,  
31 but you know what I mean to say, is that it has everything that it needs.

32 **ARCHBISHOP PHILIP:** Another way of looking at it, perhaps two other ways, one is to say  
33 what's the cost of not doing it well and who bears that cost. And secondly, we do — I have  
34 significant ability in terms of my own diocese. So if I was to — obviously momentarily

1 ago I was talking about a different sort of cost and who bears that cost. But in terms of  
2 financial cost, what is it costing my diocese to do things badly, what is it costing my  
3 diocese to do things in a separated, siloed way. And what advantage is brought by the  
4 collaborative approach that this Standards Office represents to the effectiveness of our  
5 response and therefore relieves my diocese of that cost.

6 So redirect that resource as a contribution to the whole. I think if we all take that  
7 approach there's a significant resource that immediately becomes available.

8 **MS ANDERSON:** And would it be fair to say that in terms of that cost, the funding that's there,  
9 currently for the Ministry Standards Commission, there's no similar resourcing around the  
10 development of the redress policy, that that has — I'll just test a couple of propositions  
11 through that.

12 One is that a lot of your chancellors, your legal people who are part of the Church  
13 give a lot of their time without charge. So you might have had an in-kind contribution to the  
14 development of policy documents. And then you've had an internal process where the  
15 document's been circulated and members within the church have had an opportunity to  
16 comment. Is that right?

17 **ARCHBISHOP DON:** Yes.

18 **MS ANDERSON:** And so really that's people's time have been put into the development of that.

19 Do you think if resourcing had been allocated to that in the same way that resources appear  
20 to have gone towards the development of the new Title D and the development of Ministry  
21 Standards Commission, but if there had been resourcing we might have been further ahead  
22 than you are now where you don't have a policy that you can give to somebody knocking  
23 on your door tomorrow?

24 **ARCHBISHOP DON:** I have to say I'm not sure necessarily. Voluntarism and the giving of  
25 in-kind resourcing is a big part of who we are. So in the case of the Ministry Standards  
26 Office and Commission the in-kind contributions from legal experts and others, it's not to  
27 say the value or efficacy of their contributions has been any less because it wasn't a  
28 financial contribution.

29 And as to the pace of development, I've kind of referred to this previously and  
30 probably in a poor and inadequate way, but it's hard to make a comment on whether or not  
31 things could have been done faster. I mean certainly it's easy to form that opinion from  
32 observation that things look kind of slow when you're an organisation like we are. I'm not  
33 making an excuse in any way, I agree with the sentiment that these things should be  
34 moving far more quickly than they have been.

1           But if I was to reflect on, you know, one aspect of, I think it's been the nature of the  
2 massive transformational change and the nature of conversation that we're having, it doesn't  
3 reflect in any way a lack of intent or pursuit or purpose, we're really pushing this as hard as  
4 we can. Part of the resourcing consideration is we've never had to resource anything like  
5 this, it's new, and like I say, when you're used to kind of being utterly dependent on  
6 voluntary resourcing it represents a new mode for us in many ways as well.

7           So I'm explaining but I don't want to be making excuses, we take your point and  
8 acknowledge your point that it would be better to have things in place right now than as  
9 opposed to later.

10 **ARCHBISHOP PHILIP:** I think what I would add to that is that one of the great gifts of this  
11 Royal Commission to us as a Church is that, I think certainly for the first time in my  
12 life-long experience, we have collaboration across all of our entities, you know, we are  
13 jointly represented all but a few entities. So to even be able to have the conversation around  
14 redress — the Title D is, in a sense, a Synodically-driven change.

15           The redress conversation is going to require agreement to participate in a consistent  
16 and collaborative way. The precondition for that, which this Commission has provided us  
17 with, a recognition that if we acted separately we would be inadequate in our response or  
18 more inadequate in our response to act collectively is in everyone's interest and most  
19 particularly survivors.

20           That's a new place to be and I think, you know, I tautoko what Archbishop Don has  
21 said, we're in a place where we have an ability to have the sorts of discussions that we need  
22 to have around redress that we were not in even six months ago.

23 **MS ANDERSON:** What I remain unclear about is effectively in a crisis situation people are  
24 coming together and responding, but my question is as leaders of the leaders, absent a  
25 crisis, isn't it the case that meaningful change could have been achieved earlier driven from  
26 the top but capturing the hearts and minds of those within the church as you move through  
27 that process? Has there been a lost opportunity?

28 **ARCHBISHOP DON:** Again, I certainly take your point and I want to say from the outset that  
29 I agree. But there's a context to this. So from a Tikanga Māori point of view, as a part of  
30 this hāhi structure we sit in a space where structurally there are massive inequities, there are  
31 long-outstanding injustices that impinge upon our sustainability and capacity. That's a  
32 crisis we've been facing and dealing with. You know, the majority of our Māori ministers,  
33 for instance, are volunteers, they're not professional at all. So of the 350-odd Māori  
34 ministers we have operating in this country, be lucky if 10% of them are paid in some form.

1 That's a crisis that's immediately before us and that we contend with. And there are many  
2 other things that I could illustrate of that manner.

3 What it does is it kind of drains you of energy and capacity to address everything  
4 that's on your table. Again, I'm trying to walk a fine line here because I don't want to  
5 diminish at all the value and the inherent priority that this kaupapa must take and that's why  
6 I want to sort of reinforce the changes we've made, though from one standpoint looks low,  
7 actually in the context of who we are have been swift. You know, centralising our  
8 processes in the way that we have has meant reversing a culture of autonomy that we  
9 provided bishops and dioceses that goes back not only centuries but millenia, and to have  
10 moved it around in a matter of months is really comparatively a massive speed.

11 It's not to say that it took the Royal Commission to wake us up to this issue. I think  
12 certainly you would see there's been a range of crises that have been at the centre of a  
13 number of dialogues that we are consistently maintaining and perpetuating forward within  
14 our structure for a long time. So the 1992 constitutional arrangements are in response to a  
15 Treaty of Waitangi discussion and a bicultural partnership discussion that we've been  
16 pouring energy into for decades if not centuries.

17 That's kind of the context, I think, so if we are guilty of a lack of speed, part of it's  
18 been because capacity, because of the space that we're in, the assumption that we've been  
19 free to attend to this but haven't is probably unfair I'd say. But again, what you're seeing at  
20 the moment is the best of our energy being poured into this kaupapa and I hope that signals  
21 how important this is to us in the context from which we come.

22 **MS ANDERSON:** Thank you for that. I'm going to call up on the screen document

23 ANG0014568. While the document's coming up, and I'll take you through the document to  
24 orientate both of you to it, this refers to a different cultural or issue within the church. So  
25 you see at the top that it's an e-mail from Ann van Gend, she's a Reverend in the church.  
26 She sent it to the Archbishops in February 2019. Just beneath that you'll see what she's  
27 signalling in her e-mail is that she's provided feedback on possibly an earlier version of the  
28 2019 draft policy to the people drafting that and then she's forwarding it on there.

29 So you can see just that sense there, so the main part of it, we don't need to highlight  
30 anything on the front page, is that she's sending feedback on the principles of procedure  
31 draft for the province in relation to complaints of abuse. If we just go over the page and  
32 call out that second box there. See part way down that page what she's talking about is that:

33 "We must fight against anything which allows us to believe that these cases were  
34 aberrations springing from nothing more than the minds and hearts of the abusers. This

1 document being a reference to the policy acknowledges that we collectively are responsible  
2 for what happens within our communities but we must do more than acknowledge that. We  
3 must search out the stories, the attitudes, the cultures which have allowed this disease to  
4 grow and dig them out, however much it might shake our traditions."

5 So the proposition I'm talking with you is on the one side you've got the response to  
6 the complainants, and on the other side through the Ministry Standards Commission and  
7 Title D you've got the safeguarding activities that are happening through here, but what the  
8 Reverend here is saying actually you need to have a look at what is it in your internal  
9 culture that enables abuse to occur.

10 Now I'll give you each an opportunity perhaps to briefly comment whether you've  
11 got any reflections on that before I come to my question which I'll signal now, which is  
12 really around again in your leaders of the leaders role, what steps do you plan to take or  
13 might be taken in relation to the dialogue within the church about what is it about us that  
14 systemically enables this abuse to occur. I'm not sure which one of you who like to go first.

15 **ARCHBISHOP DON:** I'm stuck on the question now.

16 **MS ANDERSON:** The first point is whether you have got any reflections on the comments that  
17 are being made there from someone within the Church about the need to actually really  
18 examine how have we allowed this disease to grow.

19 **ARCHBISHOP DON:** It's a worthy and obvious question, it's a question that we're all asking. As  
20 anyone might, if something terrible happened within their home, within their family, within  
21 their community, it's a natural thing for us to stop and ask is there anything that we did that  
22 contributed to this. So it would be my reflection is that we very much are asking that  
23 question. Again, to what extent that plays out to be true, I don't know, but we're asking that  
24 question.

25 **ARCHBISHOP PHILIP:** I think Ann's holding a mirror up and I think any community that has  
26 people within it who hold the mirror up and invite us to look at ourselves in that mirror is a  
27 community that at least has an amount of self-reflection, self-analysis and the potential for  
28 change. I think to anticipate that simply addressing a Title D process or to try and put  
29 momentum behind a redress process without examining the culture of our community life  
30 would be very limited.

31 So going back to some of the questions that I was asking on Friday, why is it that in  
32 a Church where women have been ordained since 1978 leadership, is still dominated by  
33 men; why is it that when I was growing up the conversations around our use of language in  
34 relation to men and women was a focus of concern and consideration, where we were

1 talking about the way we reference and describe God and the way the maleness of God can  
2 be an impediment.

3 I think we thought in the 70s and 80s that we kind of had that discussion and we'd  
4 got there. Yet when I go into a parish yesterday and I hear language about the nature of  
5 God which is oppressive and reflects an experience of power which doesn't speak of this  
6 transformative power of love but a model of hierarchy and submission, I wonder, you  
7 know, what progress we've made or not made. So the point I'm making is it's a constant  
8 process of self-reflection and self-examination.

9 **MS ANDERSON:** Do you agree in terms of that self—reflection that this is an important --what's  
10 identified here in this document is an important aspect that, as leaders, that it would be right  
11 for you to take carriage and responsibility of driving conversations around this topic in the  
12 church.

13 **ARCHBISHOP PHILIP:** Yeah, absolutely. Sorry, I jumped in there. Absolutely, and the fact  
14 that Ann's focus of work over the last however many years has been around and through  
15 supporting our schools, means I think part of that insight is driven by questions around the  
16 sort of environments in which we're nurturing young people. So it has that resonance about  
17 it as well, or challenge about it as well.

18 **MS ANDERSON:** Thank you. So those were the questions I had on cultural components in  
19 relation to the documentation before you that you will have seen. Before I move on to the  
20 topic of future state, which we'll just deal with relatively briefly to give you time to have  
21 questions from the Commissioners, I'm assuming you're both familiar with the report that  
22 came out late last year in relation to abuse in the Anglican Church from the UK inquiry, so  
23 it's the equivalent of what we're doing here.

24 And one of the observations upfront in the report is that the culture of the Church  
25 facilitated it becoming a place where abusers could hide. So I'm interested in your  
26 reflections what you want to tell the Inquiry about whether you think that it's likely to be  
27 the same or a different position here in New Zealand context.

28 **ARCHBISHOP DON:** My starting point would be to say that it's a different context. For  
29 argument's sake, if you understand what I'm saying, if we were to begin a comparison. The  
30 Anglican Church in England and in other places overseas compared to us are massive  
31 institutions, huge resourcing, numerically on a scale very different to where we are.

32 **MS ANDERSON:** But leaving aside the structure just the concept, you know, leaving aside  
33 perhaps even the comparative, do you think that the Church and the Church here in  
34 New Zealand, has, because of its culture, has facilitated it becoming a place where abusers

1 could hide?

2 **ARCHBISHOP DON:** This is something we've been reflecting on a lot and, you know,  
3 wondering if that is so, and whether or not it's to a greater or lesser extent. I personally  
4 would have to be honest with you and say I don't believe that our culture would provide for  
5 that systemically, but I think we have had blind spots that have allowed predatory people to  
6 occupy at the same space as us and to take advantage of the fact that we have blind spots  
7 and that we haven't done the work that we need to do to make every place safe. You know,  
8 so you could blame that on our very human inadequacies, we've allowed safety to be built  
9 on an assumption that we're all good people. And obviously the evidence has borne out  
10 that not everybody is as good as we hope for.

11 So forgive me if I'm struggling with an answer but, you know, part of this for me is  
12 that, you know, I hold before me the generations of wonderful Anglican and Mihinare  
13 people who have done good things and the hundreds of thousands of us in the Church that  
14 still do, and I don't want to diminish their mana by saying systemically we are a bad place  
15 because that's not true. Yet bad things have happened, and even one incident is one too  
16 many.

17 So our reflection has been systemically no, our culture is a good culture, our faith is  
18 a good faith, our people are good people, but we haven't done enough to protect everyone  
19 and that's the issue we try to face.

20 **MS ANDERSON:** Archbishop Richardson, did you wish to make any additional comment?

21 **ARCHBISHOP PHILIP:** I want to strongly support what Archbishop Don has said, also to  
22 recognise that I don't think any community can exclude the possibility that it can harbour  
23 and hide those who would seek to abuse others for their own gratification. Do I think that  
24 culturally we encourage or even are silent to that kind of behaviour? No, I don't. But I  
25 think that requires huge vigilance and I think even the conversations of the last three days  
26 reveal there's a huge amount of work that we still have to do.

27 But I think there is a high level of commitment across the Church. There is not a  
28 week that goes by where these kinds of conversations are not happening. I think it's an  
29 live issue. I think where we have to be particularly vigilant is in the selection and  
30 formation of leaders. I think our discernment processes and the kinds of checking and  
31 crosschecking that goes on mostly is an antidote to some of that risk. It mitigates some of  
32 that risk. But we have to be very careful about the culture of the places and the ways in  
33 which formation takes place.

34 **MS ANDERSON:** It's more than formation, isn't it, because that's relevant only to your ordained

1 persons and a large number of others in the Church are in effectively lay positions, aren't  
2 they. But just to wrap that point up, I think what I'm hearing from you is that there have  
3 been improvements - this is what you're saying so correct me if I'm wrong- in the  
4 safeguarding aspect, the steps taken to make sure that you're not bringing an abuser into the  
5 Church whether in an ordained role or in an other- type of role?

6 **ARCHBISHOP PHILIP:** One explicit example. An organisation that deals in my Diocese with  
7 the most vulnerable has the kind of rigour in their systems and in the constant review of  
8 those systems both internal and external that would never have been present or even  
9 required in our society 20 years ago but are absolutely required now. And I would venture  
10 to say this particular organisation would exemplify the very best of what's offered in terms  
11 of care in our society and the leadership and governance of that organisation have put that  
12 as their first priority to ensure it's a safe place in which those who have been hugely  
13 damaged can regain some sense of self-respect and worth and a sense of community that  
14 supports them.

15 **MS ANDERSON:** So when you've got those robust systems, practises and processes in place, that  
16 can achieve certain positive outcomes, but having practises and policies is distinct, isn't it,  
17 from having the appropriate culture?

18 **ARCHBISHOP PHILIP:** And what I'm describing is an intentionality around the development of  
19 that culture, which is the result in this particular organisation of 10 years of really hard  
20 work to get to that point. That's the expectation that the diocese has of that organisation, it's  
21 more difficult to address the life of parishes that have a kind of unpredictability and an  
22 uncontrollability of community life, and that's where the formation of the leader is so  
23 absolutely critical.

24 **MS ANDERSON:** Formation of a leader in a very broad sense.

25 **ARCHBISHOP PHILIP:** Well, our lay leaders as much as ordained. Given we can no longer  
26 fund this type of stipendiary clergy leaders that we used to, and we have a third of the  
27 number of stipendiary clergy that we had 30 years ago.

28 **MS ANDERSON:** One other conclusion that was reached in the UK report out in October  
29 last year, was that the Church had failed to respond consistently to victims and survivors of  
30 child sex abuse with sympathy and compassion accompanied by practical and appropriate  
31 support. This has often added to the trauma already suffered by those who were abused by  
32 individuals associated within the Church. Am I right that what we've heard from the  
33 evidence from you on Friday and today is that you accept that that conclusion's probably  
34 equally apt here in New Zealand?

1 **ARCHBISHOP DON:** I'd say yes, we'd say yes. We saw that play out in the Australian  
2 Church's' experience as well, highlighting massive inconsistencies. That is endemic to our  
3 structure as a multi-siloed entity. So obviously the way of resolving that has been to  
4 centralise our response and be more consistent. But beyond the mere fact of consistency,  
5 the dimensions that you've illustrated, you know, where is the compassion, where is the  
6 consistent pastoral care, where is the appropriate response that supports all the needs of the  
7 survivor through that process. Those things, yes, they do correlate, they do match our  
8 context here very much.

9 **MS ANDERSON:** Archbishop Richardson, did you wish to add anything?

10 **ARCHBISHOP PHILIP:** No, I agree with that thank you.

11 **MS ANDERSON:** Just moving on to the topic of future state, just to make sure that I've properly  
12 characterised the position in the evidence. Certainly in the statement of Archbishop  
13 Richardson, which I'm assuming is speaking on behalf of the Church as a whole in relation  
14 to the future state, there's clearly an endorsement of the idea that there would be a separate  
15 agency dealing with people coming forward seeking redress from, whether from a faith-  
16 based context or a State-based context. Have I properly understood that?

17 **ARCHBISHOP PHILIP:** Yes, you have. Perhaps when it was written I might not have been  
18 completely confident that it was representative of a growing consensus across the Church,  
19 but I am more and more confident of that, in terms of the leadership of the Church, both in  
20 terms of recognition of our lack of capacity to be able to resource an appropriate and  
21 independent redress entity going forward.

22 But secondly, the need for such a redress entity to have some consistencies, at least  
23 of principle and of response, across everything from State through voluntary organisations  
24 through churches. I think as a society we need to commit ourselves to that kind of  
25 consistency, because at the end of the day that would be a reflection of how we believe  
26 survivors should be able to expect their society to hold them.

27 **MS ANDERSON:** Of course there's some complex funding issues in the background with that  
28 concept, isn't there, as to how that might work?

29 **ARCHBISHOP PHILIP:** Sure.

30 **MS ANDERSON:** What would you envisage as the Church's role to fund redress for those  
31 persons who have been abused in the care of the Anglican Church? Through the funding of  
32 that, whatever that - if- there is an independent agency?

33 **ARCHBISHOP PHILIP:** It would be possible to use big language in response to that question  
34 and I'm going to. I think something that's fundamental to the gospel is that we're called to

1 be a community that give ourselves away. So what does that mean? It means that the need  
2 of the survivor must be the first benchmark and we need a mechanism that does that. And  
3 the Church, as part of our total societal response to that, needs to play its part and a part that  
4 is commensurate with harm that we have caused. How that gets identified and measured  
5 and quantified and what that looks like in terms of the whole sort of range of responses that  
6 are required, I think that's the kind of work that we're — --it's one of the reasons we're here,  
7 it's one of the reasons we've asked to be here because it's a bigger conversation than we can  
8 have in our own little silo and it's a bigger conversation that our society needs to have.

9 **MS ANDERSON:** Thank you for that. I think, so just anchoring it back to the principle of  
10 contribution commensurate with the level of harm, I think is a useful reflection that you've  
11 added in here, so thank you for that. In your distinction between complaints and claims that  
12 is articulated through the various witness statements on behalf of the Anglican Church,  
13 you've got a very clear view that while the independent agency might be involved with  
14 responding to the individual who's been harmed, that the disciplinary component would  
15 stay within the Church and that it would be inappropriate to have any kind of independent  
16 regulation of that component. Have I correctly -summarised, is- that an accurate summary?

17 **ARCHBISHOP DON:** I think so, but on the basis that our understanding would be in the case  
18 where it makes sense, you know, so would an independent secular agency comment on the  
19 quality of priesthood, would they make the determination for the Church instead of us. I'm  
20 trying to explain there'll be aspects that are common-sense.

21 **MS ANDERSON:** Leaving aside the reasons, it's just simply have I characterised it right that —

22 **ARCHBISHOP DON:** I think so.

23 **MS ANDERSON:** — the ambit, the reach of the independent agency, as currently proposed in the  
24 witness statements, is that it would be about responding to the individual with the issue of  
25 discipline being under the control and, as you say, the risk management of the individual  
26 being under the control of the person closest to them and able to manage that risk?

27 **ARCHBISHOP DON:** Yes, I think so.

28 **MS ANDERSON:** Would you accept that there might be some benefit from what might be  
29 oversight or transparency over what is happening internally to the Church on a discipline  
30 sense? So one policy option might be that whatever independent agency has an ability to  
31 come in and look and audit what's happening on the safeguarding side. Do you think that  
32 that might potentially be a concept that would have some value?

33 **ARCHBISHOP PHILIP:** I think there's a number of different models. I think a model, for  
34 example, where abuse and harassment was dealt with externally might be a model that

1 could be considered. The question then is, how does the discipline consequence get  
 2 factored in to that. I think a model which says there's a review authority, a kind of ERO  
 3 coming in to review our safeguarding practice, I think at the very least that would be an  
 4 extremely positive contribution from the wider society. I think, you know, an independent  
 5 appellate or ombudsman role might be another model, it might be a combination of a  
 6 number of those things.

7 I think we would be saying that to not be open to any of those possibilities would be  
 8 a bit of a dereliction of our commitment to this society in which we live. We're not distinct  
 9 from society like some sort of segregated cult, we're here to live out the gospel in service of  
 10 the communities in which we find ourselves placed, that means we have to be accountable  
 11 to those communities and to the society as a whole, so —

12 **MS ANDERSON:** Often that accountability's really enhanced through transparency, isn't it?

13 **ARCHBISHOP PHILIP:** Correct.

14 **ARCHBISHOP DON:** We'd be really supportive, completely supportive of transparency and  
 15 accountability throughout the process.

16 **MS ANDERSON:** Thank you. That concludes the questions I have for you, but the  
 17 Commissioners may well have some that they wish to put.

18 **CHAIR:** Thank you Ms Anderson.

19 **COMMISSIONER STEENSON:** I don't have any questions, I just want to say ngā mihi kōrua,  
 20 particularly thank you, Archbishop Don, around your tikanga whakaaro. Tēnā rawa atu  
 21 koe.

22 **COMMISSIONER ALOFIVAE:** Thank you Archbishops, thank you for your candour. It is  
 23 what it is and you've been very frank and open with all of those on the live stream with us  
 24 here at the Commission over the last few days. Your Church has a very unique structure as  
 25 you've pointed out on a repeat basis to us in terms of the three Tikanga. And Tikanga  
 26 Pasefika's clearly not here today, but Archbishop Don you said that actually it's every  
 27 policy that you have, if I heard this correctly, it's an internal Church, so it crosses all three  
 28 Tikanga. Would that be a fair interpretation?

29 **ARCHBISHOP DON:** Yes.

30 **COMMISSIONER ALOFIVAE:** And I think I heard Archbishop Richardson but certainly our  
 31 Bishops in the last few days, Peter and Ross, say that actually they've got some mixed  
 32 cultures in their congregations. So the presumption is that there would be Pacific in those  
 33 congregations. So if there's no clear process as how you've explained very well to us,  
 34 looking forward, and you've alluded to the fact that you've seen the ifoga practice in Samoa

1 and the power of the ifoga in terms of an apology process and what happens in  
2 reconciliation and what not.

3 Is it then your intention that applying multiple lenses to your documentation here in  
4 New Zealand will actually be able to reflect those? So not just talking about it because  
5 you've seen it, but actually now because it's front and centre of your evidence that it's more  
6 pointed now?

7 **ARCHBISHOP DON:** Yes. So that's certainly the case I would say — it's more so the case in  
8 practice already. And, you know, while we might have — there's geographical jurisdiction  
9 we can talk about, the truth is while we have these cultural streams we all incorporate other  
10 cultural identities, so we can talk about — I have a congregation at home in Tairāwhiti that  
11 has Polynesian whānau, Pākehā whānau, Māori whānau, so the reality on the ground; the  
12 practice is often more advanced than the policy, and the lag is that we're trying to find a  
13 way to codify the best parts of our practice.

14 So to answer your question, absolutely we want to draw from the richness of our  
15 cultural reality and bring that forward into practises that we are talking about in this  
16 scenario, the policies and the procedures we're developing.

17 **COMMISSIONER ALOFIVAE:** Codification will always be an issue no matter what the  
18 context going forward, but the use of lay people which is - sorry, professionals who are  
19 Anglican by faith and are wanting to give back, that's the reality and the tensions that  
20 people hold is that as much as you want to speed up your processes, actually the reality of  
21 the delays in terms of their own time commitments in the workplace means that you don't  
22 always get the acceleration that you're after, but you used the word "acceleration" earlier on  
23 today. I'm interested in how you anticipate that actually playing out, understanding the  
24 resourcing constraints that you're after -(sic).

25 **ARCHBISHOP DON:** I think the growing consensus is that our forward acceleration . At the  
26 beginning obviously it's very slow, we have to spend time facetoface with all of the  
27 stakeholders and constituents, but as you build consensus and as you build understanding  
28 there's more momentum behind the same thing. That's our experience in our leadership  
29 roles over the last year or so, is that the momentum is actually increasing. So that sense of  
30 acceleration is what we're referring to.

31 And, you know, another dimension of it is refining our understanding. Being before  
32 the Royal Commission, being able to respond to its findings is helping us to refine what  
33 we're doing and gain a bit of momentum from that as well. I know it's difficult to explain,  
34 but —

1 **COMMISSIONER ALOFIVAE:** I'm just wanting to get a sense of time, Archbishops, you know  
2 in the sense that Covid-19 forced the world to respond differently, even in churches, all of a  
3 sudden you're meeting on Zoom, things that you would never have done even two years  
4 ago necessarily. And so this issue being brought to the fore, I guess I'm really just- kind of  
5 testing, it's not just the appetite of --well, maybe I'm testing the appetite of the leaders, but  
6 also the appetite of the parishioners for change, but generational change that I think you  
7 really aspire for as a Church.

8 **ARCHBISHOP PHILIP:** Maybe a number of levels of answer from me. One is I just want to  
9 say that I think that our lay experts are not holding us back one bit. In fact they've been  
10 extraordinarily generous with their time and expertise in pushing, pushing, pushing.  
11 There's a kind of institutional inertia that has been more problematic than a lack of  
12 resource, although I sometimes wonder how some of our advisors have been able to earn  
13 their livings. The biggest change, I think, that gives me some hope that we will be able to  
14 continue the momentum is the level of consensus that's been achieved, and is being  
15 achieved.

16 One really significant challenge, particularly in terms of Pasefika, is that there is a  
17 dimension to Tikanga Pasefika in Aotearoa New Zealand and a distinctive reality across the  
18 Islands of Polynesia and the multiple jurisdictions that that represents, and that there's an  
19 internal connection that's required for a really robust engagement by Pasefika into these  
20 matters, because there are kind of priorities and contexts that drive things in Aotearoa  
21 New Zealand but will look quite different in other parts of Polynesia. Part of the tension  
22 being in the three Tikanga Church is that we kind of have to not move always together, but  
23 we need to move with a sense of not leaving one behind, or recognising the different  
24 context of one or more Tikanga. So that's a relationship dimension to our life that has to be  
25 managed. That can be part of the inertia as well.

26 **ARCHBISHOP DON:** I guess we do need to apologise too, you'll see that we are struggling to  
27 forecast the timeframe, and part of that is why we're answering the question to the best of  
28 our ability. I think both of our minds are kind of working through the realities of how do  
29 we achieve that. We have to talk to this person, this group, go through this meeting, this  
30 board, this committee. We could probably set a deadline for it but we might be setting  
31 things up to be unachievable. It's more that we're trying to build the consensus and the  
32 commitment in a way that it doesn't go backwards, that every step forward is permanent  
33 and every change that we make is the correct change to make. So for us, you know, it's less  
34 about timeframe, more about buy-in, more about commitment and vigilance in making sure

1 we get to where we need to be.

2 **COMMISSIONER ALOFIVAE:** Kia ora, thank you for your responses, both of you.

3 **COMMISSIONER ERUETI:** Tēnā kōrua. First of all I just want to acknowledge the important  
4 comments you made at the beginning about wairuatanga and the significance of that to the  
5 Inquiry, I think it's valuable to us and I just want to ka nui te mihi ki a kōrua.

6 I just had a quick question about, I was concerned, it was striking about the  
7 capacity, about the number of volunteers within the amorangi, and of course Kaupapa  
8 Māori we all know about, so much work done for nothing. But whether — you're talking  
9 about structural imbalances and by that do you — if I think about the Diocese from  
10 Christchurch, for example, you know, a lot of old boys from Christ's College who are  
11 lawyers was one of the comments, you know, all that sort of intellectual capital, about the  
12 imbalance between the amorangi and the other primates, in particular Pākehā primates. Are  
13 you experiencing that, how can we address that?

14 **ARCHBISHOP DON:** Within the context of the work of the Commission?

15 **COMMISSIONER ERUETI:** Yeah, with this kaupapa because, you know, the question is the  
16 resourcing and capacity to get the mahi done.

17 **ARCHBISHOP DON:** Yeah, it boils down to that, so, you know, we contend with -- a lack of  
18 resourcing means a lack of capacity, so even though our,- --- I'm speaking on behalf of  
19 Tikanga Māori, our whānau networks provide us with their access to the same  
20 extraordinary skill set, the nature of the Māori community is such that the same resources  
21 are often pulled in multiple directions serving multiple kaupapa. It's just the reality that we  
22 manage and try to mitigate.

23 But I think the efforts that we've been making as a united structure to centralise the  
24 response and then resource that, helps to mitigate, you know, the hope is that it mitigates  
25 the lack of resourcing in some parts of the Church.

26 **COMMISSIONER ERUETI:** I don't know whether it's a question or observation, but there was  
27 also the comment about that there wasn't a systemic issue within the Church and I, you  
28 know, the comments about there might be blind spots and so forth. And we hear this about,  
29 you know, bad apple concept and the sort of structural issue. But one of the things that we  
30 have to do as an Inquiry is look at these other kaupapa within the institutions, within the  
31 State and also faith-based institutions in Aotearoa.

32 So just to, I guess, in this moment of deep self-reflection-, is just recognition of that.  
33 Part of it is reporting, part of it is oversight and part of it is complaints processes and  
34 redress schemes and it's all part of that —

1 **ARCHBISHOP DON:** Yes.

2 **COMMISSIONER ERUETI:** — package that needs to be looked at deeply. Kia ora, ka nui te  
3 mihi ki a kōrua, it was a really insightful discussion that we've had over the last couple of  
4 days and I want to thank you both for your time.

5 **ARCHBISHOP PHILIP:** Commissioner, could I just respond to your first question? One way of  
6 looking at the way the resources is to say that in Aotearoa New Zealand, Tikanga Māori has  
7 about 3% of the resources that Tikanga Pākehā has. The kind of conversation we've been  
8 having, and this I think does go to the question of leadership, is so whose resources are  
9 those really, aren't they the resources of the whole Church. Is there a way of imagining a  
10 way forward that doesn't sacrifice tino rangatiratanga around access to resource? Isn't this,  
11 you know, our collective challenge and responsibility? If the resources are there, aren't  
12 they our resources to deploy? It's a kind of — facing into the kind of sense that, you know,  
13 we did this constitutional change in 1992 and we kind of set up the integrity of  
14 self-determination in each of the tikanga and all is fine with the world, when in fact actually  
15 at one level it's simply exacerbated the inequities.

16 And part of that is because we still are not being honest about our history internal to  
17 the Church I mean let alone as a New Zealand society. So I mean is one possibility that we  
18 find that this is a catalyst for us addressing some of that as well. But the reality is 3%.

19 **COMMISSIONER ERUETI:** Yes, I mean it's a three-part structure; but there's the Treaty  
20 partnership obviously — it's akin to the Treaty partnership, isn't it, the relation between  
21 amorangi and the dioceses, the concept. Kia ora, thank you.

22 **CHAIR:** Two points, Archbishop, from me. Building on something that my colleague here  
23 mentioned and matters that arose from Ms Anderson's questioning. She put to you the UK  
24 inquiry report about the Church in the UK being a place where abusers can hide. And  
25 I sensed a strong reluctance on behalf of both of you to accept that that was the case in  
26 New Zealand and you gave cogent reasons why that could not be; the structures, the  
27 money, the resources.

28 But listening to your evidence it does seem to me that the Church's history has had  
29 its moments where looking back it does look as though people hid. I think, Archbishop  
30 Richardson, you spoke about the failure to depose, for example, which,— and I want to put  
31 it to you because it's important that you have an opportunity to answer. Do you see that  
32 that failure to depose, we're talking over decades now, could be seen as a cultural issue as a  
33 failure of culture within the Church?

34 **ARCHBISHOP PHILIP:** Absolutely. I think that we cannot, as I said in response to

1 Ms Anderson's question, we cannot exclude the possibility that the Church, along with any  
2 other organisation, provides a place for an abuser to hide. We have to do everything at  
3 every level to ensure that that possibility is minimised.

4 I think one of those realities is that those organisations within the Church who are  
5 dealing with the most vulnerable today are already exposed to a level of external scrutiny  
6 which was not the case in the 50s and 60s, for example.

7 I think there's also an issue of societal responsibility which is, you know, why I do  
8 favour the thought of some kind of continuing external audit across the whole of the  
9 Church, what we've described as both, if you like, the core and the associated entities. So  
10 ERO does its thing, a whole range of bodies look at our care agencies, what's the kind of  
11 equivalent over our core activity in this congregational life, local community activity that  
12 would keep us in the light.

13 **CHAIR:** To a certain extent that's an acknowledgment that things can and do go wrong and  
14 oversight is required.

15 The other cultural theme that to me has come through is what I think you have both  
16 very candidly acknowledged, and that was the failure to place the people bringing forward  
17 their claims, their complaints, whatever we're going to call them, as not putting them at the  
18 forefront. Would you agree that that's been something in the past that has been a cultural  
19 failure by the Church?

20 **ARCHBISHOP PHILIP:** And I think we've got a long way to go to achieve that now. I think  
21 that's been brought into a very sharp focus.

22 **CHAIR:** Yes.

23 **ARCHBISHOP PHILIP:** So yes, culturally, historically and, in an essentially hierarchy and  
24 patriarchal organisation, still some big challenges in front of us.

25 **CHAIR:** Accept that and I also acknowledge your remark, Archbishop Richardson, that the needs  
26 of the survivors should be the benchmark and to me, having heard the evidence of the  
27 history and contrasting that with your statements and yours too, Archbishop Don, today, are  
28 heartening to see that there is, at least from the top, a strong signal of change in culture.

29 **ARCHBISHOP DON:** Kia ora.

30 **CHAIR:** Do either of you wish to comment anymore on that before I move to my final point?

31 **ARCHBISHOP DON:** Happy to hear your final point.

32 **CHAIR:** You're happy to hear my final point. Well, it's positive you'll be pleased to know. We  
33 have eyes and ears out there and can I say that the ears at least have been reporting back  
34 through various channels that survivors who many, you wouldn't believe, many are

1 watching and listening and following the evidence very carefully, and by and large, I'd say  
 2 more large than by, the response from survivors to the testimony that has been given by the  
 3 churches to date has been positive. So they have accepted your apologies, heard your  
 4 apologies with gratitude and relief and I think that we can take heart from that and you can  
 5 take heart from that.

6 So if you are saying the survivors are at the heart of it, survivors are saying thank  
 7 you for coming, engaging, and making the concessions, the very brave concessions that you  
 8 have. So if survivors are happy then I'm happy and I'd like to thank you both again, on  
 9 behalf of all of us, for coming and engaging to the extent that you have, so tēnei te mihi  
 10 mahana ki a kōrua.

11 **ARCHBISHOP DON:** Tēnā koe.

12 **CHAIR:** I think we'll take the afternoon adjournment, Ms Anderson, thank you.

13 **ARCHBISHOP DON:** Madam Chair, I'm sorry to interrupt, could I add something?

14 **CHAIR:** Please do.

15 **ARCHBISHOP DON:** It's appropriate that we respond.

16 **CHAIR:** Thank you.

17 **ARCHBISHOP DON:** Tēnei te mihi a tu ki a koe, ki a koutou katoa, ngā mema tēnei Kōmihana i  
 18 runga i te aroha o tō koutou mahi, to koutou arohanui ki tēnei kaupapa, he mihi hoki tai noa  
 19 nei ki ngā āpiha, te hunga kaimahi mē kii, a rātou kei mua nei, a rātou hoki ki muri atu, a  
 20 rātou e hara i te mea he ringa tūmau, ringawera hoki ... rātou ngā kai manaaki i tēnei  
 21 kaupapa. Tae noa atu ki i te hunga kua karapinepine nei ki te whakarongo ki te mātakitaki.

22 We just wanted to thank you, Commissioners, for the work that you're doing. And  
 23 we acknowledge how important this is for our tamaiti, our mokopuna and for our  
 24 vulnerable people, we just want to pray every blessing to your mahi. We really wanted to  
 25 acknowledge all of the workers here, those that we see and those that have wonderfully  
 26 been around the outside of this room providing kai and manaakitanga, all those survivors  
 27 and others that have been here in the room, we want to thank you them as well.

28 Of course we're thinking always about every single people within our hāhi  
 29 networks. We want to thank all of those people who have been good, safe people,  
 30 trustworthy people. But our thoughts are ultimately on the survivors.

31 So we just want to say again from the Primates, anyone who has suffered abuse or  
 32 those who know of those who have suffered abuse, on behalf of our Church our plea, please  
 33 come forward, please come to the Commission, please come to the hāhi if you feel safe  
 34 enough to do so, to bring your stories forward and help us respond to survivors with the

1 manaakitanga that they need, koinā tāku me ngā te mihi atu ki a koutou kia tātou katoa.

2 **Adjournment from 3.34 pm to 3.51 pm**

3 **CHAIR:** So welcome back everybody and welcome to all the new faces in the room who no doubt  
4 we'll be introduced to shortly. Thank you Ms Anderson.

5 **MS ANDERSON:** Yes, Madam Chair, it may be you wish to take the appearances from the  
6 people who are newly here.

7 **CHAIR:** That's a very good idea. We'll take appearances from first of all the survivor group as  
8 you're in the front row, Ms Cooper.

9 **MS COOPER:** Tēnā koutou katoa, Madam Chair and Commissioners. I'm appearing on behalf of  
10 the Survivors Network of those Abused by a Priest and their members. With me I have Dr  
11 Christopher Longhurst who will be doing the opening with me supported by John O'Malley  
12 and Kate Whiting who is another counsel assisting.

13 **CHAIR:** Thank you all of you. And of course, for the Catholic Church?

14 **MS McKECHNIE:** Good afternoon, Madam Chair Commissioners. We have been joined this  
15 week by Mr Harrison Cunningham who has appeared previously, and he'll be here this  
16 week.

17 **CHAIR:** Thank you.

18 **MS ANDERSON:** Tēnā koutou katoa. In the context of transitioning to the Catholic team  
19 I appear with the counsel assist, Jane Glover, Michael Thomas, and Echo Haronga  
20 supported by a significant team led by David Green, internal team, and also recalling, Lucy  
21 Wesley-Smith previously team leader, now on parental leave, has made a massive  
22 contribution to arriving at this point.

23 **CHAIR:** Thank you very much, Ms Anderson. So, we will commence with your opening  
24 statement.

25 **OPENING STATEMENT BY MS ANDERSON**

26 **MS ANDERSON:** Tēnā koutou katoa. At the commencement of the phase of this hearing,  
27 focusing on redress, when I made the opening address on Wednesday I made a series of  
28 acknowledgments and I repeat and incorporate those here without going through them  
29 specifically again. The important additions that I make are to refer to those victims and  
30 survivors of abuse in the Catholic Church who gave witness statements to us in advance of  
31 the survivor voice hearing last year and to those victims and survivors who you heard from  
32 when they gave oral evidence last year. Those are Francis Tagaloa, Tina Cleary giving  
33 evidence on behalf of her father Patrick Cleary, Mr G, Mr F, Anne Hill, Gloria Ramsay,  
34 Ann-Marie Shelley, Mary Marshall, Marc and John.

1 I also acknowledge the expert that you'll be hearing from tomorrow morning,  
2 Thomas Doyle, who has very unselfishly given of his time to prepare expert evidence for  
3 the Inquiry relating to the structures and governance of the Catholic Church as well as a  
4 range of other matters. And I acknowledge the representatives of the survivors' network of  
5 those abused by priests, SNAP and Aotearoa New Zealand who are, as you know, speaking  
6 after me in advance of the opening submissions on behalf of the Catholic Church.

7 In this second week of hearing, Commissioners and members of the public, whether  
8 they are here in the room or attending via our live streaming, you will hear from witnesses  
9 on behalf of The Bishops and Congregational Leaders of the Catholic Church in Aotearoa  
10 New Zealand and I'll refer to this by the shorthand, Catholic Church, as I go through my  
11 opening. This evidence will cover firstly the nature and extent of abuse in the Catholic  
12 Church.

13 I note at this point, it's touching on that, that is not primary focus of this hearing, but  
14 it is important contextual information to understanding the responses to redress. And  
15 secondly, the focus is on covering the approach the church took to redress, rehabilitation,  
16 and safeguarding following disclosures of abuse in the care of the Catholic Church.

17 As I've previously emphasised and repeated here, it is important for all participants  
18 to understand that our Inquiry is ongoing and wide-ranging. What will be heard in the  
19 context of this hearing is a small part only of the evidence that will form part of the material  
20 we're working with for the redress report at the end of the year, but also in relation to the  
21 ongoing wider investigation into abuse in the care of the Catholic Church.

22 The systemic and cultural factors that have influenced the Catholic Church's  
23 response to abuse have been identified in numerous international inquiries over the last  
24 three decades. In this context, the Catholic Church has had the opportunity to apply  
25 learnings from overseas to its redress processes here in Aotearoa.

26 Commissioners, you will no doubt follow the evidence with interest as to the extent  
27 to which those opportunities for improvement identified through off-shore inquiries have  
28 been incorporated into the processes and policies here in New Zealand.

29 The Catholic Church, like all faiths participating in this hearing, has been required  
30 to produce information and documents to the Inquiry. This information and the  
31 documentation relates to both the nature and extent of abuse in the care of the church and  
32 its redress response.

33 We've received some preliminary data from the Catholic Church relating to the  
34 nature and extent of abuse. Now that data is, of course, subject to a number of caveats and

1 is only preliminary at this point. There are also issues arising from accuracy given what the  
2 Commission already knows about the barriers to disclosure and the failure of  
3 record-keeping across the faith-based institutions from the 50s forward which obviously  
4 impacts on the accuracy.

5 Accepting that the data is preliminary only, it's very clear that the Catholic Church  
6 has received a significantly higher volume of disclosures of abuse than have the other  
7 faiths, including the Salvation Army and Anglican Church that you've heard from this week  
8 and last. The preliminary figure is in excess of 1,100 disclosures of abuse.

9 So, against that background, I wish to emphasise some of the key themes that  
10 emerged from the Catholic survivors that you heard from last year.

11 Victims and survivors gave evidence that they found interactions stressful and  
12 upsetting, both when reporting abuse and seeking redress. Many reported being given little  
13 or no information about what they should expect from the redress process, including how  
14 long it would take, what would be involved and the potential outcomes.

15 Witnesses considered that the reputation of the institution or the respondent was  
16 prioritised over them. The evidence also showed that referrals and applications for  
17 disciplinary responses of Catholic priests and religious brothers and sisters, and I'll use the  
18 handle "religious" for that second category of religious brothers and sisters, in canon law  
19 and engagement with the Holy See was very limited.

20 Their evidence emphasised that survivors have generally not been provided with  
21 meaningful and ongoing therapeutic support. In other words, they did not consider that  
22 their lifelong needs were supported through the outcomes they achieved in the redress  
23 process. The role of the Accident Compensation Scheme in shaping the Church's response  
24 to long-term needs will be of interest to Commissioners here as it was in the State-based  
25 hearings earlier.

26 Those who gave evidence emphasised their hope that by reporting their abuse they  
27 would help prevent the abuse of others. We know that this is a strong motivation  
28 universally against survivors coming forward, not only in the faith-based context.  
29 However, their evidence revealed that the initial steps taken by institutions did not appear  
30 to prioritise the prevention of further abuse or supporting complainants to report to Police  
31 or another agency. Several of the survivors who gave evidence indicated that they are  
32 aware of others who were abused by the same perpetrator.

33 The survivors also indicated that they were often unclear about what the  
34 investigation process would be once they'd reported abuse. Explanations about what

1 information and evidence would be used, how that was accessed, who it would be shared  
2 with and for what purposes were not forthcoming. For example, most survivors were not  
3 given the investigation report which was developed as part of the investigation process.

4 Much of the evidence showed that the redress outcomes sought by victims and  
5 survivors was not provided to them. There did not appear to be a discernible criteria for  
6 monetary and non-monetary redress and whether any such criteria was applied consistently  
7 and transparently when it did exist.

8 A further common theme was that the insights and reflections of survivors was not  
9 systematically sought and recorded. Accordingly, the essential perspective and voice of  
10 these survivors does not appear to have been captured to inform or to have informed the  
11 development and review of redress policies and procedures and practises.

12 Turning briefly to the structure of the Catholic Church. To understand the response  
13 of the church authorities to victims and survivors of abuse it is also necessary to understand  
14 both the structures of the Church and the evolution of the Church's redress processes in  
15 New Zealand, and I'm sure that you will be hearing from counsel for the Catholic Church in  
16 their opening explaining these to you, so I'll just touch briefly on some of the high level  
17 aspects included in my written opening in the interests of time.

18 The first crucial point is that there's not a single church that you look to or point to.  
19 There are currently 49 Catholic Church authorities with religious members operating in  
20 New Zealand, that being six dioceses of Aotearoa New Zealand and at least 43 religious  
21 institutes.

22 Each of these separate Catholic Church authorities, and that's the language used  
23 globally across the differentiation there, has certain accountabilities under canon law  
24 promulgated in Rome. This unique aspect is one factor that differentiates the Catholic  
25 Church from the other churches that you've heard from to date in this hearing. Given that  
26 international reach, the Inquiry is requesting information from the Holy See and any  
27 response to this request will form an important part of our ongoing investigations.

28 It is due to the complexity of the canon law context setting out accountabilities that  
29 you are first hearing from the expert Thomas Doyle before you hear from the institutional  
30 witnesses on behalf of the Catholic Church. He is a Dominican Priest with qualifications  
31 with canon law, theology, church administration and political sciences. In addition, he has  
32 extensive experience having engaged directly with numerous victims and survivors of  
33 abuse by Catholic clergy or religious.

34 In addition, his evidence addresses the systemic cultural or other factors present

1 within Catholic institutions which prevented or limited the ability of victims and survivors  
2 to report or pursue redress for abuse in care. Additional barriers for reporting or pursuing  
3 address experienced by Māori, Pacific people, people with disabilities, people with mental  
4 illness or any other vulnerable groups will also be explored.

5 Turning to the redress processes of the church, the evidence that you'll hear  
6 establishes that it's from the early 1990s that the church leaders within New Zealand have  
7 come together and attempted to develop a response to disclosures of abuse by Catholic  
8 priests and religious.

9 In 1998 Te Houhanga Rongo - A Path to Healing was first published by church  
10 leaders and shifted the focus towards a national response. A Path to Healing was from that  
11 time and remains a public document. The 1998 version was formerly promulgated by each  
12 of the diocesan bishop as particular law, meaning it was recognised as canon law within  
13 each diocese and this document has been reviewed subsequently in 2001, 2007 and 2020  
14 being substantive revisions.

15 Each version of A Path to Healing, save for the most recent 2020 version, contains  
16 the following: "We see A Path to Healing as a public document that establishes public  
17 criteria according to which the community may judge the resolve of church leaders to  
18 address the issues fairly and compassionately. If we do not act according to the principles  
19 of this document and follow procedures founded on these principles, we shall have failed  
20 according to our own criteria." And it logically follows that a part of what you will be  
21 interested in, in examining the evidence to be heard shortly is in fact whether there has been  
22 a failure according to criteria set in that document.

23 It's also important to note that A Path to Healing is a process only in relation to  
24 sexual abuse of children and adults by priests and religious. The consequence of that is that  
25 all other forms of abuse and sexual abuse by lay employees and volunteers are not within  
26 the scope of this Path to Healing process.

27 At the time A Path to Healing was published in 1998, abuse protocol committees  
28 were established by each diocesan bishop with the religious superiors able to use that  
29 subject to agreement. The primary function was to investigate allegations and make  
30 recommendations.

31 In this time a decision on whether a complaint was upheld and what any remedy  
32 might be made by somebody, was made by somebody in that relevant church authority.  
33 Jumping forward in time we still have the position that it is the relevant church authority  
34 that makes a decision on what remedy might be granted.

1           Leading up to changes in process, except for that decision-making in relation to  
2           granting a remedy, the National Office for Professional Standards or NOPS was established  
3           in 2004. This was to assist diocesan and religious protocol committees respond to what  
4           was an increasing number of allegations of abuse and to help dioceses and congregations to  
5           establish prevention processes. So, at this point in time when NOPS is established it had no  
6           role in relation to the investigations. This continued to be the responsibility of the various  
7           abuse protocol committees. But NOPS did have a specific role as being lead agency when  
8           somebody was asking for a review of the investigation process carried out by that other  
9           protocol committee.

10           The role of NOPS was expanded in 2009 and at this point in time it has an oversight  
11           role of all allegations of sexual abuse against priests and religious, with the purpose being  
12           to ensure that investigations were being conducted thoroughly. Clearly in part a  
13           recognition of a mixture of standard of investigations across the different protocol  
14           committees.

15           At this point a cooperation between NOPS and the relevant church authority was  
16           required. Later, moving forward in time to 2017, the function of the Abuse Protocol  
17           Committees was transitioned to a single entity called the Complaints Assessment  
18           Committee. This committee continues today to make findings in relation to allegations  
19           received or passed to NOPS.

20           So, the point of difference here being that where the previously, protocol committee  
21           in the early phase of this process was making a decision on was the complaint upheld and  
22           what is the remedy, here we've got the Complaints Assessment Committee making a  
23           finding on whether the complaint is upheld with then referral back to the relevant church  
24           authority to make a decision on remedy.

25           NOPS took over the investigative stage of the response process at this time in 2017  
26           with the carve-out that allegations relating to members of the Society of Mary, which was  
27           still managed by the Society of Mary Sexual Abuse Protocol Committee.

28           The focus in this part of the hearing is clearly on whether the principles and  
29           procedures of A Path to Healing have been consistently applied and whether there has been  
30           a quality of outcomes and whether the needs of victims and survivors have been met. But  
31           in addition, and it is an important addition, Commissioners will no doubt be focused on  
32           what the principles and procedures were that applied to all complaints of abuse that fell  
33           outside of A Path to Healing. Was there consistency of outcome, equality of outcome and  
34           how were the needs of victims and survivors met?

1 In terms of who you will be hearing from, given hearing time constraints, as you  
2 know, not all the witnesses put forward by the Catholic Church are able to be heard in this  
3 oral hearing. What will happen is that those other witness statements will be made  
4 available on the Inquiry's website.

5 The witnesses who you will hear from over the next four days, once we've  
6 concluded the evidence of Thomas Doyle on behalf of the Catholic Church, are Peter  
7 Horide who is a professional standards delegate for the Marist Brothers and has been in that  
8 role since 2018; Virginia Noonan, the current Director of NOPS; Timothy Duckworth, the  
9 Provincial of the New Zealand Province of the Society of Mary; and John Dew, the  
10 Archbishop of the Archdiocese of Wellington and the Metropolitan Archbishop of  
11 New Zealand.

12 That concludes my opening remarks. Tēnā koutou, tēnā koutou, tēnā koutou katoa.

13 **CHAIR:** Kia ora Ms Anderson. Ms Cooper.

#### 14 **OPENING STATEMENT BY SNAP**

15 **MS COOPER:** Commissioners — better turn the microphone on — because SNAP is a  
16 survivor-led organisation it is appropriate that the opening is shared between myself and  
17 Christopher. Christopher is going to start the opening starting with a mihi.

18 **DR LONGHURST:** Tena koutou katoa, Tēnei te mihi manahau ki te mana whakahaere, ki ngā  
19 komihana, me ā koutou mahi whakahirahira. Tēnei te mihi uruhau ki ngā mōrehurehu kua  
20 puta mai me ā tātou kaitautoko. -- Ki ngā morehurehu katoa, he mihi maioha. Heoi, ko ngā  
21 whakamānawatanga katoa ki a SNAP me ā koutou mahi whakahirahira. Mā whero mā  
22 pango ka oti ai te mahi. No reira tēnā koutou, tēnā koutou, tēnā tātou katoa.

23 **CHAIR:** Kia ora.

24 **COMMISSIONER ERUETI:** Tēnā koe. Ka nui te mihi ki ā koe. Nau mai haere mai ki te tuku  
25 kōrero ki mua ki te aroaro o tēnei Kōmihana, nō reira, nau mai haere mai, tēnā koe.

26 **DR LONGHURST:** We are here today to give a voice to SNAP, the Survivors Network of those  
27 Abused by Priests and to their whānau and supporters. We salute the victim survivors who  
28 have appeared to date and all victim survivors across Aotearoa New Zealand. SNAP is also  
29 providing a written witness statement to this Inquiry. We invite the Commissioners to  
30 consider it in detail.

31 SNAP is an independent peer support network of victims and survivors of  
32 faith-based and institutional abuse. Our kaupapa is to support survivors, protect children  
33 and adults at risk and hold perpetrators to account and to raise awareness.

34 Our New Zealand chapter was founded in June 2019 by myself, a survivor not only

1 of clerical and religious child sexual abuse, but also adult at risk abuse in the Catholic  
2 Church of Aotearoa New Zealand.

3 Our members come from different faith traditions, including, though not limited to,  
4 the Salvation Army, Jehovah's Witnesses, Anglican, Baptist, Methodist, Orthodox and  
5 Presbyterian churches and also the Catholic Church.

6 Whilst we give our address today ahead of the evidence from the Catholic Church,  
7 it is vital that we acknowledge that we do not speak only for our members who were abused  
8 in the Catholic Church, but to the experiences of all of our members whose lives have been  
9 devastated by the abuse they suffered and subsequent harm in their pursuits of redress.

10 We must note, therefore, that our members have not only suffered historical abuse,  
11 but many are still suffering abuse today as this hearing takes place. This includes both  
12 primary abuse, that is first time abuse, and its secondary forms, most prevalent in  
13 faith-based institutions due to such factors as silencing, secrecy, socially unhealthy  
14 doctrinal teachings and practises, institutional preservation and asset protection over and  
15 above mission and morality. Druidical and hierarchical structures, elitist minimisation, and  
16 above all, clericalism and religious privilege. This is not to mention delay, denial and  
17 dismissal in processing our complaints through in-house redress.

18 In phase one of the faith-based redress hearing we heard from Sally McKechnie on  
19 behalf of the Catholic Bishops and Congregational Leaders about the importance of redress  
20 in responding to victims and survivors and in assisting in their healing. We also heard how  
21 the Catholic Bishops and Leaders are committed to quote: "the complete elimination of all  
22 forms of abuse for those in care and ensuring that survivors of abuse obtain the support they  
23 need." We have heard similar commitments in the past from other faith-based  
24 organisations as well.

25 This week you will hear from Virginia Noonan, Director of the National Office for  
26 Professional Standards, NOPS; and John Dew, Metropolitan of New Zealand, about the  
27 adopted redress processes of the Catholic Church, and new developments from the Vatican.

28 We anticipate that references will be made to principles claimed to underpin those  
29 processes; namely, compassion, fairness and natural justice, and responsibility and  
30 accountability.

31 Commissioners, all of our members agree that these principles underpin the heart of  
32 their healing processes and that they are integral to the restoration of the injustice we have  
33 suffered. However, it is overwhelmingly clear for us from our members' accounts that we  
34 are not experiencing any healing. In fact, we are finding little or no consolation and no

1 justice in the effect.

2 To eliminate abuse, as The Bishops and Congregational Leaders are apparently  
3 committed to doing, a robust redress process is needed. Without this change and without  
4 concrete evidence as to how this commitment is actually being honoured in practice, we are  
5 concerned that such a commitment is only an empty promise. When hearing the evidence  
6 this week, Commissioners, we would respectfully ask that you have this notion in your  
7 hearts and at the forefronts of your mind.

8 Sonja will now share with you some of the reports our members have made of A  
9 Path to Healing, Te Houhanga Rongo, the national redress process of the Catholic Church  
10 of Aotearoa New Zealand.

11 **MS COOPER:** So, the first thing that survivors have said is that they have suffered further harm  
12 and re-traumatisation as a result of seeking redress. They have said that emotional support  
13 and counselling was absent; that the process was adversarial, that it took years and it was  
14 highly stressful; that they felt totally overwhelmed and were therefore unable to properly  
15 engage and tell their stories; that the professionals involved, including the investigators  
16 appointed by NOPS, lacked compassion and seemed to have little or no understanding of  
17 trauma and the unique needs of survivors and that some independent investigators were  
18 paid for by the church, at least on their payroll.

19 Almost all reported that they felt much worse afterwards. Some even said that the  
20 redress process was worse than their initial abuse because of the further trauma and  
21 frustration it weighed against them.

22 Secondly, SNAP members said they felt like they were being put on trial and  
23 blamed for their abuse. They said they were repeatedly questioned by the NOPS  
24 investigators; that some of the questions were insulting or seemed irrelevant; that they were  
25 made to feel like it was a criminal not a civil investigation and that in some cases a higher  
26 standard of proof was used; that when evidence wasn't available due to the historic claims  
27 and nature of their abuse, their complaints were not upheld.

28 Thirdly, this group have said that the process lacked transparency. They have said  
29 that information about the decisions being made and the reasons why complaints were not  
30 upheld, were not shared; that investigators' reports were heavily redacted and you've seen  
31 that already; that they felt disbelieved, side-lined and dismissed; that they achieved no  
32 closure; that due to lack of information they felt powerless to challenge the decisions being  
33 made about them and exercise their right of review.

34 Fourthly, they have said that the redress, when it was made, was inadequate and

1 degrading. They have said that they received small pay-outs ranging from only \$5,000 to  
2 about \$25,000 for the most serious acts of child molestation. These payments are further  
3 described as ex gratia payments which are not designed to compensate, punish or penalise,  
4 but to acknowledge suffering. They found this insulting and wholly inadequate. They said  
5 that non-financial remedies, such as apologies, were conditional, legally framed and  
6 therefore insincere and superficial. They also said there were no automatic consequences  
7 for their perpetrators. Some remained in office, were not held accountable, and were  
8 allowed to continue going about their daily business.

9 Finally, they said that ultimately, they could not have confidence in a redress  
10 process being handled by the very body responsible for their abuse and in many cases  
11 responsible for its past cover up, even when it knew and continued to allow the abuse to  
12 happen to children. For that reason, some decided not to pursue their Path to Healing  
13 process at all, thereby being denied justice and redress as they felt that any claim an  
14 institution can investigate itself simply lacks credibility.

15 Commissioners, Dr Longhurst will now present a number of recommendations that  
16 he wants you to be thinking about as you hear the evidence.

17 **CHAIR:** Thank you.

18 **DR LONGHURST:** Commissioners, SNAP is asking that any redress process be  
19 survivor-focused and survivor-led. We feel that survivors must be empowered and in  
20 control. To quote our champion, Judith Herman, a world leader in trauma and recovery,  
21 "No intervention that takes power away from the survivor can possibly foster her or his  
22 recovery, no matter how much it appears to be in his or her best interest."

23 SNAP is also asking that all redress processes be designed to properly compensate  
24 us and facilitate our rehabilitation. We do not want to see ex gratia payments. Instead, we  
25 are asking that survivors be compensated for the physical and psychiatric harm that we  
26 have suffered; for our loss in earning capacity, both past and future, and for ongoing  
27 treatment and counselling costs, and for any other forms of vocational support that may be  
28 required. We feel that we must be offered authentic emotional and practical support.

29 SNAP is also asking for genuine apologies, personal apologies, specific apologies to  
30 the individual survivor to fully acknowledge the very abuse and contain accompanying  
31 evidence of the changes made to protect others in the future.

32 SNAP is also asking that perpetrators face consequences. It should not be a matter  
33 of discretion as to whether a child abuser who has complaints upheld against him or her be  
34 removed from office. This should be automatic.

1 Finally, and most importantly, SNAP is asking that all redress processes be  
 2 managed by a body that is totally and truly independent of the relevant faith-based  
 3 institution. To secure the trust and confidence of survivors, a secular statutory body must  
 4 be set up to deal with redress; one that operates entirely independently of church hierarchy  
 5 structures and absolutely beyond the mandate of any faith-based institution. This is only  
 6 fair and reasonable.

7 We welcome comment on these proposals as we hear the evidence this week. And  
 8 we ask that change be expedited. We have waited a very, very long time. Commissioners,  
 9 we feel that it is not fair to keep us waiting any longer.

10 We thank you once again for the opportunity to speak here today. Nō reira, tēnā  
 11 koutou, tēnā koutou, tēnā tātou katoa.

12 **CHAIR:** Kia ora.

13 **MS COOPER:** That concludes —

14 **CHAIR:** Thank you both for those submissions which we've noted carefully. Yes, Ms  
 15 McKechnie.

#### 16 **OPENING STATEMENT BY MS McKECHNIE**

17 **MS McKECHNIE:** Tēnā koutou, i tēnei ahiahi, Madam Chair, Commissioners. Ko Sally  
 18 McKechnie ahau. As you know, I appear as counsel for Te Rōpū Tautoko on behalf of the  
 19 Catholic bishops and congregational leaders of Aotearoa New Zealand. We acknowledge  
 20 you, Madam Chair, Commissioners, counsel assisting, fellow counsel, the survivor  
 21 networks, the survivors who are here in the public gallery and those who are watching  
 22 elsewhere.

23 **COMMISSIONER ERUETI:** Kia ora.

24 **MS McKECHNIE:** To acknowledge the Commission and its work, ma'am, I invite Cardinal John  
 25 Dew to come forward now. He would like to begin with a short mihi to acknowledge the  
 26 mana of the Commission and its work.

27 **CHAIR:** Thank you. Welcome Cardinal Dew.

28 **CARDINAL DEW:** E ngā mana, e ngā reo, e te mana whenua o tēnei kainga, tēnā koutou katoa.  
 29 Te Heamana Coral Shaw otirā, koutou ngā Kai Kōmihana tēnā koutou. E te hunga morehu  
 30 kua tūkinotia, tēnei ahau (inaudible) Mo te Hāhi Katorika, e tautoko i ngā mihi aroha ki ā  
 31 koutou katoa. Ka nui te aroha, ka nui te (inaudible), e te iwi e pai nei ngā whānau ngā  
 32 morehu, tēnā koutou, tēnā koutou, tēnā koutou katoa.

33 Madam Chair, Commissioners, counsellors assisting, all gathered here today and all  
 34 watching in other places, tēnā koutou katoa. I acknowledge you all and thank you for this

1 opportunity given to us as the Catholic Church to engage in this Royal Commission  
2 hearing, to continue our learning and to learn with you as we engage in this hearing.

3 I greet survivors and want to assure you that we have listened, we are listening.  
4 I, and we, are ashamed and saddened by what has happened. Many people have spoken to  
5 this Commission, both survivors and church leaders. Our hope is that this Commission will  
6 lead us and help us to be a better church and that as a church, this disgrace of abuse will be  
7 addressed, will cease, and that our church will always be a church that gives life and hope.

8 That's our mission as a church. It is always to give life, the life that Christ offers us.  
9 We know that in this we still have much to learn. So I thank you for this opportunity to be  
10 part of this Royal Commission. Tēnā tātou katoa.

11 **CHAIR:** Kia ora.

12 **COMMISSIONER ERUETI:** Tēnā koe. Kā nui te mihi ki ā koe e te rangatira ki te Hāhi  
13 Katorika, nau mai haere mai ki tēnei Kōmihana ki te tuku kōrero ki ā mātou, mauria mai ō  
14 koutou mana o koutou tikanga ki wanganui a mātou, ki te maumaharatia ngā kupu ō ngā  
15 morehu ka whaia mātou te tika, te pono, nō reira, nau mai haere mai ki ā koe ki te Hāhi, kia  
16 ora.

17 **CARDINAL DEW:** Kia ora, tēnā koe.

18 **MS McKECHNIE:** Commissioners, as the Cardinal has just said, the bishops and congregational  
19 leaders of the Catholic Church in Aotearoa New Zealand want to acknowledge the  
20 survivors of abuse who have made the courageous and difficult decision to engage with this  
21 Inquiry, those who are watching here and remotely. They specifically want to acknowledge  
22 those survivors who have provided evidence to this redress hearing, both in writing and in  
23 person.

24 As the Cardinal has just said, the bishops and congregational leaders and members  
25 of the church have heard the survivors and want to thank them all for their bravery and  
26 courage.

27 As you know, Commissioners, the bishops and congregational leaders asked to  
28 participate in this Royal Commission and were very pleased when the terms of reference  
29 were expanded to include them. They asked to participate because they considered that the  
30 way to learn the lessons for today and the future is to acknowledge and address what has  
31 occurred.

32 Commissioners, Te Rōpū Tautoko was created to co-ordinate the response of the  
33 Catholic Dioceses and congregations to the Commission. This is necessary because, as my  
34 friend Ms Anderson said, there are six dioceses in New Zealand, and 43 religious

1 congregations represented through Tautoko.

2 In my opening this afternoon, Commissioners, I'm intending to briefly set out the  
3 structure of the church, to highlight five issues that are key as an introduction for you to  
4 understand the evidence that you will hear this week, and then briefly touch on who is  
5 giving evidence and what it will cover for the balance of the week.

6 Commissioners, returning to the structure of the church, the physical structure, there  
7 are six dioceses, these are geographical areas and are each headed by a bishop. Wellington  
8 is an Archdiocese and is led by an Archbishop. The bishop and the archbishops are  
9 appointed by the Pope and are accountable to them.

10 Now I appreciate, Commissioners, this is the third faith-based group that you have  
11 had so your comparative religion will be coming on very well. I would like to highlight at  
12 this point that the Archbishop in the Catholic Church is very different to the structure that  
13 you have just heard in the evidence of the Anglican Church. Archbishop Dew is not more  
14 senior than the other bishops. He is an Archbishop because he is the head of an  
15 Archdiocese, but he does not direct or control his brother bishops, which is more of the  
16 structure of the Anglican Church.

17 There are 43 religious congregations in New Zealand that belong to the  
18 Congregational Leaders Conference of Aotearoa New Zealand. This is known as  
19 CLCANZ. Through CLCANZ they are represented here by Tautoko. I will spend a brief  
20 period explaining this because it is a complex feature of the Catholic Church in  
21 New Zealand. These religious congregations, and they're sometimes referred to as religious  
22 orders —

23 **CHAIR:** We're getting the green signal, Ms McKechnie.

24 **MS McKECHNIE:** I noted that, thank you ma'am — religious congregations, religious orders or  
25 institutes. These are groups of men or women who belong to a community that has a  
26 particular charism or founding spirit of their congregation. Members of these  
27 congregations commit to the congregation and the work that their congregation undertakes.  
28 Typically, they elect their leadership and they may have a number of communities around  
29 New Zealand. They are not limited by geography in the way that dioceses are.

30 Commissioners, historically there has been a much greater presence of  
31 congregations in New Zealand and they have been here in much greater numbers. This has  
32 significantly reduced over time. So, a number of the 43 congregations Tautoko represents  
33 no longer have a large number of active members or indeed any active members left in  
34 New Zealand, but they remain members of CLCANZ and are represented here. There are

1 some congregations who no longer have a presence in New Zealand and haven't for many  
2 decades and they are not represented here before you today.

3 As counsel assisting has already noted, there is a separate investigation into the  
4 Catholic Church and as part of that work that you are undertaking, the bishops and  
5 congregational leaders and their organisations are engaging in that investigation, providing  
6 a significant volume of documents and preparing for an upcoming case study.

7 That investigation will examine the harm done to those in the Church's care and  
8 how this harm came about. This week, the evidence is going to focus on the redress  
9 processes that the Church uses. I mention this to emphasise to those who are watching, as  
10 my friend Ms Anderson did, that this will not be the only occasion that representatives of  
11 the Catholic Church are before you to answer your questions.

12 Turning, Commissioners, to the key introductory matters I wish to highlight in  
13 relation to the redress process, and there are five of these. As a preliminary comment, the  
14 bishops and congregational leaders have asked me to indicate that they seek to ensure that  
15 the redress process is fair, robust and respectful of survivors, but that they acknowledge that  
16 this has not always been the case.

17 In particular, the Church's current approach to redress has evolved and it has  
18 developed significantly over time and it has needed to do so. Much of the evidence you  
19 will hear this week will trace that evolution, and nor is that evolution finished. And this  
20 Commission will be part, and is part, of that process.

21 So, the five key introductory matters to highlight: first, the structure of the Catholic  
22 Church. As counsel assisting has already noted, the Catholic Church is not a single entity,  
23 it exists and consists of people, communities, organisations, institutions and legal  
24 structures, all committed by their common faith. This is both independent and  
25 interdependent, the relationships between these groups; and understanding that is  
26 fundamental to understanding how redress has evolved and how it is undertaken now in the  
27 Catholic Church.

28 Each of these 49 organisations and entities are independent of each other and are  
29 autonomous in how they respond to complaints, disclosures of abuse and claims. But at the  
30 same time, they are interdependent as parts of the Catholic Church. Commissioners, this  
31 has a number of impacts on redress and, indeed, it has a number of impacts on many  
32 aspects of the Church's life. It is a fundamental feature of the Church.

33 Reflecting this independence, prior to the material being prepared for this Royal  
34 Commission, there was very little information sharing between the Catholic entities about

1 the details of their own redress responses, particularly the quantum of settlements and  
2 pastoral approaches.

3 The church is aware that understanding and navigating this structure can create  
4 challenges for survivors. It's also very aware that responses vary between entities and have  
5 varied over time.

6 The second issue, Commissioners, is the role of the global church and the role of the  
7 Vatican. It's very important in order to understand the evidence to understand the role of  
8 the Vatican, the Pope and canon law in the Church's redress response; but also,  
9 Commissioners, the limits of that role.

10 Over time, the Vatican has increasingly responded to abuse in the Catholic Church  
11 at a global level; and here in New Zealand, the bishops and congregational leaders have  
12 been guided by that, and in particular there are specific documents and guidelines issued by  
13 the Pope and other Vatican authorities regarding responding to abuse. You will hear  
14 evidence about those.

15 In some matters, for example the laicisation of priests or the removal from the  
16 congregation of a religious order, the Vatican has a direct role. As a global faith of more  
17 than a billion adherents, there are a number of fundamental matters of faith and of doctrine  
18 that cannot be altered by the people before this Commission, by the bishops and  
19 congregational leaders in New Zealand.

20 However, much of the specific redress responses in New Zealand that you will hear  
21 evidence about have been determined, and are determined, by the bishops and  
22 congregational leaders themselves on behalf of their organisations. They do this within the  
23 Vatican guidelines and canon law and within New Zealand civil law, and that is without the  
24 direct input of the Vatican.

25 The third key issue I'd like to highlight, Commissioners, is the New Zealand  
26 Church's response to redress, the Path to Healing document that counsel assisting has  
27 already mentioned. This document has evolved significantly in the last 30 years and it has  
28 not always directly mirrored the developments in the Vatican. In a number of instances,  
29 Catholic leaders in New Zealand have taken steps and introduced policies before the  
30 Vatican has issued guidelines in response to what has happened locally. It's also necessary  
31 for this process to respond to the directions from the Vatican when they are given.

32 You will hear much about APath to Healing and its various versions in coming  
33 days. This document contains the principles and procedures by which the church responds  
34 to complaints of abuse and sexual misconduct by the clergy and religious. Counsel

1 assisting was correct to note that this is limited to sexual abuse by clergy and religious.  
2 There is other evidence before the Commission about the processes used for non-sexual  
3 allegations and they are broadly mapped on A Path to Healing.

4 Today, A Path to Healing seeks to provide a consistent process for complainants  
5 and central co-ordination of the redress process. However, Commissioners, it is vital to  
6 understand that NOPS (National Office for Professional Standards) is only a co-ordination  
7 body, it is not the decision-maker, as my friend Ms Anderson pointed out. Those decisions  
8 remain with the independent responsible church authority.

9 The fourth point I'd like to highlight, Commissioners, is that the Church  
10 acknowledges that one size does not fit all. The Church acknowledges that while some  
11 survivors have had a positive experience with the redress process, they acknowledge that  
12 others have not. The Church's experience in this redress process has clearly demonstrated  
13 to it that each survivor is an individual and what they're seeking from this process, and from  
14 the church, can differ significantly. It can also change for an individual at different times in  
15 their engagement with the Church.

16 Recognising that one size doesn't fit all, A Path to Healing is seeking to balance a  
17 number of tensions within a redress process. Some of the evolution of that is in response to  
18 some of those tensions. They are significant, Commissioners, and the Church  
19 acknowledges that it may not have the balance right between these matters at present.

20 These factors include seeking to balance a desire for consistency in the process used  
21 with the need for flexibility to respond to the needs of an individual. The need to have  
22 independence and robustness of process, and the desire that many complainants who  
23 approach the Church have for connection with the Church and personal engagement with  
24 the Church leadership. There is a tension between independence from the Church and  
25 accountability of the Church.

26 There is a tension between ensuring consistency of process and enabling space for  
27 compassion for an individual and what they are seeking. And there is a clear tension  
28 between the responsibilities of the bishop and the congregational leaders to their priests and  
29 members of the congregation and the need for accountability and safeguarding within the  
30 Church.

31 We lay these tensions before you, Commissioners, to highlight what the Church is  
32 seeking to address. These are clear in the evidence before you and that you have already  
33 heard. And the Church welcomes your thoughts on these challenges and how to design a  
34 best practice approach to redress. These are complex issues, as you know very well, and

1 the Church comes to you with what it has done and seeks your guidance.

2 Finally, Commissioners, another feature of the Catholic entity's response to redress,  
3 which is both unique and we anticipate you will have questions about, is the ongoing  
4 responsibility church entities have for their members, both the priests and religious  
5 members. This includes those who have harmed others and those who have offended.

6 Commissioners, the approaches that different church entities take to this has  
7 changed over time and differs between organisations within the Church. Closely related to  
8 this, and fundamentally important, is safeguarding. This is a very important aspect of the  
9 Church's responsibility, both to its own members and to those who engage with the Church.  
10 We anticipate, Commissioners, you will have a number of questions about those issues.

11 So, Commissioners, to answer these questions, Tautoko, on behalf of the Church,  
12 has filed evidence from six witnesses. This has been intended to provide a range of  
13 perspectives from clerics, male and female religious, and lay members of the church. I will  
14 briefly summarise the evidence that you will hear on behalf of the Church in the coming  
15 days.

16 The first witness called by Te Rōpū Tautoko will be Peter Horide. He is the current  
17 Professional Standards Delegate of the Marist Brothers. The Marist Brothers is a  
18 congregation where all its members are religious brothers, they are lay rather than priests.

19 Brother Peter is not the leader of the Marist Brothers, he was specifically requested  
20 to give evidence by the Commission and accordingly, he will be appearing. He has been in  
21 his role since 2018 and as a result, there'll be many documents and decisions from the  
22 Marist Brothers that he was not personally involved in, but he will do his best to answer  
23 your questions.

24 Commissioners, he will be joined in the witness box by Brother John Hazelman  
25 who is the District Leader of the Marist Brothers. As the District Leader and on behalf of  
26 the brothers, Brother John wishes to acknowledge the Commission, survivors and the  
27 evidence that the brothers heard in December. It reflects Brother John's Samoan culture  
28 that, for him as the leader, he should be the one to undertake that acknowledgment and he  
29 will do that very briefly at the commencement of Brother Peter's evidence.

30 Secondly, there is evidence on behalf of the National Office for Professional  
31 Standards, which we will no doubt call NOPS over coming days. Briefs have been filed by  
32 Mr Phil Hamlin and Ms Noonan. Ms Noonan has been asked to provide evidence and so  
33 she will speak to the evidence of both she and Mr Hamlin to the best of her knowledge,  
34 explaining the NOPS process, how it has changed over time and what is currently the

1 process being used by the National Office for Professional Standards.

2 Mr Hamlin, Commissioners, is the long-time Chair of the National Safeguarding  
3 and Professional Standards Committee, for all intents and purposes Ms Noonan's employer.  
4 He is a criminal barrister with extensive experience and his evidence is both available to the  
5 Commission and will be online for those watching who wish to read it.

6 There will then be evidence from the Society of Mary. Father Timothy Duckworth,  
7 who is the Provincial of the Society of Mary will give evidence, the Society are the largest  
8 male congregation in New Zealand and they have members who are both priests and  
9 brothers. Father Tim was previously the delegate of the Society in relation to redress and  
10 as such, has had a long involvement with the Society of Mary's approach. The Society of  
11 Mary, as counsel assisting pointed out, has a slightly different approach to the way it  
12 engages with NOPS, and Father Tim will speak to that and many other matters from his  
13 experience.

14 Finally, on Friday you will hear evidence from Cardinal John on behalf of the  
15 Archdiocese of Wellington. John has been an Archbishop since 2004 and became  
16 Archbishop of Wellington in 2005. He is also a Cardinal and was appointed such in 2015.  
17 Given this long experience and long history in a senior leadership role, John has had  
18 extensive experience in the development of the Path to Healing process and his evidence  
19 will set that out for the Commissioners.

20 As you have seen, John is here today and he will be attending the hearing all week.  
21 He will make a collective apology on Friday which has been reviewed and agreed by  
22 everyone represented by Tautoko on behalf of the Catholic Church and John is also going  
23 to be joined this week, and is indeed joined now, in the public gallery by many other  
24 members of the church. Bishops and congregational leaders are in attendance, along with  
25 senior staff from dioceses and congregations.

26 Evidence has also been filed, Commissioners, but will not be heard on behalf of the  
27 Sisters of Mercy. This was filed by Sister Susan France, the congregational leader of Nga  
28 Whaea Atawhai o Aotearoa, the Sisters of Mercy. Sister Sue is present and will be present  
29 all week. She was not called to give oral evidence and we understand that you will have,  
30 and will have read, her evidence.

31 The Sisters of Mercy, Commissioners, is the largest female congregation in  
32 New Zealand and is the largest congregation in totality, and the approach that female  
33 congregations have undertaken in redress often differs in approach from the approach taken  
34 by male congregations and dioceses. Sister Sue has worked as a teacher, counsellor and is

1 a registered psychotherapist. She has significant experience working with survivors of  
2 sexual abuse through that work and is an ACC-approved sensitive claims counsellor.

3 I would urge you, Commissioners, to revisit her evidence because she provides an  
4 important perspective as a female religious and given her background. Again, her two  
5 briefs of evidence will be available online for people who are listening who wish to read  
6 those briefs. Sister Sue is present at the hearing this week and is available to answer any  
7 questions the Commissioners may have.

8 Commissioners, this evidence this week can necessarily only capture a snapshot of  
9 the 49 entities and the process that has been undertaken by the church in the last 30 years.  
10 Accordingly, we have prepared a document, which has been previously filed with the  
11 Commission and we will provide you at the end of this opening submission, which is a  
12 chronology of the key developments of the last 30 years of the redress process for the  
13 Catholic Church globally and particularly in New Zealand. The evidence also builds on the  
14 structure of the Church in Aotearoa document which we had previously filed with the  
15 Commission in July 2019.

16 Before I leave the evidence, Commissioners, I just comment on the order that the  
17 Commission is calling the evidence. The first two witnesses from the Catholic Church who  
18 you are seeking to have evidence from are neither leaders of the Church nor are responsible  
19 decision-makers, and both of them have relatively limited personal knowledge of the  
20 events.

21 Brother Peter has been, in fact both of them have been in their roles for only three  
22 years. Given this, there just may be questions that you have that will need to wait until later  
23 in the week when the witnesses with longer personal experience are able to answer your  
24 questions.

25 Finally, I will close with an acknowledgment of harm. As Cardinal John will  
26 emphasise on Friday, the Church expresses its deep regret that any person has suffered  
27 harm while in the care of the Catholic Church when they should have been safe. The  
28 Church recognises collectively there has been a failure. Certain individuals have obviously  
29 been failed, and how and why those failures have occurred will need to be examined and  
30 remedied. We see that, Commissioners, for the future inquiry of the Catholic Church.

31 But this week, Commissioners, you will hear evidence about the redress process and  
32 the bishops and congregational leaders are committed to continuing to improve it, so that  
33 all survivors who engage with the church are heard and supported. And as part of that  
34 process, Commissioners, the church is present here in this hearing with a willingness to

1 participate, a desire to improve and a commitment to change.

2 And if I may, Madam Chair, I'll hand up the copy of the chronology to assist you.

3 **CHAIR:** Yes, thank you, have you shared that with counsel?

4 **MS McKECHNIE:** We filed it approximately 18 months ago and I have a copy for my friend.

5 **CHAIR:** Well shared, thank you.

6 **MS McKECHNIE:** I should apologise it's slightly eccentrically printed like this, Madam Chair, it  
7 is quite small. We can have it reprinted like that. It's slightly dependent on the Quest  
8 Hotel's printing.

9 **CHAIR:** All right. Thank you. I'll just get better glasses perhaps.

10 **MS McKECHNIE:** Thank you, Madam Chair. Unless you or your fellow Commissioners have  
11 any questions, that concludes my opening.

12 **CHAIR:** No, I think we'll save our comments and questions for later but thank you very much for  
13 your extensive opening which we appreciate.

14 **MS McKECHNIE:** Thank you ma'am.

15 **CHAIR:** Look at that, bang on 5 o'clock. Do you wish to say anything else before we adjourn for  
16 the day, Ms Anderson?

17 **MS ANDERSON:** Nothing further, Madam Chair.

18 **CHAIR:** Good. Thank you. So, we'll resume again at 10 o'clock in the morning.

19 **MS ANDERSON:** 9:30 tomorrow because the witness –

20 **CHAIR:** Beg your pardon, 9:30.

21 **MS ANDERSON:** 9 o'clock.

22 **CHAIR:** Is there any advance on 9 o'clock? We resume tomorrow at 9 o'clock.

23  
24 **Hearing closes with waiata and karakia mutunga by Ngāti Whātua Ōrākei**

25 **Hearing adjourns at 5.03 pm Tuesday, 23 March 2021 at 9 am**

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