

**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

TRANSCRIPT OF PROCEEDINGS

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 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 Mihiare
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 face-to-face 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.