

FINAL REPORT

Religious institutions



Royal Commission
into Institutional Responses
to Child Sexual Abuse

VOLUME 16: BOOK 1

Recommendations to the Anglican Church

Recommendations made to the Anglican Church are set out in Chapter 12 of this volume.

Recommendation 16.1

The Anglican Church of Australia should adopt a uniform episcopal standards framework that ensures that bishops and former bishops are accountable to an appropriate authority or body in relation to their response to complaints of child sexual abuse.

Recommendation 16.2

The Anglican Church of Australia should adopt a policy relating to the management of actual or perceived conflicts of interest that may arise in relation to allegations of child sexual abuse, which expressly covers:

- a. members of professional standards bodies
- b. members of diocesan councils (otherwise known as bishop-in-council or standing committee of synod)
- c. members of the Standing Committee of the General Synod
- d. chancellors and legal advisers for dioceses.

Recommendation 16.3

The Anglican Church of Australia should amend *Being together* and any other statement of expectations or code of conduct for lay members of the Anglican Church to expressly refer to the importance of child safety.

Recommendation 16.4

The Anglican Church of Australia should develop a national approach to the selection, screening and training of candidates for ordination in the Anglican Church.

Recommendation 16.5

The Anglican Church of Australia should develop and each diocese should implement mandatory national standards to ensure that all people in religious or pastoral ministry (bishops, clergy, religious and lay personnel):

- a. undertake mandatory, regular professional development, compulsory components being professional responsibility and boundaries, ethics in ministry and child safety
- b. undertake mandatory professional/pastoral supervision
- c. undergo regular performance appraisals.

Recommendations to all religious institutions in Australia

Recommendations to all religious institutions are set out in Chapters 20 to 23 of this volume. All religious institutions in Australia, should implement the following recommendations. As discussed in Part E of this volume, all religious institutions in Australia should also implement relevant recommendations made in other volumes of this Final Report and other Royal Commission reports.

We note that there is some overlap between these general recommendations and the specific recommendations made to the Anglican Church and the Catholic Church. We have made more specific recommendations to those religious organisations because of the particular issues that arise in relation to them.

Recommendation 16.31

All institutions that provide activities or services of any kind, under the auspices of a particular religious denomination or faith, through which adults have contact with children, should implement the 10 Child Safe Standards identified by the Royal Commission.

Recommendation 16.32

Religious organisations should adopt the Royal Commission's 10 Child Safe Standards as nationally mandated standards for each of their affiliated institutions.

Recommendation 16.33

Religious organisations should drive a consistent approach to the implementation of the Royal Commission's 10 Child Safe Standards in each of their affiliated institutions.

Recommendation 16.34

Religious organisations should work closely with relevant state and territory oversight bodies to support the implementation of and compliance with the Royal Commission's 10 Child Safe Standards in each of their affiliated institutions.

Recommendation 16.35

Religious institutions in highly regulated sectors, such as schools and out-of-home care service providers, should report their compliance with the Royal Commission's 10 Child Safe Standards, as monitored by the relevant sector regulator, to the religious organisation to which they are affiliated.

Recommendation 16.36

Consistent with Child Safe Standard 1, each religious institution in Australia should ensure that its religious leaders are provided with leadership training both pre- and post-appointment, including in relation to the promotion of child safety.

Recommendation 16.37

Consistent with Child Safe Standard 1, leaders of religious institutions should ensure that there are mechanisms through which they receive advice from individuals with relevant professional expertise on all matters relating to child sexual abuse and child safety. This should include in relation to prevention, policies and procedures and complaint handling. These mechanisms should facilitate advice from people with a variety of professional backgrounds and include lay men and women.

Recommendation 16.38

Consistent with Child Safe Standard 1, each religious institution should ensure that religious leaders are accountable to an appropriate authority or body, such as a board of management or council, for the decisions they make with respect to child safety.

Recommendation 16.39

Consistent with Child Safe Standard 1, each religious institution should have a policy relating to the management of actual or perceived conflicts of interest that may arise in relation to allegations of child sexual abuse. The policy should cover all individuals who have a role in responding to complaints of child sexual abuse.

Recommendation 16.40

Consistent with Child Safe Standard 2, wherever a religious institution has children in its care, those children should be provided with age-appropriate prevention education that aims to increase their knowledge of child sexual abuse and build practical skills to assist in strengthening self-protective skills and strategies. Prevention education in religious institutions should specifically address the power and status of people in religious ministry and educate children that no one has a right to invade their privacy and make them feel unsafe.

Recommendation 16.41

Consistent with Child Safe Standard 3, each religious institution should make provision for family and community involvement by publishing all policies relevant to child safety on its website, providing opportunities for comment on its approach to child safety, and seeking periodic feedback about the effectiveness of its approach to child safety.

Recommendation 16.42

Consistent with Child Safe Standard 5, each religious institution should require that candidates for religious ministry undergo external psychological testing, including psychosexual assessment, for the purposes of determining their suitability to be a person in religious ministry and to undertake work involving children.

Recommendation 16.43

Each religious institution should ensure that candidates for religious ministry undertake minimum training on child safety and related matters, including training that:

- a. equips candidates with an understanding of the Royal Commission's 10 Child Safe Standards
- b. educates candidates on:
 - i. professional responsibility and boundaries, ethics in ministry and child safety
 - ii. policies regarding appropriate responses to allegations or complaints of child sexual abuse, and how to implement these policies
 - iii. how to work with children, including childhood development
 - iv. identifying and understanding the nature, indicators and impacts of child sexual abuse.

Recommendation 16.44

Consistent with Child Safe Standard 5, each religious institution should ensure that all people in religious or pastoral ministry, including religious leaders, are subject to effective management and oversight and undertake annual performance appraisals.

Recommendation 16.45

Consistent with Child Safe Standard 5, each religious institution should ensure that all people in religious or pastoral ministry, including religious leaders, have professional supervision with a trained professional or pastoral supervisor who has a degree of independence from the institution within which the person is in ministry.

Recommendation 16.46

Religious institutions which receive people from overseas to work in religious or pastoral ministry, or otherwise within their institution, should have targeted programs for the screening, initial training and professional supervision and development of those people. These programs should include material covering professional responsibility and boundaries, ethics in ministry and child safety.

Recommendation 16.47

Consistent with Child Safe Standard 7, each religious institution should require that all people in religious or pastoral ministry, including religious leaders, undertake regular training on the institution's child safe policies and procedures. They should also be provided with opportunities for external training on best practice approaches to child safety.

Recommendation 16.48

Religious institutions which have a rite of religious confession for children should implement a policy that requires the rite only be conducted in an open space within the clear line of sight of another adult. The policy should specify that, if another adult is not available, the rite of religious confession for the child should not be performed.

Recommendation 16.49

Codes of conduct in religious institutions should explicitly and equally apply to people in religious ministry and to lay people.

Recommendation 16.50

Consistent with Child Safe Standard 7, each religious institution should require all people in religious ministry, leaders, members of boards, councils and other governing bodies, employees, relevant contractors and volunteers to undergo initial and periodic training on its code of conduct. This training should include:

- a. what kinds of allegations or complaints relating to child sexual abuse should be reported and to whom
- b. identifying inappropriate behaviour which may be a precursor to abuse, including grooming
- c. recognising physical and behavioural indicators of child sexual abuse
- d. that all complaints relating to child sexual abuse must be taken seriously, regardless of the perceived severity of the behaviour.

Recommendation 16.51

All religious institutions' complaint handling policies should require that, upon receiving a complaint of child sexual abuse, an initial risk assessment is conducted to identify and minimise any risks to children.

Recommendation 16.52

All religious institutions' complaint handling policies should require that, if a complaint of child sexual abuse against a person in religious ministry is plausible, and there is a risk that person may come into contact with children in the course of their ministry, the person be stood down from ministry while the complaint is investigated.

Recommendation 16.53

The standard of proof that a religious institution should apply when deciding whether a complaint of child sexual abuse has been substantiated is the balance of probabilities, having regard to the principles in *Briginshaw v Briginshaw*.

Recommendation 16.54

Religious institutions should apply the same standards for investigating complaints of child sexual abuse whether or not the subject of the complaint is a person in religious ministry.

Recommendation 16.55

Any person in religious ministry who is the subject of a complaint of child sexual abuse which is substantiated on the balance of probabilities, having regard to the principles in *Briginshaw v Briginshaw*, or who is convicted of an offence relating to child sexual abuse, should be permanently removed from ministry. Religious institutions should also take all necessary steps to effectively prohibit the person from in any way holding himself or herself out as being a person with religious authority.

Recommendation 16.56

Any person in religious ministry who is convicted of an offence relating to child sexual abuse should:

- a. in the case of Catholic priests and religious, be dismissed from the priesthood and/or dispensed from his or her vows as a religious
- b. in the case of Anglican clergy, be deposed from holy orders
- c. in the case of Uniting Church ministers, have his or her recognition as a minister withdrawn
- d. in the case of an ordained person in any other religious denomination that has a concept of ordination, holy orders and/or vows, be dismissed, deposed or otherwise effectively have their religious status removed.

Recommendation 16.57

Where a religious institution becomes aware that any person attending any of its religious services or activities is the subject of a substantiated complaint of child sexual abuse, or has been convicted of an offence relating to child sexual abuse, the religious institution should:

- a. assess the level of risk posed to children by that perpetrator's ongoing involvement in the religious community
- b. take appropriate steps to manage that risk.

Recommendation 16.58

Each religious organisation should consider establishing a national register which records limited but sufficient information to assist affiliated institutions identify and respond to any risks to children that may be posed by people in religious or pastoral ministry.

12 Anglican Church

In this chapter, we discuss what we have learned about how the Anglican Church in Australia has responded to child sexual abuse by clergy, church workers and lay people within the Anglican Church and its affiliated institutions.

The Royal Commission held seven case studies that examined the responses of Anglican institutions to incidents and allegations of child sexual abuse occurring in schools, residential institutions and places of worship, and during religious and recreational activities.

In some of the case studies which examined schools, the Anglican Church played a limited role in the school's management and operation. This was also the case for the schools affiliated with the Anglican Church which we examined in *Case Study 45: Problematic and harmful sexual behaviours of children in schools (Harmful sexual behaviours of children in schools)*. Where relevant, we have discussed the responses of some of these schools in this chapter.

The case studies we held involving Anglican institutions were:

- *Case Study 3: Anglican Diocese of Grafton's response to child sexual abuse at the North Coast Children's Home (North Coast Children's Home)*
- *Case Study 12: The response of an independent school in Perth to concerns raised about the conduct of a teacher between 1999 and 2009 (Perth independent school)*
- *Case Study 20: The response of The Hutchins School and the Anglican Diocese of Tasmania to allegations of child sexual abuse at the school (The Hutchins School)*
- *Case Study 32: The response of Geelong Grammar School to allegations of child sexual abuse of former students (Geelong Grammar School)*
- *Case Study 34: The response of Brisbane Grammar School and St Paul's School to allegations of child sexual abuse (Brisbane Grammar School and St Paul's School)*
- *Case Study 36: The response of the Church of England Boys' Society and the Anglican Dioceses of Tasmania, Adelaide, Brisbane and Sydney to allegations of child sexual abuse (Church of England Boys' Society)*
- *Case Study 42: The responses of the Anglican Diocese of Newcastle to instances and allegations of child sexual abuse (Anglican Diocese of Newcastle).*

In March 2017, we held a further hearing in relation to the Anglican Church in *Case Study 52: Institutional review of Anglican Church institutions (Institutional review of Anglican Church institutions)*. At this hearing, we presented the results of the survey we commissioned to gather data from each of the 23 Anglican Church dioceses in Australia regarding complaints of child sexual abuse they had received. The result of the survey was the report *Analysis of complaints of child sexual abuse received by Anglican Church dioceses in Australia* (Anglican Church complaints data). In this chapter, we refer to data gathered by, and the results of, this survey.

In relation to some of our case studies, criminal proceedings commenced before, during or after the completion of our evidence and before the finalisation of our case study report. Our Terms of Reference required that our inquiry not prejudice current or future criminal or civil proceedings.¹

Consequently, in the case study report for *Case Study 42: The responses of the Anglican Diocese of Newcastle to instances and allegations of child sexual abuse*, we made redactions to material that might prejudice relevant criminal proceedings. We recommended to the Australian Government and to state and territory governments that the redacted version of this case study report be tabled and published. We further recommended that this case study report be published in unredacted form at the conclusion of relevant criminal proceedings. Where we refer in this Final Report to case study reports which have been tabled with redactions, we apply the same redactions in this Final Report. We recommended that relevant parts of this Final Report be published in unredacted form at the conclusion of relevant criminal proceedings.

During the *Institutional review of Anglican Church institutions* public hearing, we heard evidence about structural, governance and institutional cultural factors that may have contributed to the occurrence of child sexual abuse in Anglican institutions or to inadequate institutional responses to that abuse. We heard from current and former primates of the Anglican Church, a number of archbishops and bishops, as well as clergy and lay people involved in the General Synod of the Anglican Church and in the various education and community organisations affiliated with the Anglican Church.

Where appropriate, we also include information about what survivors who attended private sessions told us about their experiences. As at 31 May 2017, of the 4,029 survivors who told us during private sessions about child sexual abuse in religious institutions, 594 survivors (14.7 per cent) told us about abuse in institutions managed by or affiliated with the Anglican Church.

In Section 12.1, 'Structure and governance of the Anglican Church', we outline the structure and governance of the Anglican Church as it operates in Australia, including the history of the Anglican Church in Australia, and how it interrelates with the worldwide Anglican Communion. Section 12.2, 'Private sessions and data about child sexual abuse in the Anglican Church', provides an analysis of some of the information provided by survivors who told us during private sessions about child sexual abuse in an Anglican Church institution. We also present some of the results of the data provided to us by Anglican Church dioceses.

Section 12.3, 'The development of national model procedures in the Anglican Church', outlines the significant steps taken by the Anglican Church of Australia, beginning in the 1990s, towards developing model procedures at a national level for responding to the issue of child sexual abuse in Anglican Church institutions by clergy, church workers and lay people. We discuss the significance of the 13th Session of the General Synod in 2004, at which time the General Synod publicly apologised to survivors of sexual abuse and also recommended the standardisation

of policies and procedures for screening and training clergy and church workers, pastoral responses to victims and survivors, and ministry support for clergy. A professional standards framework was introduced, which all 23 Anglican dioceses were encouraged to adopt.

Section 12.4, 'Early Anglican Church responses to child sexual abuse', and Section 12.5, 'Contemporary Anglican Church responses to child sexual abuse', set out what we learned in the course of our case studies, and from documents, about the responses of Anglican Church institutions to incidents and allegations of child sexual abuse by clergy, church workers and lay people.

Section 12.4 focuses on the responses of Anglican Church institutions before the late 1990s. We heard that it was common in many dioceses for allegations of child sexual abuse to be dismissed, disbelieved or otherwise minimised.

Section 12.5 discusses what we learned about the more contemporary responses of Anglican Church institutions; that is, at around the time of, or after, the efforts at the General Session in 2004 to introduce nationally consistent and uniform standards for responding to allegations of child sexual abuse. We also discuss a number of the developments at a diocesan level to implement and improve pastoral responses to survivors of child sexual abuse.

Finally, in Section 12.6, 'Contributing factors in the Anglican Church', we discuss the factors that may have contributed to the occurrence of child sexual abuse in Anglican institutions or to inadequate responses to such abuse, including:

- barriers to consistent response related to the structure and governance of the Anglican Church
- the role of bishops and significance of their leadership
- conflicts of interest of bishops and other office holders in the Anglican Church
- cultural issues within Anglican Church communities
- the impact of clericalism
- the practice of forgiveness and confession
- inadequate screening, selection, training and supervision.

We also note some of the recent developments at the 17th Session of the General Synod in September 2017, when a number of canons were passed which are directed towards the goal of achieving national minimum standards. While these canons have been passed at a national level, it is up to the 23 dioceses to adopt uniform legislation to ensure that the Anglican Church has a consistent national approach to child safety. These measures are discussed in further detail in Part E, 'Creating child safe religious institutions'.

12.1 Structure and governance of the Anglican Church

In confronting our failings, we are ashamed. We have had to face that we have not always protected the children we were trusted to care for. It is clear that there were times when we did not act as we should and we allowed harm to continue; we did not believe those who came forward, and we tried to silence them; we cared more about the church's reputation than those who had been harmed.²

Ms Anne Hywood, General Secretary of the General Synod of the Anglican Church

12.1.1 The worldwide Anglican Communion

The Anglican Church of Australia is part of the worldwide Anglican Communion, an international association of 45 member churches in 165 countries, with an estimated combined membership of 85 million people.³ The Anglican Church of Australia, which is divided into 23 dioceses, is one of those 45 member churches. The Anglican Church in Australia is the second largest church in Australia, with 13.3 per cent of the Australian population reporting affiliation with the Anglican Church in the 2016 national Census (22.6 per cent of the population reported affiliation with the Catholic Church).⁴

The Anglican Communion comprises 39 autonomous provinces (national and regional churches) plus six extra provincial churches that come under the jurisdiction of the Archbishop of Canterbury.⁵ There is no central authority figure, such as a pope, in the Anglican Church.⁶ The Anglican Communion has no legislative authority over the Anglican Church of Australia.

There are four 'instruments of communion' in the Anglican Communion: the Archbishop of Canterbury, the Lambeth Conference, the Anglican Consultative Council and the Primates' Meeting.⁷

The Archbishop of Canterbury is the spiritual leader of the Anglican Communion, but he does not 'govern' the Anglican Church and cannot settle doctrinal disputes with authoritative pronouncements.⁸ Rather, his role is one of providing a focus for unity.⁹ Every 10 years, the Archbishop of Canterbury convenes the Lambeth Conference, which is a meeting of the bishops of the Anglican Communion. This is a forum where the views of the leaders of the Anglican Communion can be expressed on matters of controversy.¹⁰ It is the closest thing the Anglican Church has to a central authority on matters of faith and doctrine, but resolutions passed by the Lambeth Conference do not have any legislative authority over member churches, such as the Anglican Church in Australia, until adopted locally.¹¹

The Anglican Communion also has a 'standing committee' body called the Anglican Consultative Council, which meets every two or three years.¹² The Anglican Consultative Council is essentially a body that enables consultation between provinces and, where appropriate, coordinates common action between the churches. The Anglican Consultative Council has various networks and commissions which are policy bodies which report to it and the other instruments of communion. The Primates' Meeting is a regular meeting of primates from the various Anglican provinces around the world.¹³

12.1.2 History and profile of the Anglican Church of Australia

The Anglican Church of Australia has its origins in the Church of England. The first Church of England clergyman in Australia, Reverend Richard Johnson, arrived with the First Fleet as a chaplain to the penal colony at Botany Bay.¹⁴ Early chaplains were accountable to the governor of the colony.¹⁵ The Church of England was the only denomination in the colony to receive official government recognition and financial support until 1836, when government support was extended to the Catholic and Presbyterian churches.¹⁶ Church of England clergymen were also appointed as magistrates until 1827.¹⁷

In 1836, the Diocese of Australia was created and William Grant Broughton consecrated as the first Bishop of Australia.¹⁸ From the 1840s, the Diocese of Australia was divided into smaller dioceses with the spread of British settlement and the creation of new colonies.¹⁹ The Diocese of New Zealand was created in 1841 and the Diocese of Tasmania established in 1842.²⁰ In 1847 the dioceses of Adelaide, Melbourne, Newcastle and Sydney were established, and Bishop Broughton became the Metropolitan of Australasia and the Bishop of Sydney.²¹ The Diocese of Perth was created in 1857, and the Diocese of Brisbane in 1859.²² Further divisions occurred over the next 50 years.²³

Initially, the Church of England in Australia had no system of government above the level of the local parish, and it was unclear whether the law of the Church of England still applied.²⁴ For this reason it was felt necessary to develop constitutional arrangements that would provide the colonial dioceses with a degree of self-government while still preserving their close links (in doctrine and worship) with the Church of England.²⁵ In 1850 Bishop Broughton, as Metropolitan of Australasia, convened a conference of the diocesan bishops in Sydney. It was here that the bishops decided to 'establish synods ... so that local rules could be made to order the common life of the Church'.²⁶ In due course synods were established with lay and clerical members. The bishops agreed that the English Canons of 1604 (the canon law of the Church of England until the 1960s) were generally binding upon themselves and the clergy of their respective dioceses.²⁷

In the decade following the 1850 conference, each Australian diocese developed its own constitution to create a synod with power to govern the life of the diocese. In 1872, Bishop Frederic Barker, as Metropolitan of Australia, convened a conference of diocesan representatives who agreed to form a national synod (the General Synod) for the whole Australian colonial church.²⁸ However, there was disagreement over what powers this body should be granted.²⁹ It was decided that the General Synod would meet every five years, but a ‘determination’ of the General Synod only became law in a diocese when its own diocesan synod adopted it.³⁰ This arrangement, and the principle of diocesan autonomy, continues today.

Australian Anglicans were ‘probably the first in the Anglican world to form synods for their dioceses’:

These local synods, each influenced by the local culture of the separate colonies, soon moved to a loose pattern of national collaboration, which then took a further ninety years to develop into a national constitution. Consequently that constitution reflects a loose federation of dioceses rather than the highly central and national structure that existed in England and which developed in some other parts of the world.³¹

Until 1961, the Anglican Church was organised on the basis that it was part of the Church of England. Therefore, any changes to church practice and doctrine in England were to be applied in Australia, to the extent allowed by the local situation. In 1961, the Australian dioceses agreed to a new national constitution which came into effect in 1962 (the 1962 Constitution), which established the ‘Church of England in Australia’ as a new church and ‘severed the legal nexus with the Church of England’.³² The 1962 Constitution also formalised the role of the General Synod and established a system of tribunals to hear matters relating to breaches of faith, ritual, ceremonial or discipline.³³ The Church of England in Australia changed its name to the Anglican Church of Australia in 1981.³⁴

The Anglican Church was the largest religious body in Australia until the mid-1980s, when it was overtaken in size by the Catholic Church.³⁵ The Anglican Church is now Australia’s largest Protestant denomination and second-largest religious organisation after the Catholic Church. The 2016 Census reported that 13.3 per cent of the population identified as members of the Anglican faith,³⁶ down from 17.1 per cent in 2011.³⁷ The Anglican Church continues to have a strong presence across the country and is active in areas such as education, health, mission and social welfare.

There are significant variations in theological outlook among the 23 Anglican dioceses and also within dioceses. Each diocese has developed, over time, ‘its own ethos, traditions and theological tone’.³⁸ Smaller dioceses in particular have tended to be dominated by a single theological outlook, as much depended upon a bishop’s personality and theological outlook, and their ‘unchallenged dominion over his diocese’.³⁹

During the public hearing in *Case Study 52: Institutional review of Anglican Church institutions* (*Institutional review of Anglican Church institutions*), Professor Patrick Parkinson AM, professor of law, University of Sydney, identified (while recognising these to be ‘very broad generalisations’⁴⁰) three major theological groupings in the Anglican Church: the evangelical tradition, the Anglo-Catholic tradition, and a more liberal tradition.⁴¹ Archbishop Glenn Davies, the Archbishop of Sydney, called these groupings ‘loose overlapping definitions’.⁴²

Bishop Garry Weatherill of the Diocese of Ballarat told us in a statement that there are at least four major theological ‘strands’ within the Anglican Church of Australia:⁴³

- the ‘Sydney’ strand, ‘which espouses a strongly biblical and Calvinist theology’ and includes the dioceses of Sydney, Armidale and North West Australia
- the ‘moderate evangelical’ strand, which is ‘the growing grouping within the national church’ made up of the dioceses of Canberra and Goulburn, Rockhampton, Tasmania, Melbourne, the Northern Territory, Grafton and Gippsland
- the ‘moderate Catholic’ strand, which includes the dioceses of Adelaide, Bathurst, North Queensland, Willochra, Bunbury, Bendigo and Perth
- the ‘conservative Catholic’ strand, which include the dioceses of Riverina, Wangaratta, Ballarat, The Murray, Newcastle and Brisbane.

Bishop Weatherill told us that one consequence of these theological differences has been to entrench the primacy of the Anglican Church’s diocesan structure over its national structure.⁴⁴

Archbishop Phillip Aspinall, the Archbishop of Brisbane and former primate of the Anglican Church of Australia from 2005 to 2014, told us that the theological differences had to do with ‘much deeper underlying issues about how to interpret and apply the scriptures which give rise to differences about the ordination of women, which prayer books should be authorised to be used, differences about human sexuality’.⁴⁵

Bishop Allan Ewing of the Diocese of Bunbury told us in a written statement:

Each diocese, like the State structures in a Federal arrangement, guards their independence and are suspicious of centralised systems. This is a cultural overlay from Australia’s governance model and is fed by theological differences which accentuates the hermeneutics of suspicion ... Within such a culture it can be difficult to work together, hence the conferencing approach which has been put in place to help build a culture of trust and co-operation among dioceses.⁴⁶

As part of the *Institutional review of Anglican Church institutions* public hearing in March 2017, we asked all 23 Anglican dioceses whether these differences had any effect on the protection of children in the Anglican Church. Of the responses we received which addressed this issue, the consensus was that theological differences were not, and should not be, a barrier to the protection of children.⁴⁷

Statements provided by Bishop Kay Goldsworthy of the Diocese of Gippsland, and Bishop Rick Lewers of the Diocese of Armidale, suggested that theological differences may have an impact with respect to confession. We discuss issues relating to the seal of the confessional in the Anglican Church in Section 12.6, 'Contributing factors in the Anglican Church'.

In a statement provided to us when he was the Archbishop of Adelaide, Archbishop Jeffrey Driver pointed out that:

The Anglican Church has always been characterised by a comprehensiveness that embraces a range of opinions and positions. I do not believe that theological differences within the Anglican Church of Australia impact *directly* on issues of child protection or approaches to redress. There may be *indirect* impacts in regard to the wider professional standards regime.

One example might be in the area of underlying ecclesiology (the theology of the Church). The Anglican Church of Australia has a Constitution that has a major emphasis on 'dispersed authority', making substantial changes at a national level largely dependent on diocesan assent [emphasis in original].⁴⁸

We will explore the impact that structural and theological differences have had on the response of Anglican Church institutions to child sexual abuse in more detail in Section 12.6.

12.1.3 Structure and governance of the Anglican Church of Australia

As we have discussed above, the structure of the Anglican Church in Australia is commonly compared to a weak federal structure, with the General Synod having limited power over individual dioceses.

Archbishop Aspinall said in his presidential address to the 16th Session of the General Synod in 2014 that:

the nature of our very weak federation is largely not understood either within the church or outside it. While we refer to ourselves as 'The Anglican Church of Australia' and there is widespread perception in the community of the Anglican Church as a unified, coherent entity, the reality is quite different.⁴⁹

Archbishop Aspinall told us in the *Institutional review of Anglican Church institutions* public hearing that:

the General Synod can put in place canons, law, which is binding on the whole church. But if that law affects ritual, ceremonial or discipline, or it affects the order and good government of a church in a diocese, then the General Synod law does not take effect in a diocese until the diocese adopts it.

So the constitution is structured effectively to leave the power in the hands of dioceses.⁵⁰

Archbishop Aspinall acknowledged in the *Institutional review of Anglican Church institutions* public hearing that there are no nationally consistent approaches across the Anglican dioceses concerning 'child sexual abuse, concerning professional standards in general, and concerning episcopal standards'.⁵¹

Governance of the Anglican Church of Australia

As noted earlier, the Anglican Church of Australia is governed at a national level by the 1962 Constitution. The 1962 Constitution is in force in various state jurisdictions pursuant to enabling legislation, for example the *Anglican Church of Australia Constitution Act 1961* (NSW).⁵²

Both the General Synod and the 23 dioceses are bound by canons and ordinances, which can be considered 'statutes' within the Anglican Church. Archbishop Aspinall told us that 'generally speaking canons and ordinances are equivalent'. Canons are enacted with varying levels of diocesan assent by the General Synod, and ordinances are acts of diocesan and metropolitan synods. Both bishops and clergy make formal declarations to uphold them and abide by them.⁵³ The application of Anglican canon law has been challenged in Australian civil courts, and this is further discussed in Section 12.3, 'The development of national model procedures in the Anglican Church', in relation to the professional standards framework developed by the General Synod in 2004.

Under the 1962 Constitution, each diocese must have a tribunal to deal with offences relating to breaches of faith, ritual, ceremonial or discipline, or any other offences as prescribed by the canons and ordinances of a diocese.⁵⁴ The tribunal is designed to resolve matters of ecclesiastical conflict and to deal with complaints of ecclesiastical offences, including child sexual abuse, committed by clergy licensed by the bishop or resident in the diocese.⁵⁵

The 1962 Constitution also allows for a provincial tribunal, presided over by the metropolitan of that province, to hear disciplinary charges against clergy in the first instance, instead of a diocesan tribunal, or by way of appeal from a diocesan tribunal.⁵⁶ We have not heard evidence of a provincial tribunal ever being formed in relation to clergy discipline.

Under the 1962 Constitution, charges of a disciplinary nature against a bishop should be heard by the Special Tribunal.⁵⁷ The 1962 Constitution stipulates that the members of the Special Tribunal shall be appointed by ordinance or canon of the General Synod.⁵⁸ The discipline of bishops has traditionally been the domain of the Special Tribunal. More recently, for dioceses that have adopted the *Episcopal Standards Canon 2007*, complaints against bishops can be investigated by the Episcopal Standards Commission and considered by the Episcopal Standards Board.⁵⁹

Decisions of a diocesan tribunal, a provincial tribunal and the Special Tribunal may be appealed to the Appellate Tribunal, the highest judicial body in the Anglican Church of Australia.⁶⁰

We will consider the tribunal system, the professional standards framework and episcopal standards framework in Section 12.3 and in Section 12.4, 'Early Anglican Church responses to child sexual abuse'.

The General Synod

The General Synod of the Anglican Church of Australia is 'a forum for the 23 Dioceses of the Anglican Church of Australia to consider and determine matters in the affairs of the Church and in the Church's engagement with society'.⁶¹ The 1962 Constitution provides for ordinary sessions of the General Synod to be held at intervals not exceeding four years.⁶² In practice, since 1985 the General Synod has convened every three years.⁶³

The General Synod consists of three houses:⁶⁴

- the House of Bishops, comprised of diocesan bishops
- the House of Clergy, comprised of ordained priests, including assistant bishops
- the House of Laity, comprised of lay Anglicans.

The General Synod has broad plenary powers. However, if a canon passed by the General Synod affects the 'order and good government' of a diocese, or if it implies a financial obligation, it has no effect until it is expressly adopted by an ordinance of the diocese.⁶⁵ This includes most professional standards matters, such as clergy discipline.⁶⁶ Likewise, resolutions of the General Synod are not binding upon dioceses.⁶⁷ During the hearing of *Case Study 3: Anglican Diocese of Grafton's response to child sexual abuse at the North Coast Children's Home (North Coast Children's Home)*, Archbishop Aspinall told us that:

One of the characteristics of the Anglican Church of Australia is that the dioceses have primary power. The General Synod cannot pass legislation and impose it on a diocese except with a very high level of agreement at the General Synod itself.⁶⁸

The General Synod also has the power to establish committees, boards and commissions.⁶⁹ All commissions created by the General Synod, except the Episcopal Standards Commission, examine questions on matters such as ‘doctrine’, ‘liturgy’ and ‘church law’, and make recommendations to the General Synod Standing Committee.⁷⁰ For example, in 2004 the General Synod established the Professional Standards Commission which is a national body that makes recommendations on professional standards, safe ministry practices and training, and care and support for ordained and authorised lay ministry.⁷¹ We discuss the Professional Standards Commission further in Section 12.3.

The primate

The primate of the Anglican Church is the ‘titular’ head of the national church and is described as ‘first among equals’. As representative of the national church, the primate presides as chair of meetings of the General Synod and is usually an archbishop.⁷² The primate is elected for a six-year term, which is renewable for a further three years.⁷³

Archbishop Aspinall described the primate’s role to us during the *Institutional review of Anglican Church institutions* public hearing:

The role of the primate is very limited, actually. The primate is required, under the constitution, to chair the General Synod once every three or four years; to chair the meetings of the General Synod Standing Committee two or three times a year; to chair the executive of that standing committee, which meets two or three times a year. The primate formally makes appointments to some commissions of the church on the recommendation of the standing committee. The primate has formal roles in relation to the special tribunal. If a charge is heard against a bishop and there is a sentence recommended by the special tribunal, then the primate pronounces that sentence. But beyond those formal matters, the role is very limited.⁷⁴

The primate does not have extensive executive powers or the power to intervene in the governance or management of a diocese.⁷⁵ Archbishop Aspinall described the primate’s limited power as follows:

A primate has no power to direct the bishop of a diocese or a diocesan council in a diocese to do anything. In effect, what that means is that when the primate makes a request or makes a suggestion or a proposal or extends an invitation, effectively another bishop can tell the primate, ‘Thank you very much, but get lost.’⁷⁶

Archbishop Aspinall also told us that there is an ‘informal collegial accountability’ between bishops⁷⁷ and that, ‘Depending on the person in the job, sometimes the primate is able to exert personal influence, pastoral counsel to bishops and others in the church, but that is not binding’.⁷⁸

Archbishop Philip Freier, who is concurrently the Archbishop of Melbourne, has been the primate since 2014.

Provinces

In Australia, the Anglican Church comprises five ‘provinces’, which correspond with each of the five mainland states.⁷⁹ The provinces of the Anglican Church in Australia are to be distinguished from the provinces of the worldwide Anglican Communion, discussed above. The Australian Capital Territory is part of the Province of New South Wales, and the Northern Territory is part of the Province of Queensland. The senior diocese of each province is situated in a mainland capital city, with the diocesan bishop of that senior diocese having the title ‘archbishop’ as well as ‘metropolitan’ of the province.⁸⁰

Provinces and dioceses in Australia are currently grouped as follows:

- The Province of Queensland comprises the dioceses of Brisbane, Rockhampton, North Queensland and the Northern Territory.
- The Province of New South Wales comprises the dioceses of Sydney, Newcastle, Goulburn and Canberra, Armidale, Bathurst, Riverina and Grafton.
- The Province of Victoria comprises the dioceses of Melbourne, Ballarat, Bendigo, Gippsland and Wangaratta.
- The Province of South Australia comprises the dioceses of Adelaide, Willochra and The Murray.
- The Province of Western Australia comprises the dioceses of Perth, Bunbury and North West Australia.

These five provinces account for 22 of the 23 independent dioceses of the Anglican Church in Australia. The 23rd diocese is the Diocese of Tasmania, which governs the whole state and is not part of another province.

Dioceses and parishes

The diocese is the main unit of organisation in the Anglican Church.⁸¹ The 1962 Constitution provides that ‘a diocese shall in accordance with the historic custom of the One Holy Catholic and Apostolic Church continue to be the unit of organisation of this Church and shall be the see of a Bishop’.⁸²

Despite the presence of a national constitution, the principle of diocesan autonomy is deeply entrenched in the Anglican Church.⁸³ Under the 1962 Constitution, dioceses pass laws to regulate their own affairs and ‘to make ordinances for the order and good government of the Church within the diocese’.⁸⁴ Diocesan legislation comes into force only when the diocesan bishop assents to it. Further, the 1962 Constitution sets out that no other body or person in the Anglican Church has power to intervene in the governance or management of a diocese.⁸⁵

Each of the 23 dioceses is self-governing and has a bishop, a diocesan synod, a diocesan council and usually a board of trustees.⁸⁶ Archbishop Aspinall told us that a bishop does not exercise monarchical power and that authority in the Anglican Church is dispersed at every level, so it is the bishop, in conjunction with the synod, who governs a diocese.⁸⁷

The diocesan synod comprises clerical and elected lay members from each parish. It is usually convened every one to two years. The diocesan council and its committees manage the business of the diocese between sessions of the diocesan synod.⁸⁸ Additionally, the diocesan council provides advice to the bishop and may have the power to pass legislation otherwise the preserve of diocesan synod.⁸⁹ Archbishop Aspinall told us that the powers of the diocesan council vary across dioceses.⁹⁰

While each diocese has the same basic decision-making apparatus, their legal status varies. For example, most dioceses in the Province of New South Wales told us they are unincorporated associations, while those in the provinces of South Australia and Queensland are incorporated associations.⁹¹

In the Province of Victoria, all dioceses became established legal entities in 2015 in response to the recommendations of the Victorian parliamentary Inquiry into the Handling of Child Abuse by Religious and other Non-government Organisations.⁹² For example, the Diocese of Melbourne created the Melbourne Anglican Diocesan Corporation, whose purpose is to provide a 'corporate vehicle by which the diocese can hold itself accountable to the community for liability that may be incurred as a result of the acts or omissions of those in the service of the diocese'.⁹³

Additionally there are significant resource differences between dioceses. In a statement provided to us in the course of the *Institutional review of Anglican Church institutions* public hearing, Bishop David Robinson of the Diocese of Rockhampton told us that his diocese 'is geographically very large, with a very small population and limited resources'.⁹⁴ Likewise, Bishop John Stead of the Diocese of Willochra in South Australia told us that the diocese 'is small in population, small in the number of Anglicans and small in the size of the administrative infrastructure'. The Diocese of Willochra has in recent times worked with the Diocese of Adelaide and the Diocese of The Murray to implement a 'state-wide approach to professional standards and accessing the resources – better financial and personal – of the larger Diocese of Adelaide'.⁹⁵

Each diocese is divided into a number of parishes. Each parish generally has one or more churches. Traditionally, parishes are defined geographically. However, in the last decade or so, some dioceses have established congregations outside the traditional parish model.⁹⁶ These congregations may be referred to as ministry districts.⁹⁷

Archbishop Aspinall told us during the *Institutional review of Anglican Church institutions* public hearing that the dispersed nature of authority in the Anglican Church 'is also reflected at the parish level, where the parish priest operates in conjunction with a parish council, made up of male and female laypeople usually'.⁹⁸

Roles within the Anglican Church

Clergy

In the Anglican Church, clergy are organised into three levels of ordained persons, called orders: deacons, priests, and bishops. Although a person may be consecrated as a bishop or ordained as a priest or a deacon, he or she may not exercise ministry in those capacities unless licensed by the diocesan bishop.⁹⁹

Bishop Lewers of the Diocese of Armidale and Bishop Stead of the Diocese of Willochra each told us in written statements that the roles and responsibilities of each order of clergy are set out in 'The Ordinal' of *A prayer book for Australia*¹⁰⁰ and the *Book of common prayer*.¹⁰¹

Clergy licences normally specify the ministries clergy may exercise. Bishop Stead told us that there are different types of licences issued by the diocesan bishop, which include a 'licence' for stipendiary or non-stipendiary clergy. A licence is issued for a set period of time and is then renewed if required.¹⁰² Bishop Weatherill of the Diocese of Ballarat told us that various forms of licence operate in the diocese, including a 'general licence' issued to professional clergy on appointment to a parish, and is tenured.¹⁰³

Those licensed for ministry commonly receive a letter of appointment which outlines their 'conditions of appointment'.¹⁰⁴ Clergy in the Anglican Church are considered to be 'office-holders' rather than employees.¹⁰⁵ However, some clergy, such as chaplains employed by a school or by Anglicare, are 'likely to be employees'.¹⁰⁶

Bishops

A diocesan bishop is the spiritual leader of a diocese and is considered an office-holder, not an employee.¹⁰⁷ Traditionally, in the Anglican Church 'the essential role of the bishop remains that of oversight and ordination in a diocese'.¹⁰⁸ 'The Ordinal' in *A prayer book for Australia* sets out the role of bishop as 'chief minister and pastor in Christ's Church', a role that includes '[guarding] its faith, unity and discipline, and [promoting] its mission in the world'.¹⁰⁹ Bishops are generally appointed either by a diocesan synod or a committee elected by the diocesan synod.¹¹⁰ Some dioceses have age requirements for bishops as well as a requirement that a bishop has served a minimum term in office as a deacon or priest. It is usual for bishops to serve until the age of 65 or 70.

A diocesan bishop may be assisted by assistant bishops in discharging his or her leadership duties.¹¹¹

Women have been ordained as assistant bishops within the Anglican Church since 2008. Bishop Dr Sarah Macneil, Bishop of Grafton, was the first woman to be appointed as the bishop of a diocese, in 2014.¹¹² In August 2017, the Diocese of Perth announced that Bishop Kay Goldsworthy had been elected Archbishop of Perth, which will make her the first woman to be appointed as an archbishop when she is installed on 10 February 2018.¹¹³

There is an annual meeting for Australian bishops (known as the Bishops' Conference). While not a formal instrument of the General Synod, this meeting generates 'Bishops' protocols', which are voluntary agreements between bishops about how to exercise ministry.¹¹⁴ We refer to the outcomes of various Bishops' Conferences in Section 12.3, where they relate to the development of national model procedures for responding to child sexual abuse by Anglican institutions, and to a protocol on private confession in Section 12.6.

Priests

Priests are described as having the role of pastoring a local congregation, teaching holy scripture and administering the sacraments (being baptism and holy communion).¹¹⁵ They may be placed in charge of parishes or appointed to non-parish positions, for example as a school chaplain or as staff at a theological college.

Deacons

A deacon's main responsibilities are to 'assist the priest in divine service and especially in the administration of Holy Communion, to read the scriptures and homilies of the church and instruct the youth in the catechism, to baptise infants when the priest is not available, and to visit the sick, poor and impotent in the parish'.¹¹⁶

While requirements across dioceses differ slightly, most require candidates for deacon to be aged 23 years or older, to have obtained a Bachelor of Ministry or Bachelor of Theology degree, and to have undertaken practical training.¹¹⁷ Women can be ordained as deacons in the Anglican Church. We were told by Bishop Stead of the Diocese of Willochra that:

A person may be ordained to the diaconate permanently or it may be a transitional 'order', with the person being a deacon for a defined period, generally a minimum of one year prior to ordination as a priest. Deacons exercise a ministry of 'connecting' community and church, they can be thought of as 'ambassadors' to the community from the church.¹¹⁸

The laity

The laity are non-ordained members of the Anglican Church. Lay people are represented in official church governance structures, including diocesan synods, diocesan councils, tribunals, committees, and the General Synod (as the House of Laity). Most parishes and church organisations employ lay people as youth workers or pastoral workers, and many are licensed to their ministries by diocesan bishops.¹¹⁹

During the public hearing for *Case Study 42: The responses of the Anglican Diocese of Newcastle to instances and allegations of child sexual abuse (Anglican Diocese of Newcastle)*, we heard that there is a strong presence of legally trained people in governance roles in the diocese.¹²⁰ The *Chancellors Canon 2001* enacted by the General Synod, and adopted by the Diocese of Newcastle, specifies that a chancellor must be, or have been, one of the following: a judicial officer of an Australian court; a barrister or solicitor in an Australian jurisdiction of at least seven

years' standing; or a senior lecturer (or above) in law at an Australian university. The canon makes explicit that the chancellor and the deputy chancellor act primarily as legal advisers to the bishop and secondarily as advisers to 'the synod and other agencies of the diocese'.¹²¹

Most lay ministry in churches is conducted by volunteers. This includes ministries such as teaching Sunday school, leading youth groups, community outreach work and pastoral work.¹²²

Reverend Dr Bruce Kaye AM, Adjunct Research Professor, Centre for Public and Contextual Theology, Charles Sturt University and a former General Secretary of the General Synod of the Anglican Church of Australia, told us in the *Institutional review of Anglican Church institutions* public hearing that the structure of the church is designed to give lay people power in decision-making.¹²³ Bishop Dr Macneil told us that 'laity always have been well represented in the Anglican Church, it is part of our governance. Part of our polity is the role of the laity in the church'.¹²⁴

Archbishop Aspinall told us in the *Institutional review of Anglican Church institutions* public hearing that both male and female lay people have extensive involvement in the life of the Anglican Church. Archbishop Aspinall told us that 'Certainly nowadays at both diocesan level and at the national level of the General Synod, the carriage of major initiatives is very often in the hands of lay people, not in the hands of clergy'.¹²⁵

The role of women

In Australia, women were first ordained as deacons in 1986, as priests in 1992, and as assistant bishops in 2008.¹²⁶ As we noted earlier, in August 2017 it was announced that Bishop Goldsworthy had been elected Archbishop of Perth, the first woman to be elected an archbishop. As at March 2017, women may be ordained as priests in most Anglican dioceses in Australia, except in the dioceses of North West Australia, Sydney, and The Murray.¹²⁷

Dr Muriel Porter OAM has been a lay member of the General Synod and the Standing Committee of the General Synod for almost 30 years.¹²⁸ Dr Porter told us in the *Institutional review of Anglican Church institutions* public hearing that there has been a significant cultural change in the Anglican Church as a result of increased participation by women.¹²⁹

Dr Porter told us that, for instance, in the Diocese of Melbourne at least 20 per cent of the ordained clergy are women, and women also comprise one-third of the synod and the diocesan council.¹³⁰ Dr Porter also told us that, when she was elected to the Standing Committee of General Synod, 28 years ago, she was the only woman. Now, women make up 30 per cent of that committee.¹³¹

Bishop Dr Macneil told us in the *Institutional review of Anglican Church institutions* public hearing that since she was ordained as a deacon in 1993, there has been a significant shift in the culture of the church away from clericalism to 'a more open and transparent use of power and sharing of power between laity and clergy'.¹³² In relation to the dioceses with which she has been associated (Canberra and Goulburn, Adelaide, and most recently Grafton), Bishop Dr Macneil told us:

The decision-making processes are more robust in the Bishops-in-Council that I have been part of. Greater debate has been happening in the various fora of the church. There have been more women involved and I believe that is a factor in the higher levels of leadership in the church.¹³³

Bishop Dr Macneil, in considering what women in the Anglican Church do 'differently', commented on what she saw as the 'wider degree of consultation with people who may be stakeholders in a particular issue'.¹³⁴

Archbishop Aspinall told us in the *Institutional review of Anglican Church institutions* public hearing that 'I think that certainly the increased involvement of women in leadership at all sorts of levels has gone hand in hand with changes in culture to make the church safer'.¹³⁵ Bishop Gregory Thompson, then the Bishop of Newcastle, told us that the ordination of women in the diocese 'was a watershed moment for the diocese having a new perspective, a new way of thinking about ministry, but also it broke the power of older men mentoring younger boys'.¹³⁶

Anglican schools

The Anglican Church was proactive in its provision of schools in colonial Australia. A number of parish primary schools, grammar schools and colleges, based on the doctrines of the Anglican Church, were founded during this time.¹³⁷ Since the 1980s, with the assistance of government funding, many Anglican dioceses have established 'low-fee' co-educational schools, mostly in outer suburban areas and growing regional centres.¹³⁸

We received evidence in our case studies about the various ways in which Anglican schools are established and operated. Governance arrangements vary for these schools from diocese to diocese. We also heard that there is also variation within some dioceses as to how Anglican schools are established, operated, and governed.¹³⁹ Three dioceses told us that they did not have relationships with schools: the Diocese of Bendigo, the Diocese of Rockhampton and the Diocese of Willochra.¹⁴⁰

In the Diocese of Brisbane, 11 schools are wholly owned by the Corporation of the Synod of the Diocese of Brisbane and the diocesan council is the governing body for each of those schools. There are another three schools in the diocese that are diocese-owned through subsidiary corporations, and four separately incorporated schools whose relationship to the diocese is

‘through the Anglican brand’.¹⁴¹ In *Case Study 34: The response of Brisbane Grammar School and St Paul’s School to allegations of child sexual abuse (Brisbane Grammar School and St Paul’s School)*, we examined the institutional response of St Paul’s School in Bald Hills, Queensland, to allegations of child sexual abuse against Kevin Lynch and Gregory Robert Knight. St Paul’s School is a co-educational school operated by the Anglican Church of Australia and owned by the Corporation of the Synod of the Diocese of Brisbane.¹⁴² Brisbane Grammar School is a non-denominational school.¹⁴³

Some schools are licensed or permitted to use the name ‘Anglican’ in their title or have a historical association with the Anglican Church, but are otherwise separately incorporated. Archbishop Freier, in a statement provided for the *Institutional review of Anglican Church institutions* public hearing, told us that ‘schools within the Diocese of Melbourne are permitted, through historical precedent to use the name “Anglican” in their title. Often this is expressed as being “a school in the Anglican tradition”’.¹⁴⁴ He also said:

Many of the schools were formed through the efforts of Anglican forefathers and have over time become separately incorporated with constitutional provisions for the approval of certain Board appointments and/or with the Archbishop as ‘visitor’ to the school. Such arrangements are usually embedded within the provisions of the schools constitution and can differ from school to school.¹⁴⁵

In *Case Study 20: The response of The Hutchins School and the Anglican Diocese of Tasmania to allegations of child sexual abuse at the school (The Hutchins School)*, we examined the response of The Hutchins School and the Diocese of Tasmania to the complaints of former students about child sexual abuse by a former headmaster and a teacher.¹⁴⁶ The Hutchins School is an independent Anglican school. Under the legislation governing the school, the Bishop of Tasmania is appointed as the ‘Visitor’ to the school, with powers prescribed by the legislation and common law. We found that these powers, in conjunction with the bishop’s role as ‘culture bearer’ at the school, allow the bishop to exercise a significant influence on the school.¹⁴⁷

Many Anglican schools are separately incorporated, as noted (cited above) by Archbishop Freier in the case of the Diocese of Melbourne. Seven of the 16 Anglican schools in the Diocese of Perth are separately incorporated. Archbishop Driver, then Archbishop of Adelaide, told us in a statement provided for *Case Study 36: The response of the Church of England Boys’ Society and the Anglican Dioceses of Tasmania, Adelaide, Brisbane and Sydney to allegations of child sexual abuse (Church of England Boys’ Society)* that:

Each school in the Diocese of Adelaide is separately incorporated. The only relationship the Synod has with the 10 Anglican schools in the Diocese is through their governance with the Archbishop/Synod having rights to appoint/confirm members to some of the school boards/councils as prescribed by that school’s constitution. Each school is different and no school has the same appointment formula as another. The Archbishop is the Visitor or President of nine of the ten schools ... The Archbishop also has the licensing authority of any school chaplain appointed to each school.¹⁴⁸

In *Case Study 45: Problematic and harmful sexual behaviours of children in schools (Harmful sexual behaviours of children in schools)*, we examined, among other institutions, the institutional responses of two independent schools affiliated with the Diocese of Sydney: The King's School in Parramatta, New South Wales, and Trinity Grammar School in Summer Hill, New South Wales. This case study did not examine the governance relationships between the schools and the Anglican Church, although we did hear that the members of the councils of each school include members appointed by the Diocese of Sydney. Archbishop Davies is the president of the school council at The King's School, and he is also the ex-officio president of the school council at Trinity Grammar School.¹⁴⁹

Similarly, in *Case Study 32: The response of Geelong Grammar School to allegations of child sexual abuse of former students (Geelong Grammar School)* we heard that Geelong Grammar School was first established in 1855 as an Anglican school and was known as Geelong Church of England Grammar School until 1988. The school is now a public company limited by guarantee. However, the school's association with the Anglican Church continues, as its constitution requires that the school council must have three members approved by the Archbishop-in-Council of the Anglican Church.¹⁵⁰

Anglican schools are able to become members of Anglican Schools Australia (ASA), 'a network of Anglican schools established under the Strategic Issues, Commission, Task Forces and Networks Canon 1989'.¹⁵¹ As at 2017, all Anglican schools are automatically members of ASA.¹⁵² The core purpose of ASA is to support and serve Anglican schools in fulfilling their Christian Mission.¹⁵³ It does not have a governance or authority role over member schools.¹⁵⁴ Mr Jim Laussen, then President of ASA, told us in the *Institutional review of Anglican institutions* public hearing that ASA has a 'couple of primary purposes':

The most significant one is organising an annual conference and it's a conference at which principals, board members and chaplains have an ability to come together and learn and celebrate what it is to be connected as Anglican schools in the country.¹⁵⁵

Anglican schools are also subject to state legislative requirements in relation to child protection and mandatory reporting.

As at March 2017, there were 162 Anglican schools in Australia.¹⁵⁶

Community services

In relation to the Anglican Church, 'community services' refers to a broad range of organisations, community groups and social programs delivered by, or under the name of, the Anglican Church of Australia.

Anglican Church dioceses directly deliver some community services, such as parish youth groups. Historically, Anglican Church dioceses have been involved in running children's homes and orphanages. During the *Anglican Diocese of Newcastle* public hearing we heard that from 1920 to 1980 the Diocese of Newcastle operated a children's home called St Alban's Home for Boys, in Cessnock, New South Wales. St Alban's Home for Boys was run by a committee of the diocesan synod, and clergy were members of that committee.¹⁵⁷

In the *North Coast Children's Home* public hearing, we heard about the connections between the Diocese of Grafton and the North Coast Children's Home. We found that, at all relevant times, the North Coast Children's Home was strongly associated with the Anglican Church and controlled by a board of management whose members included the Rector of St Andrew's Church, Lismore. St Andrew's Church, Lismore, is located in the Diocese of Grafton. We found that the Diocese of Grafton, through its officers and members who were also on the board of management, shared responsibility with the board of management for the children who lived at the North Coast Children's Home.¹⁵⁸

Other services are delivered by separately incorporated organisations using the 'Anglican' name. A large number of separately incorporated community services organisations across Australia share the name 'Anglicare'. Anglicare Australia was formed under the *Strategic Issues, Commissions, Task Forces and Networks Canon 1998*.¹⁵⁹ During the *Institutional review of Anglican Church institutions* public hearing, Bishop Dr Chris Jones, Chief Executive Officer, Anglicare Tasmania and Chair of Anglicare Australia told us that:

[Anglicare Australia is] an incorporated association that brings together those Anglican related welfare organisations who want to join, so it is a voluntary association. It is an association that has been recognised by the General Synod as a network under a canon of the General Synod, so it has an informal way of linking in with the broader General Synod structures.¹⁶⁰

The organisations in this network provide services across a wide range of areas, including with children and other vulnerable people. Bishop Dr Jones told us that there are currently '31 members, not all are called Anglicare'.¹⁶¹

During the *Institutional review of Anglican Church institutions* public hearing, Reverend Professor Peter Sandeman, Chief Executive Officer of AnglicareSA, told us that the organisation he runs provides services such as aged care, disability services, out-of-home care and housing and homelessness services.¹⁶² Reverend Dr Andrew Ford, General Manager, Missions & Partnerships, Anglicare Sydney, told us that historically, each Anglicare has their own mix of services. For instance, Anglicare Sydney provides aged care, out-of-home care and adoptions as well as emergency relief.¹⁶³

While many of the 31 independent organisations in this network share the name ‘Anglicare’ and are members of Anglicare Australia the relationship with the diocese may vary. Reverend Professor Sandeman told us about the relationship between AnglicareSA and the Diocese of Adelaide:

in terms of the unincorporated church, we are part of the church; we are not part of the incorporated body called the Synod of the Diocese of Adelaide. But we are closely associated, and our relationship is really one of governance. The diocese, incorporated, provides for the most part our governance, but operationally we are a distinct organisation, as a company limited by guarantee.¹⁶⁴

Bishop Dr Jones explained that Anglicare Tasmania operates slightly differently:

Our membership base is different. We are an incorporated association and so we have a group of members, of voluntary members – just over 30 – so there is a membership difference. Although, when it comes to the governance arrangements, of our nine directors, six are appointed by the bishop, the synod or the diocesan council. We can’t change the rules of association unless the diocesan council approves it.¹⁶⁵

Reverend Dr Ford explained that Anglicare Sydney has limited accountability to the Diocese of Sydney:

We have regular reporting to the diocese. So our accountability is limited in the sense that we’re not accountable on matters of operation, but we will regularly give an account of our operations and the mission and vision of the organisation and other matters of concern to the synod.¹⁶⁶

Anglicare Sydney also has a close governance relationship with the diocese, with the synod and archbishop electing members to the board of Anglican Community Services (of which Anglicare Sydney is a trading name).¹⁶⁷

Registered charities in Australia are subject to contractual and regulatory obligations, imposed at the state and federal government levels.

Anglican Board of Mission – Australia Ltd

The Anglican Board of Mission was established in 1850 and formally constituted as a board of the church by a canon of the General Synod in 1872.¹⁶⁸ In the 1880s, the Anglican Board of Mission supported missions for Aboriginal and Torres Strait Islander peoples. In Chapter 2, ‘Religion in Australia’, we consider the historical development of Christian missions in Australia, including their operation under various Aboriginal Protection Acts and their role in forcing Aboriginal people off their land and placing them in segregated reserves. We have heard from Aboriginal and Torres Strait Islander survivors who told us they were sexually abused as children in Christian mission institutions.

Parachurch organisations

Parachurch organisations are Anglican in name but the level of involvement of the Anglican Church itself is varied. There are five parachurch organisations associated with the Anglican Church:¹⁶⁹

- the Church of England Boys' Society (CEBS)
- GFS Australia Inc (formerly the Girls' Friendly Society)
- the Australian Council for the Mission to Seafarers Inc
- the Church Army in Australia
- the Council of the Mothers' Union in Australia Inc (Mothers' Union).

Structurally, CEBS, GFS Australia and the Mothers' Union tend to mirror the structure of the Anglican Church in that there are local branches within parishes and/or dioceses, with a national council. While these organisations are connected to and supported by the Anglican Church, they operate independently.¹⁷⁰

CEBS was the focus of our *Church of England Boys' Society* case study. We examined the response of CEBS and the Anglican dioceses of Tasmania, Adelaide, Brisbane and Sydney to allegations of child sexual abuse against a number of people involved in or associated with CEBS. The responses of CEBS and the various dioceses to convicted and alleged perpetrators of child sexual abuse, and to survivors of child sexual abuse, are detailed in Section 12.4 and Section 12.5, 'Contemporary Anglican Church responses to child sexual abuse'.

CEBS was established to help nurture the spiritual development of boys aged between six and 16 years,¹⁷¹ and to encourage their lifelong involvement in the Anglican Church.¹⁷² CEBS branches held weekly meetings where boys played games, learned various skills and received spiritual training. Camping was a key activity for CEBS members.¹⁷³

The first Australian CEBS branch was established in Victoria in 1914. Branches of CEBS then opened in various states. CEBS branches were generally attached to a parish or a particular church within the parish. CEBS reached its height in the 1970s and 1980s, but has since largely wound down. CEBS remains operational only in a handful of parishes in New South Wales, Western Australia, Victoria and the Northern Territory. It has changed its name in some jurisdictions to the Anglican Boys' Society or Boys' Ministry Australia.¹⁷⁴

12.2 Private sessions and data about child sexual abuse in the Anglican Church

This period was very traumatic and has impacted on my life in many ways ... I endured years of degrading treatment at the hands of those who were supposed to protect me, as well as by the other girls. The sexual acts that occurred on a regular basis were terrifying ...

I've finally been given a chance to be heard. If I can save just one child from abuse, then I need to relive this in the hope that this information will be used to implement programs in the welfare system to stop the abuse, and also to raise awareness of what really went on in the homes. And finally to be validated, so I can have closure.¹⁷⁵

Private session, 'Faye Helen'

12.2.1 Background

As at 31 May 2017, of the 4,029 survivors who told us during private sessions about child sexual abuse in religious institutions, 594 survivors (14.7 per cent) told us about abuse in institutions managed by or affiliated with the Anglican Church. Of all religious organisations we heard about during private sessions, the Anglican Church was the second most frequently named. The religious organisation we heard about most frequently was the Catholic Church (61.8 per cent of survivors who told us during private sessions about child sexual abuse in religious institutions told us it took place in Catholic institutions). The experiences we heard about during private sessions contributed to our understanding of the nature and extent of child sexual abuse in Anglican institutions in Australia.

We also commissioned a survey to gather data from each of the 23 Anglican Church dioceses in Australia regarding complaints of child sexual abuse they had received. This survey is discussed in Chapter 6, 'The extent of child sexual abuse in religious institutions'. The result of the survey was the report *Analysis of complaints of child sexual abuse received by Anglican Church dioceses in Australia*. We refer to the data set out in that report as the 'Anglican Church complaints data'.¹⁷⁶

In 2007 the General Synod of the Anglican Church engaged researchers to conduct a study of the nature and extent of reported child sexual abuse by clergy and church workers, including volunteers, within the Anglican Church in Australia. The resulting report, *Study of reported child sexual abuse in the Anglican Church*, was published in May 2009 (the 2009 report).¹⁷⁷

As discussed in Chapter 6, information gathered through private sessions and the Anglican Church complaints data may not represent the demographic profile or experiences of all victims of child sexual abuse in institutions managed by the Anglican Church. Survivors attending private sessions did so of their own accord, and in this respect they were a ‘self-selected’ sample. Similarly, people who made a complaint to an Anglican Church diocese chose to do so – not all of those who experienced child sexual abuse in an institution managed by an Anglican Church diocese would have made a complaint about the abuse. As discussed in Volume 4, *Identifying and disclosing child sexual abuse*, delays in reporting are common and some people never disclose that they were abused. Consequently, the private sessions information and the Anglican Church complaints data almost certainly under-represent the number of victims of child sexual abuse.

The relative size of the Anglican Church in Australia, including the extent to which Anglican institutions have provided services to children, may have affected the number of allegations of child sexual abuse made in relation to Anglican institutions. Anglican Church dioceses have managed a large number of institutions providing services to children, including schools and residential institutions. It has not been possible for us to quantify the extent to which Anglican institutions have provided services to children over time, or the number of children who have had contact with Anglican institutions. In the absence of this information, it is not possible to estimate the incidence or prevalence of child sexual abuse within Anglican institutions.

One important limitation of the Anglican Church complaints data, as discussed in Chapter 6, is the impact of the governance arrangements of institutions affiliated with the Anglican Church, including residential and educational institutions. Some Anglican Church dioceses require affiliated institutions such as schools to report complaints to the diocese, which then manages the complaint. In other dioceses, complaints relating to affiliated institutions are not managed by the diocese. In those dioceses, complaints relating to affiliated institutions will only appear in diocesan records if the complainant themselves took the matter to the diocese. The Anglican Church complaints data will generally not include complaints made in relation to institutions that are administered independently.

Despite these limitations, the Anglican Church complaints data and accounts provided through private sessions each provide information about victims and survivors of child sexual abuse in Anglican institutions.

12.2.2 Number of complaints made to Anglican Church dioceses

The Anglican data report tabled today tells us more. We are appalled at the stark presentation of the number of abusers and those they harmed. It tells us that any processes we had in place did not prevent abusers working in our church as clergy and lay leaders, and in the roles most trusted to care of our children, as teachers and youth workers.¹⁷⁸

Ms Anne Hywood, General Secretary of the General Synod of the Anglican Church

The Anglican Church complaints data showed that of the 23 Anglican dioceses in Australia that were surveyed, 22 dioceses reported that they had received one or more complaints of child sexual abuse in the period from 1 January 1980 to 31 December 2015.¹⁷⁹ The Diocese of Willochra in South Australia reported that they received no complaints in this period.¹⁸⁰

The Anglican Church complaints data showed that, overall, 1,085 complainants alleged incidents of child sexual abuse in 1,119 reported complaints to Anglican Church dioceses (some complainants made a complaint of child sexual abuse to more than one Anglican Church diocese).¹⁸¹

The Diocese of Brisbane received the highest number of complaints, being a total of 371 complaints (33 per cent of all complaints).¹⁸² The Diocese of Brisbane requires all Anglican schools within the diocese to report complaints of child sexual abuse to the diocese. Consequently, the number of complaints reported by this diocese in relation to schools is higher than those dioceses that require either some or none of the Anglican schools in their diocese to report complaints of child sexual abuse to the diocese.¹⁸³ The Diocese of Adelaide received the second highest number of complaints, being a total of 155 complaints (14 per cent of all complaints).¹⁸⁴ The Diocese of Adelaide included a significant number of complaints in their survey relating to the Church of England Boys' Society (CEBS).¹⁸⁵

12.2.3 Victims of child sexual abuse in Anglican institutions

As soon as you turn the TV on, there it is, bang. Anyway I went to the doctor, to my GP, and I actually did have a nervous breakdown. Tears rolled out ... I had to explain 'cause bloody nearly needed a mop to come in and mop up the tears ... I'm a pretty solid bloke, you know, I'm a pretty staunch bloke, and I just turned to butter.¹⁸⁶

Private session, 'Edmund Vincent'

Gender and age of victims

As at 31 May 2017, of the 594 survivors who told us during private sessions about child sexual abuse in Anglican institutions, the majority (76.4 per cent), were male and 23.4 per cent were female.

Similarly, the Anglican Church complaints data showed a substantially higher number of male victims. Of those who made a complaint of child sexual abuse, 75 per cent were male and 25 per cent were female.¹⁸⁷ The 2009 report also found that three quarters of complainants were male.¹⁸⁸

Of survivors who told us during private sessions about child sexual abuse in Anglican institutions, and who provided information about the age of the victim at the time of first abuse, the average age was 10.6 years.

The Anglican Church complaints data showed that the average age of the complainant at the time of the first alleged incident of child sexual abuse was approximately 11 years for both male and female complainants.¹⁸⁹

Date range and duration of abuse

The majority of survivors (72.1 per cent) who told us in private sessions about child sexual abuse in Anglican institutions told us about the duration of the abuse. Of those, 51.2 per cent said the abuse lasted up to a year. Many survivors (37.9 per cent) told us about abuse that lasted between one and five years. Slightly more than one in ten survivors (11.7 per cent) told us about abuse that lasted more than five years.

The Anglican Church complaints data showed that 74 per cent of complaints made to Anglican Church dioceses involved alleged child sexual abuse that commenced in the period from 1950 to 1989 inclusive.¹⁹⁰ The largest proportion of first-alleged incidents of child sexual abuse occurred in the 1970s (226 complaints, or 25 per cent of all complaints with known dates).¹⁹¹

Where the first and last dates of abuse were reported, the Anglican Church complaints data showed that the average duration of abuse in an Anglican institution was 1.7 years.¹⁹² In 61 per cent of complaints the abuse occurred over a single year, and in 11 per cent of complaints the abuse occurred over a period of five years or more (where this information was reported).¹⁹³ Complaints that related to residential institutions had the highest average duration of alleged child sexual abuse (3.5 years).¹⁹⁴

Forms of abuse

Many survivors told us about other forms of abuse along with sexual abuse. Of the 594 survivors who told us during private sessions about child sexual abuse in Anglican institutions, 301 survivors (50.7 per cent) also told us about other forms of abuse. Of those, 253 survivors (84.1 per cent) told us about emotional abuse and 168 survivors (55.8 per cent) told us about physical abuse.

Reporting of alleged child sexual abuse

The Anglican Church complaints data indicated that the gap between the first alleged incident of child sexual abuse and the date the complaint was received by the relevant Anglican Church diocese was more than 30 years in 51 per cent of complaints, and more than 20 years in 70 per cent of complaints. The average time between the first alleged incident date and the date the complaint was received was 29 years.¹⁹⁵

12.2.4 Redress

I've never really thought about compensation. And 50 years is too long for an apology. It doesn't mean anything. It's going to be some letter on school letterhead, blah blah blah. The real reason I came here is to try and help so we can talk about how it doesn't happen again. That's the important thing – that it really doesn't happen again.¹⁹⁶

Private session, 'Ramsay'

The Anglican Church complaints data indicated that, overall, 472 complaints of child sexual abuse to Anglican Church dioceses resulted in a payment being made following a claim for redress (42 per cent of all complaints). Anglican Church dioceses made total payments of \$34.03 million, at an average of approximately \$72,000 per payment, in response to complaints of child sexual abuse received between 1 January 1980 and 31 December 2015 (including amounts for monetary compensation, treatment, legal and other costs).¹⁹⁷

It should be noted that, as of 2017, the Anglican Church in Australia has not had a national redress scheme. Anglican Church dioceses have had divergent approaches to redress, with no uniform approach to the payment of monetary compensation. Some individual dioceses have created redress schemes specific to their diocese to provide pastoral support and practical assistance, including monetary payments, to people who have been abused.

The Diocese of Brisbane reported both the highest total amount paid and the largest total number of payments (a total of \$10.68 million paid in relation to 145 payments, at an average of approximately \$74,000 per payment).¹⁹⁸ The Diocese of Newcastle had the highest average total payment at an average of approximately \$183,000 per payment (of those Anglican Church dioceses who made at least 10 payments).¹⁹⁹

The Anglican Church complaints data showed that the most commonly used redress process that resulted in a payment was an 'other' redress process (46 per cent of complaints resulted in a monetary payment).²⁰⁰ An 'other' redress process is where a complainant seeks redress from an Anglican Church diocese directly or through a solicitor or advocate, rather than through a church-organised process. The Anglican Church complaints data also showed that, of all redress processes, the highest total amount of monetary payment was through civil proceedings (\$12.74 million). The highest average monetary payment paid was through civil proceedings only (approximately \$116,000 per complainant).²⁰¹

The Anglican Church complaints data indicated that complaints involving alleged perpetrators who were lay people had the highest proportion resulting in payments (50 per cent), the highest total payments (\$23.17 million) and the highest average payments (approximately \$77,000).²⁰²

12.2.5 Alleged perpetrators of child sexual abuse in Anglican institutions

Number of alleged perpetrators

The Anglican Church complaints data identified a total of 569 alleged perpetrators of child sexual abuse (ordained clergy and lay employees, including teachers or volunteers). Additionally, 133 people whose identities were not known were the subject of complaints. It cannot be determined whether any of those unidentified alleged perpetrators were identified by another complainant in a separate complaint.²⁰³

Gender and age of alleged perpetrators

Of the 594 survivors who told us during private sessions about child sexual abuse in Anglican institutions, the majority (376 survivors or 63.3 per cent) provided information about the age of the person who sexually abused them. Of those, 309 survivors (82.2 per cent) told us about abuse by an adult (18 years or over) and 90 survivors (23.9 per cent) told us about abuse by another child (under 18 years). A small number survivors told us about abuse by both an adult and by another child.

Of the 309 survivors who told us during private sessions about child sexual abuse by adult perpetrators in Anglican institutions, 296 survivors (95.8 per cent) said they were abused by a male adult. Far fewer (13 survivors or 4.2 per cent) said they were abused by a female adult.

The Anglican Church complaints data showed that 94 per cent of alleged perpetrators were male and 6 per cent were female.²⁰⁴ Similarly, the 2009 report found that there were 135 alleged perpetrators identified through the study, of which 133 were male and two were female.²⁰⁵

The Anglican Church complaints data showed that the average age of alleged perpetrators (where this information was known) at the time of the first alleged incident of child sexual abuse was 43 years.²⁰⁶

Positions held by alleged perpetrators

Of the 594 survivors who told us during private sessions about child sexual abuse in Anglican institutions, 565 survivors (95.1 per cent) told us about the position held by a perpetrator. Of those, around a quarter (26.0 per cent) told us the perpetrator was a person in religious ministry, 21.8 per cent told us the perpetrator was a teacher, 15.0 per cent told us the perpetrator was a residential care worker and 11.5 per cent told us the perpetrator was a housemaster. Smaller numbers of survivors told us about abuse by volunteers or foster carers.

Some perpetrators held more than one position, such as people in religious ministry who were also teachers.

The Anglican Church complaints data showed that of alleged perpetrators identified in complaints of child sexual abuse, 50 per cent were lay people and 43 per cent were ordained clergy (the religious status in respect of the other 7 per cent was unknown).²⁰⁷

Historically, Anglican schools have had a high proportion of lay teachers relative to other schools affiliated with religious organisations. The Anglican Church complaints data showed that of all complaints regarding non-residential Anglican schools, 8 per cent involved alleged perpetrators who were ordained clergy and 86 per cent involved lay people.²⁰⁸ For residential schools operated by the Anglican Church, 21 per cent of complaints involved ordained clergy as the alleged perpetrator and 69 per cent involved lay people.²⁰⁹

Multiple perpetrators

Many survivors told us about abuse by more than one perpetrator. Of the 594 survivors who told us during private sessions about child sexual abuse in Anglican institutions, 132 survivors (22.2 per cent) told us about abuse by more than one person (not necessarily at the same time).

The Anglican Church complaints data showed that 10 per cent of complainants made a complaint about abuse by more than one alleged perpetrator.²¹⁰

Children with harmful sexual behaviours

Of the 376 survivors who told us during private sessions about child sexual abuse in Anglican institutions, and who provided information about the age of the person who sexually abused them, 90 survivors (23.9 per cent) told us about abuse by another child.

Of those 90 survivors, 82 survivors (91.1 per cent) told us about abuse by a boy and 12 survivors (13.3 per cent) told us about abuse by a girl.

The Anglican Church complaints data did not include analysis of complaints relating to children who were alleged to have sexually abused other children.

12.2.6 Anglican Church institutions

Of the 594 survivors who told us during private sessions about child sexual abuse in Anglican institutions, 36.0 per cent told us about abuse in residential institutions before 1990, 32.8 per cent told us about abuse in schools, 20.2 per cent told us about abuse that occurred in places of worship or during religious activities, and 7.2 per cent told us about abuse that occurred during recreational activities such as church-run youth camps.

The Anglican Church complaints data differed in that it indicated that the most common location types where incidents of child sexual abuse were alleged to have occurred were either residential or non-residential schools (22 per cent), the alleged perpetrator's home (20 per cent), orphanages/residential homes (14 per cent), and youth camp/recreational facilities (14 per cent).²¹¹

12.2.7 *The 2009 Study of reported child sexual abuse in the Anglican Church*

As noted above, in 2007, the Professional Standards Commission of the Anglican Church commissioned researchers to conduct a survey in relation to reported child sexual abuse in the Anglican Church.²¹² The resulting report, *Study of reported child sexual abuse in the Anglican Church*, was published in May 2009.²¹³

The researchers drafted a questionnaire to be answered by professional standards directors in each diocese. The study was limited to child sexual abuse which occurred in parishes, as opposed to schools, children's homes or welfare organisations. Professor Patrick Parkinson AM, professor of law, University of Sydney, who was one of the authors of the 2009 report, noted that no diocese could be compelled to participate and three declined to participate: the dioceses of Ballarat, The Murray and Willochra.²¹⁴

The 2009 report analysed 191 alleged cases of child sexual abuse reported to 17 Anglican Church dioceses between 1990 and 2008, to see what lessons could be learned to improve efforts at child protection.²¹⁵

Key findings of the 2009 report included:²¹⁶

- ‘Unlike patterns of abuse in the general population, three quarters of complainants were male and most were between the ages of 10 to 15 at the time of abuse.’
- ‘Most accused persons were either clergy or were involved in some form of voluntary or paid youth work.’
- ‘Ongoing abuse lasting three years or more was significantly more common among male complainants.’
- ‘There were long delays in reporting offences to the Church by the complainants, with an average delay of 23 years.’

The 2009 report made recommendations to the Anglican Church as to how it could improve its child protection strategies and response to disclosures of historical abuse. Those recommendations were divided into five broad subcategories:²¹⁷

- ‘Concentrate on youth groups and organisations.’
- ‘Enforce codes of conduct strictly.’
- ‘Focus educational efforts on awareness of the risk of abuse of boys.’
- ‘Improve recordkeeping.’
- ‘Develop a pastoral response to victims of sexual abuse for the long term.’

12.3 The development of national model procedures in the Anglican Church

I think everybody accepts that reform is necessary. I think it's when it comes to the detail, Ms Furness, that there are disagreements about details, and anybody looking objectively at the history of the Anglican Church of Australia will see that we have really struggled to deliver uniformity. It is a problem for us and it is, I think, because it is enshrined structurally in our constitution. When the power lies in the diocese, it's almost a recipe to guarantee diversity.²¹⁸

Archbishop Phillip Aspinall, Archbishop of Brisbane

This section discusses the significant steps taken by the Anglican Church of Australia towards developing model procedures at a national level for responding to the issue of child sexual abuse in Anglican Church institutions by clergy, church workers and lay people.

In the late 1990s and early 2000s, a number of high-profile child sexual abuse cases brought the problem of child sexual abuse in a number of Anglican Church institutions into sharp focus and led to church-initiated inquiries at a diocesan level.

By at least 1998 there was a recognition in the annual meeting of Anglican bishops (known as the Bishops' Conference) that Anglican Church institutions would benefit from a comparison of diocesan protocols for responding to sexual abuse, including child sexual abuse.²¹⁹

In 2001, the General Synod of the Anglican Church began the process of developing national model procedures that it would eventually recommend be adopted by all Anglican dioceses. The General Synod also established the Child Protection Committee to make recommendations relating to child protection in the Anglican Church. In 2002, the General Synod established the Sexual Abuse Working Group to develop protocols and other measures for the handling of sexual abuse matters by Anglican institutions.

The 13th Session of the General Synod of the Anglican Church in 2004 was a significant turning point in the Anglican Church's response to child protection and child sexual abuse. The General Synod publicly apologised to survivors of sexual abuse. The Child Protection Committee delivered a report to the General Synod, called *Making our church safe*. It recommended the standardisation of policies and procedures for the screening and training of clergy and church workers, pastoral responses to victims and survivors, and ministry support for clergy.²²⁰ *Making our church safe* also proposed a code of conduct, *Faithfulness in service: a national code for personal behaviour and the practice of pastoral ministry by clergy and church workers* (Faithfulness in service), for adoption by all dioceses.

In addition, the Sexual Abuse Working Group developed the professional standards framework, including the Model Professional Standards Ordinance, which was intended to provide a more accessible and transparent mechanism for handling complaints of child sexual abuse in the Anglican Church. These measures were introduced at the General Synod in 2004.

Despite these developments, and efforts at a national level to standardise and encourage the implementation of uniform policies and procedures concerning child protection and child sexual abuse in Anglican institutions, there are still different policies and procedures in place in the 23 dioceses of the Anglican Church in Australia. A significant factor contributing to the existence of these differences is the principle of diocesan autonomy, discussed in Section 12.1, 'Structure and governance of the Anglican Church'.

These structural barriers to national consistency are a longstanding feature of the Anglican Church. We heard from senior Anglican Church personnel in *Case Study 52: Institutional review of Anglican Church institutions* (*Institutional review of Anglican Church institutions*) that, parallel to the development of a national response to child sexual abuse, members of the Anglican Church have recognised that there are both constitutional and cultural barriers to the adoption of a truly national and uniform response to child sexual abuse.

From 2002 until 2017, the General Synod made several attempts at achieving national uniformity. However, none of these attempts have achieved the goal set out in 2004: that the Anglican Church's approach to child protection and response to sexual misconduct be 'comprehensive' and 'uniform'.

Archbishop Phillip Aspinall, Archbishop of Brisbane and former primate of the Anglican Church of Australia, told us during the *Institutional review of Anglican Church institutions* public hearing that the Anglican Church may need an 'external push' to help them achieve this objective.²²¹ Mr Garth Blake SC, Chair of the Anglican Church Professional Standards Commission and Chair of the Royal Commission Working Group, said that he would regard the need for an 'external push' as 'a continuing moral failure'.²²²

At the time of the *Institutional review of Anglican Church institutions* public hearing in March 2017 the General Synod was developing several initiatives to achieve uniform 'minimum standards' across the church. At the 17th Session of the General Synod in September 2017, the General Synod adopted the *Safe Ministry to Children Canon 2017* which seeks to implement minimum standards across the 23 Anglican dioceses. At the time of writing, the *Safe Ministry to Children Canon 2017* is yet to be adopted by all 23 Anglican dioceses.

12.3.1 Developments between the early 1990s and 2000

In Section 12.4, 'Early Anglican Church responses to child sexual abuse', we consider the early responses of Anglican institutions to survivors and convicted or alleged perpetrators from the 1960s until the late 1990s. This was a period before the Anglican Church had begun to develop national-level model policies and procedures for responding to child sexual abuse.

Between 1994 and 2004 several inquiries, including a Royal Commission and three independent inquiries initiated by Anglican institutions, examined the responses of various Anglican dioceses to allegations of child sexual abuse. These inquiries, and their subsequent reports and findings, attracted significant media attention. They also resulted in the resignation of a serving archbishop and a governor-general, and the retirement of another serving bishop.

Royal Commission into the New South Wales Police Force

In Chapter 5, 'Australian inquiries relating to child sexual abuse in religious institutions', we discuss the Royal Commission into the New South Wales Police Service (the Wood Royal Commission). The Wood Royal Commission was established in May 1994.²²³ In December 1994 the scope of the inquiry was widened to consider the protection of paedophiles by the NSW Police Force.²²⁴ The Wood Royal Commission published its final report in 1997.

Among other things, the Wood Royal Commission examined allegations of child sexual abuse against an Anglican minister in the Diocese of Sydney, who was alleged to have begun a sexual relationship with a girl when she was 14 years old.²²⁵ The Wood Royal Commission did not publish recommendations or findings specifically about the Diocese of Sydney, although it raised a concern in its report about the apparent reluctance of the diocese to pay for counselling for the complainant which she had sought in response to the alleged abuse.²²⁶

The Wood Royal Commission considered policies developed by the Diocese of Sydney between 1993 and 1997, including a draft code of conduct for clergy.²²⁷ Bishop Roger Herft, then Bishop of Newcastle, told us in *Case Study 42: The responses of the Anglican Diocese of Newcastle to instances and allegations of child sexual abuse (Anglican Diocese of Newcastle)* that, by 1996 and as a result of the Wood Royal Commission, paedophilia had 'certainly become part of my consciousness'.²²⁸

Independent inquiry in the Diocese of Tasmania

On 30 August 1997 the Tasmanian newspaper *The Mercury* published an article featuring the story of 'Simon' (a pseudonym for child sexual abuse survivor David Gould, who later gave evidence in *Case Study 36: The response of the Church of England Boys' Society and the Anglican Dioceses of Tasmania, Adelaide, Brisbane and Sydney to allegations of child sexual abuse (Church of England Boys' Society)*). In the article Mr Gould alleged that he had been sexually abused as a child by Anglican priests. He began agitating for an inquiry and organised 20 abuse survivors to picket a Sunday service at St David's Cathedral in Hobart.²²⁹

In response, the then Bishop of Tasmania, Bishop Phillip Newell, established an independent pastoral inquiry into allegations of abuse by priests in the Diocese of Tasmania (Tasmanian Inquiry).²³⁰ The Tasmanian Inquiry was pastoral in nature rather than investigative or quasi-judicial. Survivors could make submissions to the inquiry but had to separately notify police of any allegations.

The Tasmanian Inquiry resulted in a report called *Not the way of Christ: Report of the independent pastoral inquiry into sexual misconduct by clergy or officers of the Anglican Diocese of Tasmania with particular reference to paedophilia* (*Not the way of Christ* report), published in March 1998.²³¹ The *Not the way of Christ* report was circulated to Tasmania Police, all parishes in the Diocese of Tasmania, all other dioceses and diocesan bishops in Australia and the General Secretary of the General Synod.²³²

In the *Not the way of Christ* report, the authors acknowledged that:

The exploitation of the vulnerable for sexual purposes by those in positions of power, has been a major issue in the late twentieth century. This has been highlighted recently in Australia by the release of the findings of Justice James Woods' (sic) Royal Commission into paedophilia in N.S.W. in August 1997.²³³

Mr Gould told us in the *Church of England Boys' Society* public hearing that:

I gave evidence at the [Tasmanian] inquiry. Overall, I thought that the process of giving evidence at the inquiry was fairly well done and I felt that I got to tell my story the best I could at that time in my journey. I did come away with a feeling of dissatisfaction because they did not seem to be interested in the contemporary risks of children being abused by clergy.²³⁴

The *Not the way of Christ* report raised concerns about the tribunal process for disciplining clergy set out in the 1962 Constitution of the Anglican Church. The report expressed concern that judicial findings in criminal trials could not be considered sufficient evidence in a tribunal process and that evidence from a criminal trial would have to be heard again by the Anglican Church tribunal.²³⁵

It also recommended the Diocese of Tasmania write to dioceses that had licensed clergy or employed church workers who were subject to complaints before the Tasmanian Inquiry.²³⁶ The Diocese of Tasmania wrote to several other dioceses to advise of complaints against licensed clergy or employed church workers in those dioceses.²³⁷

Board of inquiry in the Diocese of Brisbane

In November 2001 a survivor of child sexual abuse began civil proceedings against the Diocese of Brisbane relating to sexual abuse she alleged was perpetrated by Kevin Guy (now deceased) at Toowoomba Preparatory School, Queensland. The civil proceedings focused on the response of Toowoomba Preparatory School, the Diocese of Brisbane and the former Archbishop of Brisbane, Dr Peter Hollingworth, to complaints about Kevin Guy. In December 2001 the survivor was awarded approximately \$800,000 in damages.²³⁸

In February 2002, Archbishop Aspinall, newly installed as the Archbishop of Brisbane, announced the establishment of an independent inquiry into the handling of complaints of sexual abuse in the diocese (the Brisbane inquiry). The resulting report, *Report of the Board of inquiry into past handling of complaints of sexual abuse in the Anglican Church Diocese of Brisbane*, was published in May 2003.²³⁹

In addition to Mr Guy, two of the alleged perpetrators considered by the Brisbane inquiry were Kevin Lynch and John Litton Elliot. The institutional responses of St Paul's School, Brisbane and the Diocese of Brisbane to allegations against school counsellor Kevin Lynch were considered in *Case Study 34: The response of Brisbane Grammar School and St Paul's School to allegations of child sexual abuse (Brisbane Grammar School and St Paul's School)*. The institutional responses to Elliot, among other convicted and alleged perpetrators, were considered in the *Church of England Boys' Society* case study.

Dr Hollingworth made submissions to the Brisbane inquiry. The Brisbane inquiry was critical of the way that Dr Hollingworth had handled allegations of child abuse against Elliot and it rejected Dr Hollingworth's assertion that a survivor's sexual abuse by Elliot was an 'isolated occurrence'. The Brisbane inquiry found that Dr Hollingworth's decision to permit Elliot to remain in ministry was 'untenable', even though the decision was made in good faith and in the belief that precautionary conditions imposed minimised the risk of recurrence. The Brisbane inquiry said that a survivor's complaint 'was not handled fairly, reasonably or appropriately'.²⁴⁰ We considered Dr Hollingworth's response to this survivor, who we gave the pseudonym BYB, during the *Church of England Boys' Society* public hearing. Dr Hollingworth told us in the *Church of England Boys' Society* public hearing that he accepted the Brisbane inquiry's findings about him.²⁴¹

The Brisbane inquiry also found that the Diocese of Brisbane did not have clear guidelines for reporting suspicions and complaints of child sexual abuse.²⁴²

Independent inquiry in the Diocese of Adelaide

In 2003 the Synod of Adelaide publicly apologised for child sexual abuse committed by clergy and church workers in the Diocese of Adelaide and announced an independent inquiry (the Adelaide inquiry). Like the church-initiated inquiries in Tasmania and Brisbane, this inquiry in the Diocese of Adelaide was initiated in the context of media interest in the diocese's response to complaints. The complaints were about Robert Brandenburg, a lay leader in the Church of England Boys' Society (CEBS).

The resulting report of the Adelaide inquiry, *Report of the Board of inquiry into the handling of claims of sexual abuse and misconduct within the Anglican Diocese of Adelaide*, was published and tabled in the parliament of South Australia in May 2004.²⁴³

Initially the Adelaide inquiry was primarily concerned with allegations that Mr Brandenburg had sexually abused CEBS members. However, the inquiry also gathered information about a number of other allegations of sexual abuse by other alleged perpetrators and the handling of those allegations by the Diocese of Adelaide. By the end of its information-gathering process, the Adelaide inquiry had heard evidence from 95 witnesses at formal hearings and taken preliminary statements from about 47 other people.²⁴⁴

The report criticised the Diocese of Adelaide's handling of complaints of child sexual abuse, finding that:²⁴⁵

- There was a general prevailing culture of minimisation or actual disbelief and, in most instances, an aggressive rejection of assertions of misconduct on the part of members of the clergy, especially if those claims were made by young people.
- There was an inadequate understanding of child sexual abuse and a lack of knowledge about child sexual abuse perpetrators, which had a number of negative impacts.
- Complaints and concerns were treated as single isolated incidents and not considered as part of a broader pattern of behaviour that might involve more than one victim. An admission of inappropriate sexual behaviour and the alleged perpetrator's promise that such behaviours would not continue were often considered adequate intervention.
- The attitude of the church was, in its practical effect, both uncaring towards the victims and sometimes undermining of the characters of both the victims and their families. The primary focus was on the church and any likely effect on it or its priests.
- The church was reluctant to acknowledge the reality of the situation and repair the harm done to victims because of a fear of besmirching the reputation of the church and the consequences of possible civil litigation.
- In some cases there was a focus on extending compassion and forgiveness to the offender rather than properly considering the needs of the victim.

The Adelaide inquiry concluded that what had occurred had seriously damaged the reputation of the Anglican Church in the eyes of the community. It said that a great deal of 'fence mending' needed to be done to improve the image of the church and to change the perception of those who had been disillusioned by past events.²⁴⁶ Among other things, it recommended improvements to record management and complaint handling in the Diocese of Adelaide.²⁴⁷

The Diocese of Adelaide and Archbishop Ian George, who was then the Archbishop of Adelaide, were criticised for their response to complaints of child sexual abuse. The archbishop was also criticised for his handling of a complaint against a school chaplain around the same time. In June 2004, Archbishop George resigned after the professional standards committee and the diocesan council expressed a lack of confidence in his position.²⁴⁸

In the *Church of England Boys' Society* public hearing, Bishop George told us he believed that the diocesan council considered that he had been too defensive of the church in his dealings with the media:

I think they felt that I was being too defensive on behalf of the church, with the media, and that this didn't reflect appropriately on where we were at that time and I think they were probably right.²⁴⁹

Growing awareness of the issue of child sexual abuse in the Anglican Church

During the same period when the independent inquiries in Tasmania, Brisbane and Adelaide were being conducted, the broader Anglican Church became aware of the need for a national response to the issue of child sexual abuse. Various sessions of the General Synod discussed the issue of child sexual abuse, giving it increasing prominence at a national level. In 1998 and 1999 the Bishops' Conference considered the need for a uniform, national response.

The 9th Session of the General Synod in 1992 resolved:

That General Synod note that work is being done by the Social Responsibilities Commission on the issue of child sexual abuse, encourage the Commission in its work, and recognise its importance to the pastoral ministry of the Church.²⁵⁰

As we discuss in Section 12.4, dioceses were developing their own diocese-based guidelines and protocols relating to child sexual abuse at around this time.

At its 11th Session in 1998, the General Synod passed the *Offences Canon Amendment Canon 1998*.²⁵¹ The General Synod also debated a bill titled *Clergy Discipline (Disclosure of Confessions) Canon 1998*. This bill provided for confessions of child sexual abuse by clergy or church workers to be disclosed to the diocesan bishop and diocesan tribunal or other disciplinary proceedings.²⁵² Although the General Synod did not pass the bill, it resolved to establish a task force to consider issues relating to confessions of child sexual abuse.²⁵³ This task force was formally established in June 1998 as the Clergy Discipline Working Group, and Mr Blake SC was appointed chair.²⁵⁴

In the *Anglican Diocese of Newcastle* public hearing, the former diocesan bishop, Archbishop Roger Herft, agreed that, in around 1998, paedophilia was a 'very live issue' within the Anglican Church at a national level.²⁵⁵ Archbishop Herft told us that 'I think that the matter of paedophilia was certainly, as a part of the Tasmanian report, becoming more conscious in the life of the church'.²⁵⁶

In April 1998, the annual Bishops' Conference tasked the General Secretary of the General Synod with preparing a report that compared the various sexual misconduct policies and procedures in the 23 dioceses of the Anglican Church in Australia.²⁵⁷ The resulting report, *A comparison of diocesan sexual harassment documents*, noted that, as at 1998, five dioceses did not have sexual harassment or abuse protocols in place and two dioceses addressed the issue within a broader protocol.²⁵⁸ The report found there were differences across the protocols in dioceses, including:²⁵⁹

- the definition of sexual harassment or misconduct
- who the protocols applied to – for instance clergy, church workers or lay people
- who the complaint is made to
- time limits for making complaints
- possible outcomes of complaints, including suspension of those accused
- whether there was a process for releasing information to other dioceses.

The report noted that the comparison across dioceses revealed a number of issues relating to improving consistency including the need for the development of:²⁶⁰

- provincial or national protocols
- an agreed definition of sexual harassment, abuse and misconduct
- a uniform recordkeeping system including administrative procedures to ensure confidentiality and preservation of material.

The next Bishops' Conference was held in 1999. In a letter dated 20 June 1999 to Peter Mitchell, the registrar of the Diocese of Newcastle, Reverend Dr Bruce Kaye AM (who was then the General Secretary of the General Synod) wrote:

As to whether there is any move to look at [a protocol for handling complaints of sexual misconduct] provincially or nationally, I can say that the Bishops' Conference when they reviewed the comparison decided that it was too difficult to do something nationally. This was partly because of the different jurisdictional questions that applied in different states. My own view is that this question will not go away and that while the question of different state jurisdictions may be an obstacle for a national review, it is not the greatest obstacle. The greatest obstacle is the different experience and different concerns of the dioceses.²⁶¹

The views expressed in this letter identify the impediments to the Anglican Church developing a nationally consistent approach to the issue of sexual abuse, including child sexual abuse.

12.3.2 Developments between 2001 and 2004

2001 – Child Protection Committee

The 12th Session of the General Synod in 2001 resolved as follows to establish the Child Protection Committee:

That this Synod requests the Primate to establish a committee to consider the issue of child protection in the Church, including:

- (a) the licensing of clergy and appointment of lay persons who have been convicted of a serious sexual offence;
- (b) the adequacy of current disciplinary measures and protocols;
- (c) the screening of all persons who work with children;
- (d) the training of ordinands and lay leaders and post-ordination training for clergy on the issue of child abuse;

and to report with appropriate recommendations and any draft legislation to the next session of General Synod.²⁶²

The General Synod passed other resolutions including requiring dioceses to institute or maintain a system of screening all persons who work with children. Other resolutions required diocesan bishops to ensure that training for lay leaders and for ordinands, as well as post-ordination training for clergy included instruction on human sexuality, abuse of people generally, the sexual abuse of children in particular, and the hearing of private confessions.²⁶³ A further resolution asked the House of Bishops to create pastoral guidelines about the hearing of private confessions, particularly in relation to child sexual abuse.²⁶⁴

These resolutions laid the groundwork for the significant work done by the Child Protection Committee from 2002 to 2004, which we discuss further below.

2002 – National apology

By 2002, several diocesan bishops had publicly apologised on behalf of their dioceses for child sexual abuse.²⁶⁵ In March 2002 the Standing Committee of the General Synod published an apology in relation to child sexual abuse:

The Anglican Church declares its abhorrence of any sexual abuse of children. Such behaviour is clearly contrary to both the gospel and the law. The Standing Committee acknowledges the benefits of many significant Anglican ministries among children.

However, the church regrets that there have been instances of abuse involving some Anglican clergy, church officers and institutions and apologises to all victims of such misconduct for their ongoing hurt and the breakdown in pastoral relationships.

The church is sorry that in some places it has failed in the past adequately to respond to claims of abuse. It has now initiated steps to ensure that appropriate protocols are in place across Australia and commits itself to be open and transparent in dealing with this matter.²⁶⁶

This was the first apology by the Anglican Church at a national level in relation to child sexual abuse.

2002–2003 – Sexual Abuse Working Group

The Standing Committee of the General Synod established, in March 2002, the Sexual Abuse Working Group (Working Group). The Working Group's terms of reference included developing:²⁶⁷

- national protocols for dealing with sexual abuse claims against church officers or institutions
- appropriate screening procedures to operate at all appropriate levels
- discipline guidelines for such cases
- suggested model legislation for dioceses
- recommendations on the above matters to dioceses.

The Working Group reported to the Standing Committee of the General Synod in March 2003.²⁶⁸ The then primate, Archbishop Peter Carnley AO, former Archbishop of Perth, remarked in the preface of the Working Group's report that its work was the 'first co-ordinated step at a national level towards the proper handling by the Church of information concerning sexual abuse and sexual misconduct of clergy and church workers'.²⁶⁹

The Working Group's report identified barriers to both dioceses and survivors using the diocese-based protocols on handling sexual abuse and sexual misconduct of clergy and church workers, including:²⁷⁰

- a misplaced belief by some church officials that they have the ability to deal with these issues satisfactorily in their own way
- lack of accessibility of the protocol in terms of social and cultural barriers
- lack of trust in the protocols due to past failings.

The Working Group recommended that any protocol 'must' address past failures by church authorities or bodies to properly respond to information concerning 'examinable conduct' as defined by the protocol.²⁷¹

The Working Group concluded that the national protocol should apply to all church workers, including ordained clergy and lay persons employed by the church or otherwise appointed or licensed to a position where they work with children or young people. This included all those employed or volunteering with parishes, schools, body corporates, organisations or associations connected to the Anglican Church. The Working Group recognised that the Anglican Church had limited ability to regulate some of the separately incorporated church entities, such as schools and community service organisations, and that the issue of who would be covered by a protocol would be a matter for each diocese.²⁷²

The Working Group recommended that the national protocol include:²⁷³

- a clearly described system for receiving, assessing, investigating and resolving information and complaints
- reporting allegations involving possible illegal behaviour to the police
- reporting allegations which suggest that a child or children are at risk of harm to the state or territory child protection authorities
- a concise description of the processes involved in determining a person's fitness to hold office if there are allegations against them.

These recommendations were ultimately transformed into the Model Professional Standards Ordinance, discussed in Section 12.3.5, 'Key national policies and initiatives'.

The Working Group recommended that each diocese adopt, as an interim measure, a similar structure for responding to sexual abuse and misconduct by clergy and church workers, including a diocesan professional standards committee and a director of professional standards. Other recommendations included providing contact persons for complainants/informants and respondents, and developing protocols for working with child protection authorities.²⁷⁴

The Working Group recommendation for a national protocol sought to address what it saw as shortcomings in the Anglican Church tribunal system of discipline. The Working Group reported that 'Concepts of blame and of disciplinary punishment inherent in the present legislation are by themselves inappropriate to deal with this problem'. Instead, it reported, the primary concern of the church and the community is the question of whether the alleged conduct goes to the person's ongoing fitness to hold office or whether it should exclude them from office for the protection of the public.²⁷⁵

The Working Group identified a concern that the tribunal system placed a bishop in an 'impossible position', as he or she may bring a charge, be president of the tribunal and also be expected to provide support to a complainant and a respondent. It said that a more 'enlightened approach' was required.²⁷⁶

The Working Group recognised that the integrity of the system would fail if there were not a uniform approach. It also recognised that the constitutional limitations on the ability of the General Synod to compel dioceses to adopt a canon was a barrier to the implementation of such a protocol.²⁷⁷ Consequently the Working Group recommended that each diocese implement the proposed scheme 'as far as possible' uniformly and that they be discouraged from amending it, except in line with national amendments. The report of the Working Group acknowledged that 'What is important is that this Church presents a unified and workable approach to a problem that does not know diocesan boundaries'.²⁷⁸

The Standing Committee of the General Synod met in March 2003 and adopted the Working Group's recommendations for a national model procedure for handling sexual abuse and sexual misconduct by clergy and church workers. The Standing Committee recommended that each diocese adopt the model system for responding to complaints, as recommended by the Working Group.²⁷⁹

We discuss the manner in which dioceses adopted or diverged away from this model system below and in Section 12.5, 'Contemporary Anglican Church responses to child sexual abuse'.

12.3.3 The 2004 General Synod

National apology

In his presidential address to the 13th Session of the General Synod in 2004, Archbishop Carnley acknowledged the failures of the church in responding to complaints of child sexual abuse. He stated:

We rightly and honestly, and with sincere regret, own the mistakes of the past in a spirit of profound repentance. On a number of occasions now an offer of apology has been made in specific dioceses to those who unfortunately and tragically have been victimized. We re-affirm that apology now in the name of the National Church, for we are all members one of another, and must share the blame for the development of a culture in which shortcomings in the handling of complaints have been endemic ...

The single most important issue facing us right now at this General Synod is to ensure that the mistakes of the past are never again repeated.²⁸⁰

At this 13th Session of the General Synod, an apology to survivors of sexual abuse was read by all members:

That this General Synod and we as members of it acknowledge with deep regret and repentance the past failings of the Church and its members. On behalf of the whole Anglican Church in this country we apologise unreservedly to those who have been harmed by sexual abuse perpetrated by people holding positions of power and trust in the Church. We apologise for the shameful way we actively worked against and discouraged those who came to us and reported abuse. We are ashamed to acknowledge that we only took notice when the survivors of abuse became a threat to us. We apologise and ask forgiveness for the Church's failure at many levels to listen to and acknowledge the plight of those who have been abused, to take adequate steps to assist them, and to prevent abuse from happening or recurring. We commit the Church to listen to survivors of abuse, to respond with compassion to all those who have been harmed, both to those who have come forward and to those who may choose to do so in the future, and to deal appropriately, transparently and fairly with those accused of abuse and negligence.²⁸¹

This apology was repeated by Ms Anne Hywood, the General Secretary of the General Synod of the Anglican Church of Australia, at the *Institutional review of Anglican Church institutions* public hearing in March 2017. Ms Hywood told us that 'The commitments in this apology from 2004 still drive our work to deliver a child safe culture and a response to survivors that meets community expectations'.²⁸²

Recommendations for a national approach

At this 13th Session of the General Synod, the Child Protection Committee delivered a report, *Making our church safe: A programme for action* (Making our church safe).²⁸³ The Child Protection Committee made 26 recommendations for a comprehensive child protection scheme for the Anglican Church.

The Child Protection Committee report and the resolutions passed at the 13th Session of the General Synod were significant milestones in the development of child safety policies and procedures within the Anglican Church of Australia. The Child Protection Committee report said that they came at a 'time of great shame in the life of the Church' and as a result of 'justifiable criticism of the inadequacy of the Church's procedures for preventing abuse, and handling abuse allegations'.²⁸⁴

The Child Protection Committee report proposed a national, uniform approach to responding to child sexual abuse:

The Church's approach to child protection and the prevention of sexual misconduct must be *comprehensive* because no single strategy will be effective and *uniform* because it is only through a common approach that the culture of the Church will be changed. The public perceives the Church to be a single organisation and does not understand its structure of dioceses, parishes and church organisations. Abuse by clergy and church workers in one diocese or even one parish or church organisation damages the whole Church.²⁸⁵

The 26 recommendations of *Making our church safe* were grouped into four motions²⁸⁶, which were resolved by the General Synod:²⁸⁷

- The first motion related to the adoption of the 'Safe Ministry Check' for screening clergy and church workers, and a code of conduct called *Faithfulness in service*.
- The second motion recommended the establishment of the Professional Standards Commission.
- The third motion recommended that each diocese adopt a process of screening people for ordination which included, in addition to the Safe Ministry Check, a Working With Children Check or national police check, a medical report and some form of psycho-sexual assessment. It also recommended that church workers who have contact with children in their ministry, or supervision of those people, be screened via the Safe Ministry Check and a Working With Children Check or national police check. It was recommended that dioceses develop mechanisms of support for people affected by clergy and church worker abuse, as well as a system of support and supervision of known abusers. It also proposed the development of a national register for the purposes of screening people for ministry.
- The fourth motion related to recommendations for reform through the National Churches of Australia, state governments, the Australian Government and the international Anglican Communion. These recommendations included that the Australian Government and various state and territory governments establish children's commissions to promote child protection and that there be a national summit on child protection as a first step to developing a national strategy for the prevention of child abuse and neglect.

The General Synod also resolved to urge diocesan synods to pass the Model Professional Standards Ordinance if they had not already done so.²⁸⁸ The Model Professional Standards Ordinance is model diocesan legislation which, if enacted in a diocese, would establish a complaints handling process for complaints against clergy and church workers.

The Model Professional Standards Ordinance sets out that each diocese should have a code of conduct, as well as a protocol for receiving and handling complaints.²⁸⁹ It also describes the roles of the professional standards committee, the professional standards board, and the professional standards director.²⁹⁰ When we refer to the professional standards framework in the context of a diocese's response to child sexual abuse, we are referring to the diocese's complaint handling process that has similar features to those set out in the Model Professional Standards Ordinance.

A number of canons relating to the Anglican Church's professional standards framework were passed by the General Synod, including the:

- *Strategic Issues, Commissions, Task Forces and Networks Canon (Amendment) Canon 2004 (Canon No 6, 2004)*
- *Special Tribunal Canon 2004 (Canon No 7, 2004)*
- *Holy Orders, Relinquishment and Deposition Canon 2004 (Canon No 10, 2004)*
- *National Register Canon 2004 (Canon No 12, 2004).*

We discuss the key initiatives and canons in further detail below.

The Professional Standards Commission

Following the recommendation made in 2004, the General Synod established the national Professional Standards Commission in 2005, chaired by Mr Blake SC.²⁹¹ The Professional Standards Commission is a policymaking body that makes recommendations in relation to professional standards, safe ministry practices and training, and support for ordained and authorised lay ministry. It reports to the primate, the Standing Committee of the General Synod and/or the General Synod.²⁹²

At the 14th Session of the General Synod in 2007, the Professional Standards Commission presented a report called *Making our church safe: A progress report and recommendations for action*.²⁹³ This report expressed concern that professional standards policies were absent from most dioceses' websites, and that some clergy and church workers did not understand the pastoral needs of those affected by abuse.²⁹⁴

The Royal Commission Working Group

After the Royal Commission was announced in November 2012, the Standing Committee of the General Synod, recognising the importance of a national response on behalf of the Anglican Church, established the Royal Commission Working Group to:²⁹⁵

- respond to the work of the Royal Commission
- review past complaints of child sexual abuse notified to dioceses and associated Anglican schools and agencies, and ensure that all appropriate steps have been taken in dealing with those complaints, including reporting them to the police where appropriate
- identify national best practice policies and procedures to respond to and prevent child sexual abuse and facilitate their implementation by dioceses and associated Anglican schools and agencies, including arranging for the preparation of all necessary legislation for the next General Synod
- contribute to the development of a more national framework for child protection.

Archbishop Aspinall, in his presidential address as primate to the 16th Session of the General Synod in 2014, noted that ‘Implicit in these tasks is a conviction that what is required is a coherent, united, consistent national approach that will ensure best practice across the dioceses, schools and agencies’.²⁹⁶

He went on to state that, as at July 2014, the aspirations for a review of complaints and policies and procedures by the Royal Commission Working Group:

have proved elusive, for three reasons. First, the complexity and scale of the tasks are greater than was originally anticipated. Secondly, to undertake that work comprehensively requires substantial resourcing. Work of this magnitude cannot simply be tacked on to the existing responsibilities of the General Secretary or be undertaken by the handful of already busy volunteers that comprise the Working Group and the Professional Standards Commission. Thirdly, the Working Group could not **require** dioceses, schools and agencies to provide information or to take any of the other actions envisaged in the resolution. As a result responses have been patchy and the work remains incomplete [emphasis in original].²⁹⁷

12.3.4 Developments between 2014 and 2017

In 2014, at the 16th Session of the General Synod, Archbishop Aspinall commented on child protection and national church issues in the context of the Royal Commission's work:

The Royal Commission appears to be concerned that the Church's organisation and structure may work unfairly and inconsistently for victims of child sexual abuse. For example:

- Measures for preventing child sexual abuse vary from diocese to diocese as do rules and processes for dealing with reports of abuse
- Rules and mechanisms for determining financial payments and other supports for victims vary from diocese to diocese, raising important questions of fairness
- Some dioceses have greater capacity to pay than others but there is no mechanism to achieve parity of treatment of victims and no national fund exists to support dioceses unable to satisfy their obligations to victims
- There is no way to check whether dioceses are acting in accordance with their own policies and procedures nor whether they have responded appropriately to the various recommendations of the General Synod, Standing Committee and Professional Standards Commission over the last decade ...

The Commission is clearly considering whether or not there should be a consistent, uniform national response to these issues and, if so, the means to achieve it.²⁹⁸

Archbishop Aspinall suggested that the issue was of such significance that it was once again forcing the Anglican Church to ask itself whether its constitutional and organisational arrangements were serving it well and enabling it in 'the best possible way to minister to Australia in the 21st century'.²⁹⁹

Archbishop Aspinall recognised that some of the issues with the Anglican Church's response to child sexual abuse reflected broader and longer-term issues in the church. He said:

... it is clear that:

- some dioceses lack sufficient expertise, resources and/or attention to do what is required in crucial areas including sexual abuse and discipline of clergy and church workers; governance, financial management and risk management;
- some dioceses facing particular challenges in such areas have, sometimes initially and sometimes in an ongoing way, resisted or rejected recommendations, advice, support and assistance from outside, including by General Synod bodies and officers;

- there is a lack of authority (and capacity and resources) in any other church body, including the General Synod and its bodies and officers, to ensure that what is required is actually being done.³⁰⁰

The 16th Session of the General Synod passed several resolutions relating to professional standards. Significantly, the General Synod, noting the resolution of the Bishops' Conference in early 2014, recommended that each diocese implement a 'Professional Standards Audit'.³⁰¹ The scheme envisaged an independent auditor visiting dioceses to conduct an audit of the diocese's professional standards performance against its own policies and procedures, and to make recommendations for improvement.³⁰²

The General Synod asked the Professional Standards Commission to prepare a report 'identifying barriers to change in the areas of safe ministry and professional standards in the Church and strategies to address them'.³⁰³

The General Synod also proposed the adoption by dioceses of the Model Episcopal Standards Ordinance 2014 and asked dioceses to inform the Standing Committee of the General Synod if they intended to depart in substance from that ordinance.³⁰⁴

The 16th Session of the General Synod demonstrated a growing awareness at the national levels of the Anglican Church that one of the barriers to a uniform and comprehensive response to child sexual abuse was the inability of the national Anglican Church to ensure that dioceses were meeting minimum standards. The General Synod recognised the need for auditing and compliance checks of dioceses but proposed that these be done on a voluntary basis. In our view, it is unlikely that a 'voluntary' audit will overcome the types of structural and cultural barriers to uniformity that exist in the Anglican Church.

Archbishop Aspinall told us during the *Institutional review of Anglican Church institutions* public hearing that:

I still think the Anglican Church of Australia – I really hate to say it, but I think we might need an external push over the line, yes [a Royal Commission recommendation], or some kind of requirement that certain standards be observed. Because, if you look at our experience, our national Professional Standards Commission I think has done magnificent work with very limited resources over more than a decade. It has done international research and produced best practice models which have been proposed to the dioceses for acceptance. And the result of that is a great deal of diversity across the dioceses. So we need – it seems, I hate to say it, but it seems that at a practical level, we are incapable of putting it in place ourselves.³⁰⁵

Mr Blake SC told us during the public hearing that, 'I think, from my perspective, I would regard that as a continuing moral failure, if our church requires an external push, either by this Commission or by legislation, to do the right thing'.³⁰⁶

He continued, ‘if this requires the Royal Commission or government to tell us to do the right thing, that would only demonstrate that we have really not learnt and we don’t have the courage of the convictions which we bring as a Christian body’.³⁰⁷

We make recommendations in relation to child safety in the Anglican Church in Section 12.6, ‘Contributing factors in the Anglican Church’.

12.3.5 Key national policies and initiatives

Faithfulness in service: a code of conduct

In 2001, the Child Protection Committee considered whether a code of conduct ought to be established to set minimum standards of behaviour for clergy.

Mr Blake SC, formerly the Chair of the Child Protection Committee, gave evidence in the *Institutional review of Anglican Church institutions* public hearing about how the code came about and why it is not limited to child sexual abuse:

Its terms of reference were to look specifically at child protection. We realised that a very important aspect of that was a code of conduct. We soon realised, as we spoke to people in the community and in the church, that abuse of women, adult women, was just as significant a problem within the church as the abuse of children and it seemed artificial to develop a code of conduct limited to children and children’s ministry when staring us in the face there was an equally significant issue regarding how adults, vulnerable adults were treated, and so we went to the standing committee, which had responsibility for our work, and asked them what we should do, and the advice we got was to develop a broader code of conduct that would embrace other matters than simply children.³⁰⁸

In 2004 the General Synod adopted a national code of conduct drafted by the Child Protection Committee called *Faithfulness in Service: a national code for personal behaviour and the practice of pastoral ministry by clergy and church workers* (Faithfulness in service).³⁰⁹

The code sets out standards of behaviour expected of clergy and church workers in both their personal lives and family relationships, as well as in ministry, including areas such as pastoral relationships, children, personal behaviour, sexual conduct and financial integrity.³¹⁰

The most recent update of *Faithfulness in service* included a definition of ‘grooming’³¹¹ and provided information about the offence of grooming.³¹²

In 2014, the General Synod did not have information about whether dioceses had adopted *Faithfulness in service* as their code of conduct, made amendments to it, or adopted a code other than *Faithfulness in service*.³¹³ Ahead of the *Institutional review of Anglican Church institutions* public hearing in March 2017, we heard that between 2004 and 2008 the majority of dioceses had adopted *Faithfulness in service* as the code of conduct for clergy and church workers, with some dioceses making amendments to the code.³¹⁴

The only diocese not to adopt the code was the Diocese of Canberra and Goulburn, which had an existing code called the *Diocesan code of good practice*. In his statement to the Royal Commission, Bishop Stuart Robinson of the Diocese of Canberra and Goulburn stated that the *Diocesan code of good practice* had been compared with *Faithfulness in service* and revised to align with it.³¹⁵

During the *Institutional review of Anglican Church institutions* public hearing, Archbishop Glenn Davies, Archbishop of Sydney told us that some dioceses have not adopted all aspects of *Faithfulness in service*. He gave evidence about his opinion of the impact of this:

The Bible is paramount for us in understanding how we're to live, how we protect children in particular. Therefore, that commonality of what we believe is across our national church. That we haven't been able to enact it into adopting that same Faithfulness in Service code of conduct is extremely disappointing.³¹⁶

Archbishop Philip Freier, the Archbishop of Melbourne and Primate of the Anglican Church of Australia, told us that 'irrespective of some of those inconsistencies' in the adoption of *Faithfulness in service* by some dioceses, he thought that they 'still have a very strong commitment to child protection and to the proper response to any allegations of child abuse'. Archbishop Freier said that 'as I look at the church and experience it, irrespective of some of those inconsistencies, I see a real determination that any allegation of child sexual abuse will be taken with the utmost seriousness'.³¹⁷

In September 2017, at its 17th Session, the General Synod passed the *Safe Ministry to Children Canon 2017*. One of the objects of this canon is to prescribe a code of conduct for safe ministry to children.³¹⁸ The canon prescribes sections of *Faithfulness in service* that relate to ministry to children as being the code of conduct for clergy and church workers in all dioceses. It also allows for public auditing of each diocese to identify any inconsistencies in equivalent or additional codes of conduct operating in a diocese.³¹⁹

Because it affects the order and good government of the Anglican Church in a diocese, the *Safe Ministry to Children Canon 2017* will not come into force in a diocese unless and until the diocese adopts it.³²⁰

Our recommendations regarding codes of conduct in religious institutions are outlined in Chapter 21, 'Improving responding and reporting by religious institutions'.

Professional standards

In 2004 the introduction of the Model Professional Standards Ordinance largely supplanted the existing tribunal system for disciplining clergy.

The professional standards framework envisaged by the Model Professional Standards Ordinance includes the establishment in dioceses of a permanent professional standards committee, professional standards board, and a professional standards director.³²¹ The framework allows for the professional standards board to make recommendations to the diocesan bishop about the fitness of clergy or church workers to hold a particular office. Under Anglican canon law, the diocesan bishop is the only person who has the power to depose a member of clergy from holy orders.³²²

The Model Professional Standards Ordinance also sets out that each diocese should have a code of conduct, as well as a protocol for receiving and handling complaints.³²³ As mentioned above, when we refer to the professional standards framework we are referring to a diocese's complaint handling process that has similar features to those set out in the Model Professional Standards Ordinance.

The introduction of the professional standards framework saw the Anglican Church move away from a 'disciplinary' regime under the tribunal system to a fitness for office model. The Working Group noted:

The primary concern of the Church and of the community is not punishment for examinable conduct but whether and to what extent the conduct either qualifies the person's fitness to hold office or excludes the person from holding office for the protection of the public.³²⁴

The professional standards framework has been the subject of two legal challenges, one in South Australia and one in New South Wales, by deposed clergy who argued that their deposition was unconstitutional.³²⁵ In both cases the plaintiffs argued that the constitution of the Anglican Church required diocesan tribunals, and that other types of disciplinary bodies were excluded. The courts rejected this argument in both cases.

We consider in Section 12.5 some of the ways in which the professional standards framework has been implemented.

Differences in the adoption of the professional standards framework

We heard that the adoption of the professional standards framework by dioceses has not been uniform. There are differences in the way the framework operates in each diocese, including:

- definitional differences
- adaptation of the ordinance to reflect local concerns
- adaptation or abandonment of the ordinance to ensure compliance with other state laws and norms.

Under the Model Professional Standards Ordinance, child abuse includes emotional abuse, neglect, physical abuse, sexual abuse and spiritual abuse.³²⁶

Bishop Dr Chris Jones, the then Administrator of the Diocese of Tasmania, told us that one of the ways in which the Diocese of Tasmania's professional standards ordinance³²⁷ differs from the Model Professional Standards Ordinance is that the Tasmanian ordinance applies only to sexual misconduct.³²⁸

The Diocese of Brisbane has limited the application of its own professional standards ordinance to adult or child sexual assault. It does not apply to neglect, spiritual abuse, or other sexual misconduct with an adult. The movement away from a broader definition of abuse resulted from the professional standards process being used for matters such as bringing action against someone who suspended a child from school.³²⁹

In the Diocese of Adelaide's *Professional Standards Ordinance 2015* there needs to be a 'complaint' rather than 'information' in order to initiate an investigation by the professional standards committee and a hearing by the professional standards board. This movement away from an 'information' based system to a 'complaints' based system was designed to bring the Diocese of Adelaide in line with the Victorian dioceses' approach, as well as the episcopal standards approach for dealing with complaints against bishops. Bishop Jeffrey Driver, former Archbishop of Adelaide, noted that it also reflected the reality that most processes were initiated by complaints.³³⁰

Following a recent review of its *Professional Standards Statute 2003* the Diocese of Perth has implemented similar changes in the adoption of its *Professional Standards Statute 2015*.³³¹

In addition to dioceses having definitional differences, there are dioceses that have made, or would be prepared to make, changes to reflect the local situation in the diocese. The Bishop of North West Australia, Bishop Gary Nelson, noted that policy changes would reflect the issues relevant to being a regional diocese.³³²

In the *Anglican Diocese of Newcastle* public hearing, Bishop Gregory Thompson, the then Bishop of Newcastle, provided us with a document setting out the ways that the relevant ordinance in the Diocese of Newcastle differs from the Model Professional Standards Ordinance.³³³ It is clear that the local situation in Newcastle, as well as the matters that have been heard under their professional standards ordinance have resulted in reviews of the process and subsequent changes. We discuss this further in Section 12.5.

Likewise, Bishop Robinson of the Diocese of Canberra and Goulburn told us in a statement that the Model Professional Standards Ordinance suggested by the General Synod ‘was just that, a model’ and that ‘this “model” approach was deliberately adopted rather than the legislative approach of a General Synod Canon that may have needed to be subject to a process of adoption by each individual diocese’.³³⁴ He stated that the practice of his diocese has been to adopt the General Synod models unless a higher standard was required. This includes differences in state legislation in respect of working with vulnerable people and work, health and safety.³³⁵

At the time it was introduced, Victorian dioceses decided not to adopt the professional standards framework due to concerns about how it fits in with the Victorian legislative regime.³³⁶ Bishop Andrew Curnow AM, the Bishop of Bendigo, told us that his diocese did not adopt the national model ‘due to a concern that it was overly legalistic and complicated’.³³⁷ However, the Diocese of Melbourne did adopt a professional standards framework in 2009.³³⁸ Some of the differences between it and the professional standards framework include that it is complaint based, rather than information based, and there are clearance for ministry provisions.³³⁹ Bishop Curnow told us that the Victorian dioceses have pursued a provincial framework that ‘will see a high level of consistent practice across the five dioceses pertaining to professional standards and the protection of children’.³⁴⁰

The Diocese of Sydney has not adopted the professional standards framework as set out in the Model Professional Standards Ordinance. Instead it has in place the *Discipline Ordinance 2006*, which follows an ‘offence and disciplinary based complaints’ and tribunal model rather than the ‘fitness for office’ model conceived by the professional standards framework. Archbishop Glenn Davies told us that a report to the Synod of the Diocese of Sydney in support of the adoption of the *Discipline Ordinance 2006* noted that the Model Professional Standards Ordinance ‘had the potential to lead to a large number of minor allegations’.³⁴¹ One difference between the *Discipline Ordinance 2006* and the professional standards framework is that it examines questions of discipline rather than fitness to hold an office. For instance, on the recommendation of the diocese’s professional standards committee, a charge is promoted to a diocesan tribunal for clergy, or a disciplinary tribunal for lay people.³⁴²

Mr Blake SC explained that the ‘disciplinary tribunal’ for lay people is an abbreviated process:

If you’re a volunteer, the same protections of the process are not afforded to you as if you were, in contrast, a member of the clergy or an employed church worker. It is an abbreviated process where there’s just a single adjudicator and it goes through much more quickly. That has been driven, at least in part, by cost and resource issues. It is very expensive to put together a three-person tribunal with lawyers present on both sides for a volunteer.³⁴³

Following the *Institutional review of Anglican Church institutions* hearing in March 2017, the Standing Committee of the Diocese of Sydney put forward a bill for the *Ministry Standards Ordinance 2017*,³⁴⁴ which will be considered by the diocesan synod in October 2017. The primary objects of the bill are to:

- provide a mechanism whereby complaints that church workers are not fit to hold office or ministry can be resolved³⁴⁵
- establish a professional standards board for those complaints, rather than the Diocesan Tribunal or Disciplinary Tribunal.³⁴⁶

An explanatory memorandum by the Standing Committee of the Diocese of Sydney accompanying the bill noted that there were several reasons why the *Discipline Ordinance 2006* needed to change, including that:

The 2006 Ordinance is disciplinary in nature. It involves charging church workers with offences and imposing disciplinary measures or sanctions for wrongdoing. Most professions have moved away from upholding standards through disciplinary processes and have adopted administrative processes that examine a person’s fitness to practise the profession [emphasis in original].³⁴⁷

If the Diocese of Sydney adopts the *Ministry Standards Ordinance 2017*, then all Anglican dioceses would operate a ‘fitness for office’ complaints mechanism similar to that first set out in the Model Professional Standards Ordinance in 2004.

Recent developments in professional standards

Changes to the approach to professional standards in Victoria have occurred in response to recommendations of the report of the Family and Community Development Committee, *Betrayal of trust: Inquiry into the Handling of Child Abuse by Religious and Other Non-government Organisations*, published in 2013. That report followed the Victorian parliamentary Inquiry into the Handling of Child Abuse by Religious and other Non-government Organisations. Other recent reviews of professional standards have been informed by the work of the Royal Commission.

One of the recommendations from the *North Coast Children’s Home* case study was that the Diocese of Grafton regularly review its professional standards processes to ensure the professional standards director and professional standards committee are apprised of all outstanding claims of sexual abuse.³⁴⁸

Despite this recommendation the Diocese of Grafton has not amended its *Professional Standards Ordinance 2004*. Bishop Dr Sarah Macneil, Bishop of Grafton, told us in a statement provided for the *Institutional review of Anglican Church institutions* public hearing in March 2017 that the Diocese of Grafton decided not to make any changes to the existing professional standards legislation until pending professional standards matters were finalised, as they did not want to give the impression changes were being made to benefit or disadvantage the respondents.³⁴⁹

There is currently a trend towards provincial approaches to professional standards. Four of the five provinces now operate their professional standards frameworks at a provincial level. Bishop John Stead, Bishop of Willochra, explained that:

In South Australia the three dioceses, Adelaide, The Murray and Willochra, have adopted either identical or very similar professional standards frameworks. In November 2015 the three dioceses have entered into a Memorandum of Understanding that will see us return to a situation where we have the same Professional Standards Director (PSD) and will use the same personnel on the Professional Standards Committee (PSC) and Professional Standards Board (PSB) although they will be formed as the PSC and PSB of the relevant diocese ...

With the new level of cooperation across South Australia in relation to professional standards I feel that we may have the best approach that we can hope for. People understand that the states and territories of the Commonwealth of Australia act independently in some areas and would find it easier to deal with the church on a state wide basis than as individual dioceses with a potentially inconsistent approach.³⁵⁰

Queensland and Western Australia both operate in a similar way, in that they share professional standards resources. Western Australia is also moving towards the Victorian provincial model.

As at the time of the *Institutional review of Anglican Church institutions* public hearing, we heard that the province of Victoria planned to introduce uniform professional standards across all five of its dioceses, with an independent professional standards company expected to commence operation in 2017.³⁵¹ Archbishop Freier told us that the purpose of the independent professional standards company is to:

- provide an independent and transparent complaints regime
- provide independent screening of clergy and lay people.

At the time of the *Institutional review of Anglican Church institutions* public hearing we were told by Bishop John Parkes of the Diocese of Wangaratta that the diocese planned to be a client of this corporation, and that legislation to enable this to occur would be presented at the 2017 diocesan synod.³⁵²

We discuss issues around any inconsistencies of approach to professional standards in Section 12.6.

We discuss aspects of the professional standards frameworks again in Chapter 21, ‘Improving responding and reporting by religious institutions’.

Episcopal standards

Episcopal standards is an umbrella term which refers to the disciplinary process for bishops in the Anglican Church. The Anglican Church has acknowledged that the episcopal standards process is ‘complex’.³⁵³ There is significant variation in the episcopal standards process between Anglican Church dioceses.

A number of canons regulate episcopal standards within the Anglican Church in Australia. As we explain below, the position in each diocese differs as to which regime is in force.

Episcopal Standards Canon 2007

Following the introduction of the professional standards framework in 2004, a similar ‘fitness for office’ complaints regime was introduced for complaints against bishops. In the *Institutional review of Anglican Church institutions* public hearing, Mr Blake SC told us that:

The genesis of the Episcopal Standards Canon 2007 was that bishops should not be treated differently from clergy and thus, a canon similar in content to the Model Professional Standards Ordinance was passed and because it was a canon, it needed to be adopted in whole or not at all.³⁵⁴

The *Episcopal Standards Canon 2007* was passed at the same time as the *Special Tribunal Canon 2007*, which established the Episcopal Standards Commission.³⁵⁵

Under the *Special Tribunal Canon 2007* the Episcopal Standards Commission is responsible for the investigation of complaints against bishops who are subject to the jurisdiction of the Special Tribunal. It may receive and investigate complaints and promote charges against a bishop before the Special Tribunal, unless the bishop concerned has relinquished, or has been deposed from, holy orders.³⁵⁶

The *Episcopal Standards Canon 2007* confers additional powers on the Episcopal Standards Commission. The Episcopal Standards Commission is required to investigate information where it considers that the subject matter of the information constitutes ‘examinable conduct’. Examinable conduct is defined as ‘any conduct or omission wherever or whenever occurring the subject of information which, if established, might call into question the fitness of a Bishop to hold office or to be or remain in Holy Orders but excludes any breach of faith, ritual or ceremonial’.³⁵⁷ The Episcopal Standards Commission is to refer complaints to the Episcopal Standards Board, which subsequently makes determinations about the bishop’s fitness to hold office.³⁵⁸

The *Episcopal Standards Canon 2007* was adopted by some, but not all, dioceses. Mr Blake SC told us that:

There was some objection in some dioceses as to the width of the jurisdiction, a very broad definition of ‘misconduct’, that raised the spectre of a bishop carrying out his functions being subjected to scrutiny under this canon, what might be called ecclesiastical functions rather than things relating to conduct involving children, and that led to, at least in some parts of the church, a reticence to adopt it.³⁵⁹

Model Episcopal Standards Ordinance

As a response to criticisms of the *Episcopal Standards Canon 2007* being too broad in scope, an Episcopal Standards Task Force was formed. In 2014, the task force promoted a Model Episcopal Standards Ordinance³⁶⁰ to dioceses (together with the accompanying protocol *Power and trust in the church*³⁶¹ and *Model episcopal standards regulations*³⁶²), with the intention that dioceses would put their own (consistent) legislation in place. Once all dioceses had done so, the *Episcopal Standards Canon 2007* could be repealed. The Model Episcopal Standards Ordinance was approved by resolution of the General Synod in July 2014.

The Model Episcopal Standards Ordinance prescribes a ‘complaints-based’ regime under which the Episcopal Standards Commission is required to receive, act on and investigate complaints against a diocesan bishop.³⁶³ Misconduct must be conduct which, if established, would on its face call into question the fitness of the diocesan bishop to hold office (or remain in holy orders) or to exercise ministry and perform any duty or function of the office; or whether the diocesan bishop should be subject to any condition.³⁶⁴

During the *Institutional review of Anglican Church institutions* public hearing we heard that a recent Appellate Tribunal decision ‘casts doubts’ on the validity of diocesan models of episcopal standards. Mr Blake SC told us that:

This was an aspect of the decision which raised a constitutional argument which they didn’t decide, but the Appellate Tribunal ... said it would be far wiser for the church to deal with bishops with an underlying General Synod canon. So that’s something of the history of where we are today and a great diversity which is very frustrating.³⁶⁵

Adoption of episcopal standards regimes in dioceses

There is significant variation between dioceses as to the episcopal standards regime in force. At the time of the *Institutional review of Anglican Church institutions* public hearing, diocesan episcopal standards regimes fell into several broad categories:³⁶⁶

- five dioceses which have adopted the Model Episcopal Standards Ordinance, and have a complaints-based / fitness for office model (Adelaide, Bendigo, Melbourne, The Murray and Willochra)
- four dioceses which have not adopted the Model Episcopal Standards Ordinance, but which have a similar complaints-based / fitness for office model (Ballarat, Wangaratta, Perth and North West Australia)
- 11 dioceses which operate under the information and examinable conduct regime in the *Episcopal Standards Canon 2007* (Armidale, Bathurst, Brisbane, Bunbury, Grafton, Newcastle, North Queensland, Northern Territory, Riverina, Rockhampton and Tasmania)
- several dioceses which do not fall into the above categories: the Diocese of Canberra and Goulburn is 'in between' repealing the old and introducing new legislation; Sydney and Gippsland have not had an episcopal standards ordinance, but have legislation presently under consideration.

Where a diocese has not adopted the *Episcopal Standards Canon 2007* or the Model Episcopal Standards Ordinance or put its own legislation in place, the bishop of that diocese is only subject to the *Special Tribunal Canon 2007*. The *Special Tribunal Canon 2007* does not fully address the complaints receipt and investigation process that is provided in the episcopal standards legislation. In particular, it does not allow for a 'fitness of office' regime to be applied to bishops in the same manner as with clergy and church workers.

Mr Blake SC told us during the hearing that a draft canon was being considered to resolve these inconsistencies. He told us, 'The matter was also discussed at the recent bishops' meeting and, as I understand it, there was agreement reached that in respect of defined areas of misconduct, we should enact a canon with the expectation that every diocese would adopt it'.³⁶⁷

We understand that as of September 2017, the General Synod has adopted the *Episcopal Standards (Child Protection) Canon 2017* which proposes a uniform complaint handling process for bishops, including retired bishops.³⁶⁸ This canon allows for the Episcopal Standards Commission to investigate complaints against a diocesan bishop, or former diocesan bishop involving:

- child abuse
- conduct that impedes or undermines a professional standards process
- a failure without reasonable excuse to perform a function under a professional standards process
- a failure to comply with the laws of the Commonwealth, a State or Territory requiring the reporting of child abuse to the police or other authority.³⁶⁹

Like the *Safe Ministry to Children Canon 2017*, because the *Episcopal Standards (Child Protection) Canon 2017* affects the order and good government of the Anglican Church in a diocese, it will not come into force in a diocese unless and until the diocese adopts it.³⁷⁰

We make recommendations about episcopal standards in Section 12.6. We also discuss the *Episcopal Standards (Child Protection) Canon 2017* again in Part E.

The Anglican National Register

In 2004 the Anglican Church introduced a national register for recording allegations about bishops, clergy and other church workers (the National Register). The purpose of the National Register is to act as a screening tool for clergy and church workers and to share information between dioceses about complaints of sexual abuse. The General Secretary of the General Synod is responsible for maintaining the National Register. The *National Register Canon 2004* was later amended by a 2007 canon that took effect on 1 June 2009.³⁷¹

Before the National Register was established, the sharing of information between bishops and dioceses about persons of concern occurred on an informal basis. The General Secretary of the General Synod, Ms Anne Hywood, told us:

the way information about abusers had been shared was quite informal and relied very much on bishops and other leaders to alert people to concerns. It was identified that that was not sufficient and that we needed to have one place where information about people of concern could be held and accessible to those who needed that information.³⁷²

We heard about some examples of these informal information sharing practices in our case studies. In the *Anglican Diocese of Newcastle* public hearing, Bishop Richard Appleby told us that up until 1985, there was a 'caveat list' which was discussed at the annual Bishops' Conference. The caveat list was a list of names of clergy about whom all bishops should be warned as they had convictions or serious charges against them. It was up to each bishop to determine if a name should be added to the list. Bishop Appleby's recollection was that there were generally 25 to 30 names on the list. The list was distributed to all bishops so they could reference it whenever they were approached by clergy seeking a job within their diocese.³⁷³

Bishop Appleby said that in 1985, the then primate, Archbishop Sir John Grindrod, informed the bishops that on the basis of legal advice, they should abandon the caveat list. Bishop Appleby told us that from 1985 until about 2005, the bishops had no caveat list of clergy and that exposed the church to 'significant risks'. Bishop Appleby could not recall if bishops discussed how to respond to or manage the risk of priests abusing children at their national conference but he accepted that as there was effectively a register of clergy of whom to be wary, they were conscious of the risk.³⁷⁴

The former Director of Professional Standards for the Diocese of Sydney, Mr Philip Gerber, told us in the *North Coast Children's Home* public hearing that, historically, bishops would write to each other to share concerns about a member of the clergy. He said that the bishop receiving the information would take appropriate action and store the information in either an informal register or a sealed file.³⁷⁵

The former Archbishop of Perth, Archbishop Herft, told us during the same public hearing that bishops would discuss whether a person was 'safe to receive' prior to making an appointment. He also told us that when he was the Bishop of Newcastle between 1993 and 2005, he kept files sealed with wax and marked 'Concern' next to the person's name.³⁷⁶

In the *Anglican Diocese of Newcastle* public hearing, Archbishop Herft told us that until about the late 1990s bishops used a 'black book' system to screen potential clergy candidates. He told us that a 'black book' was a book in which a bishop recorded the names of people 'whom bishops found difficult to deal with, who were obstructionist in terms of the way that they engaged with bishops et cetera, and bishops would usually inform another bishop, if they were going to proceed with an appointment, that in fact this person could prove to be quite a difficult customer'.³⁷⁷

We also heard evidence in the *Anglican Diocese of Newcastle* public hearing about the use of sealed yellow envelopes as a recordkeeping system for complaints of sexual abuse. We heard that this system was introduced in 2001 in the Diocese of Newcastle. Records of complaints before the Diocese of Newcastle's Committee for Allegations of Sexual Misconduct (CASM) were placed in separate sealed yellow envelopes and stored in a locked cabinet in the diocesan offices. Access to the records was restricted to the chair of CASM, the bishop, the commissary or the bishop's representative. Based on the evidence we heard about the yellow envelopes, we expressed some doubts as to the comprehensiveness of these records.³⁷⁸

What the National Register does

Ms Hywood told us that the National Register is 'a screening tool to assist bishops and other diocesan leaders [to] consider all the information necessary when they are considering appointing people to positions within their diocese'.³⁷⁹ The National Register is intended to contain information on all people in ministry and lay persons:³⁸⁰

- against whom a notifiable complaint or a notifiable charge has been made, unless it is exhausted
- who have relinquished or consented to deposition from holy orders as a result of sexual misconduct or child abuse
- who have made an adverse admission or are the subject of an adverse finding
- who are the subject of an adverse Working With Children Check, criminal history check or Safe Ministry Check
- who have not been ordained as a priest or as a bishop, or issued with a licence or appointed to a church authority because of an adverse risk assessment.

At the time of the *North Coast Children's Home* and *Institutional review of Anglican Church institutions* public hearings the process for entering information on the National Register was as follows. The professional standards director of the relevant diocese must notify the General Secretary of any relevant information that should be contained on the National Register within one month of receiving it. The General Secretary must verify the information in writing. Once verified, the General Secretary enters the information on the National Register and the subject of the entry is notified.³⁸¹

The information contained in the National Register is meant to be available to authorised people, such as bishops or professional standards directors of other dioceses, to help them decide whether to license or employ a person. Reports are also sought from the National Register for candidates for primate or general secretary of the General Synod, or membership of the Appellate Tribunal, the Special Tribunal or the Episcopal Standards Board.³⁸²

As at March 2017, there were 42 authorised users of the National Register. They are a mix of bishops and their delegates, and the professional standards directors. During the *Institutional review of Anglican Church institutions* public hearing we heard that, between March 2016 and March 2017, 5,000 searches were conducted of the National Register.³⁸³

Improvements to the National Register

In the *North Coast Children's Home* public hearing in 2013, the Professional Standards Director of the Diocese of Grafton, Mr Michael Elliott, told us that there was 'a general lack of confidence in the [National Register] among the directors of professional standards'.³⁸⁴ Mr Elliott told us that he experienced a number of technical difficulties with the system including:

- the need to enter several lengthy computer-generated passwords³⁸⁵
- difficulty interpreting what data is needed³⁸⁶
- difficulty searching names, as the exact name is needed and partial names are not accepted.³⁸⁷

In a statement tendered in the *Church of England Boys' Society* public hearing, the former Archbishop of Adelaide, Bishop Jeffrey Driver, told us that it was not until 2012 that the National Register became 'genuinely workable' from the perspective of the Diocese of Adelaide.³⁸⁸ In the *North Coast Children's Home* public hearing, Mr Elliott told us that he was concerned about placing matters on the National Register where there was an ongoing police investigation because, once a matter was entered, the person who was the subject of the entry was notified of the complaint by letter, which may compromise police investigations, and because, in his view, there were issues with keeping information, once entered onto the register, 'highly confidential'.³⁸⁹

Mr Elliott also told us that for some matters to be entered into the National Register, it is 'difficult to ascertain whether they do fit the criteria, and often those files – procedural fairness hasn't been afforded or the matters haven't been investigated properly or the file may be compromised or incomplete'.³⁹⁰

At the time of the *North Coast Children's Home* hearing, we found that the National Register did not record the names of all people who may need to be registered because various dioceses had been unable to review all of their files.³⁹¹ By way of example, during the hearing, we requested all information on the National Register about Allan Kitchingman, Campbell Brown and others. In response to our request, Mr Martin Drevikovsky (who was then the General Secretary of the General Synod) informed us that the National Register contained no information about any of these known or alleged offenders.³⁹²

Kitchingman was ordained in 1963. In 1968 he was charged with the indecent assault of a 16-year-old boy. He was then transferred to the Parish of Lismore in the Diocese of Grafton, and he was the curate and assistant priest at the North Coast Children's Home from 1969 to 1970.³⁹³ He was convicted in 2002 of five counts of indecent assault against a former resident of the North Coast Children's Home. At the time of these convictions, Kitchingman was living in the Diocese of Newcastle.³⁹⁴ In 2002, the Bishop of Newcastle, Bishop Roger Herft, became aware of Kitchingman's convictions but he did not take any action to discipline him because he believed the Diocese of Grafton was doing so.³⁹⁵ From 2003 to 2013, the then Bishop of Grafton, Bishop Keith Slater, was aware that Kitchingman had been convicted of sexual offences against a child and had the authority to discipline him. However, no action was taken by the Diocese of Newcastle until 2013.³⁹⁶

In a letter to us dated 14 November 2013, Bishop Dr Peter Stuart, the then Bishop Administrator of the Diocese of Newcastle, informed us that it was 'a matter of deep regret' and only due to the Royal Commission that current office bearers in the Diocese of Newcastle knew of circumstances relating to Kitchingman. He indicated that Kitchingman's name had been placed on the National Register as a result.³⁹⁷ However, at the time of the *North Coast Children's Home* public hearing, some two weeks later, this had not happened. Mr Drevikovsky told us he thought this may have been because the Diocese of Newcastle had not verified the information.³⁹⁸

In March 2017, Ms Hywood addressed some of the issues raised in the *North Coast Children's Home* public hearing about the National Register, stating that since 2013 'there has been a concerted effort to bring [the National Register] up to a more compliant position'.³⁹⁹ She told us that 'particularly over recent years, [people] have alerted us that there has been a backlog of historical information that they are still working at putting on the register'.⁴⁰⁰ Ms Hywood told us:

The national register is audited every year. Because it is the obligation of the Professional Standards Directors to load information into the register, it's not possible, from a central point, to actually be assured that all information that should be in there has been loaded. Part of the audit process is to ask each Professional Standards Director to, in effect, self-declare whether they feel that they have met their obligations, that they have loaded all the information necessary ... [with the resulting audit report being] presented to the Standing Committee and received by the Standing Committee.⁴⁰¹

Following the *Institutional review of Anglican Church institutions* public hearing the Anglican Church made further amendments to the *National Register Canon 2007* at the 17th Session of the General Synod in September 2017. These amendments include:⁴⁰²

- shifting the responsibility for entering information on the National Register from the General Secretary to the professional standards directors
- including grooming and failure to report child sexual abuse to the authorities as conduct which can be entered onto the National Register
- providing for the audit of the operation of the National Register to be published on the General Synod website.

We discuss the National Register in more detail in Chapter 23, 'Recordkeeping and information sharing in religious institutions'.

12.3.6 International developments in the Anglican Communion

As discussed in Section 12.1, the Anglican Church of Australia is a 'province' of the worldwide Anglican Communion, which is an international association of member churches from over 165 countries. The Anglican Communion has no central authority but operates through four 'instruments of communion'. Archbishop Aspinall, who was then the primate of the Anglican Church of Australia, remarked in 2007:

The international Communion itself is a family of strongly autonomous member churches related together by relatively weak central instruments of communion. The lack of a centre of authority and power in the Anglican Communion very much mirrors the structure of the Anglican Church of Australia.⁴⁰³

As described in Section 12.1, the Anglican Consultative Council is a standing committee body which meets every two or three years in between each Lambeth Conference (which is held approximately every 10 years). The Anglican Consultative Council has various networks and commissions which are policy bodies, which report to the Anglican Consultative Council and other instruments of communion. The Anglican Consultative Council 'advises on the organisation and structures of the Communion, and seeks to develop common policies with respect to the world mission of the Church'⁴⁰⁴ and is the 'most representative body of gathered Anglicans amongst the Instruments of Communion'.⁴⁰⁵

During the *Institutional review of Anglican Church institutions* public hearing, Mr Blake SC and Professional Standards Commission member and Chancellor of the Diocese of Tasmania, Ms Audrey Mills agreed that the Anglican Church of Australia had taken a leadership role in developing a cooperative approach throughout the worldwide Anglican Communion on child protection matters.⁴⁰⁶ Following its 2004 Session, the General Synod of the Anglican Church of Australia recommended that the international Anglican Consultative Council establish a Safe Ministry task force:

[The General Synod] recommends that the Anglican Consultative Council establish a Safe Ministry Task Force to promote the physical, emotional and spiritual welfare and safety of all people within member churches of the Anglican Communion by action that includes:

- i. the preparation of a safe ministry charter for adoption by member churches;
- ii. the sharing of resources between member churches;
- iii. the reciprocal disclosure between member churches of the names of, and other relevant information about, clergy and church workers who are known to have abused children or other vulnerable people;
- iv. the establishment of a network of interested people; and
- v. the preparation of resources for the Anglican Gathering and the Bishops' Conference to be held in Cape Town in 2008;

and that the General Secretary conveys this resolution to the Anglican Consultative Council and the Archbishop of Canterbury.⁴⁰⁷

In June 2005, this recommendation was referred to the Standing Committee of the Anglican Consultative Council at its 13th meeting, for evaluation and recommendations on further action. The Anglican Consultative Council resolved that it 'commits itself to the highest standards of care for all young and vulnerable people, seeking to ensure their protection, safety and well-being; and requests similar pledges of commitment from all the provinces and churches of the Communion'.⁴⁰⁸

In 2008, Mr Blake SC promoted and helped organise an international conference for members of the Anglican Communion titled Creating a Safer Church, in Woking, England.⁴⁰⁹ The conference revealed that there were widespread concerns about child sexual abuse within the various provinces of the Anglican Communion.⁴¹⁰

At the next meeting of the Anglican Communion in 2009, no formal resolutions were passed about the Anglican Communion's responses to child sexual abuse.⁴¹¹ However, in May 2009 the Standing Committee of the Anglican Consultative Council recognised the Anglican Communion Safe Church Consultation.⁴¹²

In 2011 there was a second international conference of the Anglican Communion Safe Church Consultation.⁴¹³

In 2012 the 15th meeting of the Anglican Consultative Council recognised The Safe Church Consultation as an official network of the Anglican Communion.⁴¹⁴ The Anglican Consultative Council passed a resolution commending the mission of the newly established 'Safe Church Network' (by which The Safe Church Consultation was now known), noting that its mission included identifying resources and best practices to assist churches, dioceses and provinces of the Anglican Communion 'to reduce the risk of abuse, misconduct and the misuse of power by clergy and church employees and volunteers'.⁴¹⁵ The Anglican Consultative Council also adopted the Charter for the Safety of People within the Churches of the Anglican Communion.⁴¹⁶ The Anglican Consultative Council encouraged all member churches to adopt and implement this charter and report at the next meeting of the Anglican Consultative Council on the steps they had taken to adopt and implement the charter.⁴¹⁷

In the Australian context, the General Synod adopted the charter at its 16th Session in 2014. The charter states:

Charter for the Safety of People within the Churches of the Anglican Communion

Pastoral support where there is abuse

1. We will provide pastoral support for the abused, their families, and affected parishes and church organizations by:
 - (a) listening with patience and compassion to their experiences and concerns;
 - (b) offering spiritual assistance and other forms of pastoral care.

Effective responses to abuse

2. We will have and implement policies and procedures to respond properly to allegations of abuse against clergy and other church personnel that include:
 - (a) making known within churches the procedure for making complaints;
 - (b) arranging pastoral care for any person making a complaint of abuse;
 - (c) the impartial determination of allegations of abuse against clergy and other church personnel, and assessment of their suitability for future ministry;
 - (d) providing support for affected parishes and church organizations.

Practice of pastoral ministry

3. We will adopt and promote by education and training standards for the practice of pastoral ministry by clergy and other church personnel.

Suitability for ministry

4. We will have and implement policies and procedures to assess the suitability of persons for ordination as clergy or appointment to positions of responsibility in the church including checking their background.

Culture of safety

5. We will promote a culture of safety in parishes and church organizations by education and training to help clergy, other church personnel and participants prevent the occurrence of abuse.

In 2016, at the 16th meeting of the Anglican Consultative Council, the Safe Church Network proposed the development of a protocol for the disclosure of ministry suitability information between the member churches of the Anglican Communion, the establishment of a commission to promote the safety of people in the churches of the Anglican Communion, and a process for monitoring the implementation of the Safe Church Charter.⁴¹⁹

The endorsement of a protocol for disclosing ministry suitability information recognised that there had been instances where clergy and lay people known or suspected to have abused people have moved from one province to another, without disclosure, and continued to abuse people. The report of the Safe Church Network presented at the meeting stated, 'The current informal system, where it has operated, has not always ensured that accurate and complete information about such clergy and lay persons has been shared between Provinces'.⁴²⁰

During the *Institutional review of Anglican Church institutions* public hearing, Mr Blake SC explained to us how the protocol was intended to work:

If someone comes from overseas to Australia, the system would require the licensing bishop here to make inquiries overseas to determine information, including information relating to child sexual abuse, that would be relevant to take into account in any appointment that were to be made here.

It works reciprocally or is intended to work reciprocally. If an Australian goes overseas, which happens regularly enough, the bishop over there, or church authority, would be required to make a request to the licensing authority here as to information relevant to that appointment, including child sexual abuse, and the diocese here, or church authority here, would be bound to supply that information and there's an undertaking within the protocol not to appoint someone unless that information is taken into account.⁴²¹

The Anglican Consultative Council has passed a resolution requesting that each province of the Anglican Communion implement the protocol for the disclosure of ministry suitability information.⁴²²

In September 2017, the General Synod adopted the *Disclosure of Information Canon 2017*.⁴²³

The purpose of the *Disclosure of Information Canon 2017* is to implement the protocol for the disclosure of information relating to ministry suitability. The canon sets out the responsibilities of diocesan authorities to notify the General Secretary when they receive a request for information from another province of the Anglican Communion, and for the General Secretary to do the same. The canon is focused on authorising the provision of information from Anglican dioceses to other provinces in the Anglican Communion and other denominations.⁴²⁴ In the case of the General Secretary this would require checking the National Register. The diocesan authority (for example the diocesan bishop) would be required to provide any other information relating to the person's suitability for ministry.⁴²⁵

The reciprocal responsibility for Anglican dioceses to screen people for ministry suitability who are from another province is contained within the screening standards in the *Safe Ministry to Children Canon 2017*.⁴²⁶

The Anglican Consultative Council has also resolved in favour of the establishment of a Safe Church Commission with the following terms of reference:⁴²⁷

- to identify existing policies and procedures for the safety of people in the Provinces of the Anglican Communion
- to develop guidelines to enhance the safety of all people especially children, young people and vulnerable adults, within the Anglican Communion, to be considered at the next meeting of the Anglican Consultative Council and for implementation by each Province
- to develop resources for implementing these guidelines.

While the steps that have been taken at an international level are a positive initiative, the dispersed and loose nature of the Anglican Communion means that problems in implementation and uniformity that have occurred at a national level in the Anglican Church of Australia may be replicated at an international level.

12.4 Early Anglican Church responses to child sexual abuse

We have witnessed first-hand the suffering of those who have shared their stories. We have seen in their faces and heard in their voices not only the pain of the abuse they suffered as a child, but the further damage that we inflicted when they came forwards as adults, seeking justice and comfort, and we pushed them aside.⁴²⁸

Anne Hywood, General Secretary of the General Synod of the Anglican Church

In this section, we set out what we heard in our case studies about the early responses of Anglican Church institutions to complaints or allegations of child sexual abuse – that is, how Anglican Church institutions responded to complaints or allegations before the professional standards framework was introduced in 2004.

We heard evidence in our case studies about the manner in which Anglican Church institutions and personnel responded in the past to:

- survivors and their family members or supporters when they made allegations or complaints about child sexual abuse to Anglican Church personnel
- lay people or clergy who were alleged to have committed child sexual abuse.

These case studies included:

- *Case Study 36: The response of the Church of England Boys' Society and the Anglican Dioceses of Tasmania, Adelaide, Brisbane and Sydney to allegations of child sexual abuse (Church of England Boys' Society)*
- *Case Study 42: The responses of the Anglican Diocese of Newcastle to instances and allegations of child sexual abuse (Anglican Diocese of Newcastle)*
- *Case Study 3: Anglican Diocese of Grafton's response to child sexual abuse at the North Coast Children's Home (North Coast Children's Home)*
- *Case Study 52: Institutional review of Anglican Church institutions (Institutional review of Anglican Church institutions).*

In this section, we set out what we heard in our case studies about the early responses of Anglican Church institutions to survivors and others who made allegations of child sexual abuse or inappropriate conduct by church workers or lay people. We heard that, in some instances, complaints or allegations about child sexual abuse were dismissed or minimised, and not reported to civil authorities. We also heard about the impacts that these responses, including pastoral responses, had on survivors of child sexual abuse.

Many of these responses occurred in the context of a poor understanding by leaders and senior Anglican Church personnel about the impact of child sexual abuse on survivors. Mr Garth Blake SC, Chair of the Professional Standards Commission and Chair of the Royal Commission Working Group, told us in the *Institutional review of Anglican Church institutions* public hearing that this poor understanding was one of the contributing factors to poor responses to child sexual abuse:

I think another factor was ignorance, wholesale ignorance, of the effects of child sexual abuse. People just did not understand the serious, long-term consequences, and I think, again, that fed into very inadequate responses on behalf of the church.⁴²⁹

Bishop Ian George, former Archbishop of Adelaide, told us that awareness of paedophilia was an emerging issue for the community during the 1990s.⁴³⁰ Bishop Dr Peter Jensen, former Archbishop of Sydney, told us that the issue of sexual abuse was first considered by the Diocese of Sydney in 1987, and again in response to the Wood Royal Commission into the New South Wales Police Force.⁴³¹

Archbishop Roger Herft, the former Bishop of Newcastle giving evidence in the *Anglican Diocese of Newcastle* public hearing, told us about his understanding of the impact of child sexual abuse during his tenure as Bishop of Newcastle, from 1993 to 2005:

I knew it was serious, but the overwhelming trauma and effect that it has on both the survivors and those near and dear to them is something that I have discovered in the last several years.⁴³²

Bishop Gregory Thompson, the then Bishop of Newcastle, told us in the *Institutional review of Anglican Church institutions* public hearing that, in his view, there was a generation that ‘has been totally ignorant of the trauma of child abuse’.⁴³³ Bishop Geoffrey Smith, now the Archbishop of Adelaide, told us that some dioceses are further along the journey than others, and that as he has heard the stories of survivors and their families he has ‘come to a much greater and clearer realisation of the awful effect of child abuse’.⁴³⁴

As we discussed in Section 12.3, ‘The development of national model procedures in the Anglican Church’, we heard that in some dioceses there were no formal policies or procedures for managing complaints of child sexual abuse specifically, or for responding to the pastoral needs of survivors, before the late 1990s. In both *the Church of England Boys’ Society* and the *Anglican Diocese of Newcastle* public hearings we heard that, during the 1990s and the early 2000s, a number of Anglican dioceses had begun to develop their own protocols for responding to allegations of child sexual abuse and to the needs of survivors.⁴³⁵

We then consider the responses, or in many cases the lack of response, of Anglican Church institutions to allegations against clergy, church workers or lay people, based on the evidence and findings in the case studies referred to above. We discuss what we heard in our case studies about how allegations were not referred to the police or other civil authorities, how alleged perpetrators were permitted to remain in ministry or lay involvement (and in some cases were promoted within the Anglican Church), and how clergy in some dioceses were or were not disciplined under the diocesan tribunal system.

In both the *Church of England Boys’ Society* and the *Anglican Diocese of Newcastle* public hearings, we heard that some dioceses introduced redress schemes for survivors of child sexual abuse from 2003. However, in our case studies we did not hear any evidence about survivors’ experiences of redress schemes before 2004.

Our discussion in this section draws on the evidence we heard in our case studies and on the reports we published after those case studies. Where our discussion first mentions complaints about an alleged or convicted perpetrator, a short summary of the institutional responses to those complaints is provided for context.

12.4.1 Dismissing, disbelieving or minimising allegations of child sexual abuse

I was also enraged by the way in which my church and leaders of my church mishandled and, in a sense, further traumatised the survivors of abuse in the way in which they were not believed and the way in which no proper action was taken.⁴³⁶

Archbishop Glenn Davies, Archbishop of Sydney

We heard in our case studies that, before 2004, those people in Anglican Church institutions who responded to allegations of child sexual abuse sometimes dismissed, did not believe or minimised these allegations. They also sometimes attempted to silence survivors and other people who reported allegations of abuse by request or, in some instances, by threatening legal action.

Mr Lachlan Bryant, the Director of Professional Standards in the Diocese of Sydney, told us that through the *Church of England Boys' Society* case study it had become apparent that, by dismissing disclosures of child sexual abuse, the leadership in the Anglican Church had failed.⁴³⁷ He said:

They failed in their response to listen to the complainants, the survivors that were coming forward when they were children and subsequently; failed to listen to whistleblowers like Mr Richard Kells, I think his name is, who came forward to report his concerns; and so it's only years later, when this is coming out and [Simon Jacobs is] finally prosecuted, that a more appropriate response has been given.⁴³⁸

Archbishop Philip Freier, Archbishop of Melbourne and Primate of the Anglican Church of Australia, told us that thinking that children were unreliable and dismissing children's views was a 'profoundly embedded cultural practice' among members of his parents' generation who had an 'almost unquestioning faith' in authority figures.⁴³⁹ In Archbishop Freier's view, this contributed to poor institutional responses by the Anglican Church to allegations of child sexual abuse.⁴⁴⁰

Some survivors told us that they were negatively affected when they felt that their disclosures to Anglican Church personnel about alleged child sexual abuse by priests were dismissed, disbelieved or minimised. We received evidence about this type of response to survivors and others who reported allegations relating to the following alleged perpetrators:

- *Anglican Diocese of Newcastle*: Father Peter Rushton, Father George Parker, [REDACTED] and Canon Harold Marshall
- *Church of England Boys' Society*: Simon Jacobs, Louis Daniels and Robert Brandenburg.

While he was never convicted, before our case study in August 2016 the Diocese of Newcastle had acknowledged receiving numerous allegations that Father Rushton had sexually abused children in the diocese.⁴⁴¹ The Diocese of Newcastle was made aware of complaints of child sexual abuse by Father Rushton on many occasions, over many decades; however he was permitted to continue in ministry.⁴⁴²

Father Rushton attended St John's Theological College, Morpeth (Morpeth College) in the Diocese of Newcastle from 1961 to 1963. He was ordained in 1964. He then served as an assistant priest or rector in various parishes in the diocese. From 1973 to 1983, he was the rector of St Luke's in the Parish of Wallsend. During 1963 to 1967, while he was assistant priest at Cessnock, Father Rushton was involved in St Alban's Home for Boys as its chaplain. From 1983 to 1998, Father Rushton was the Archdeacon of Maitland. This was one of the most senior positions in the diocese. At the end of 1998, he moved to the Hamilton parish as team rector. Various witnesses described Father Rushton as a dynamic preacher who was popular among his parishioners. Father Rushton retired in 2001 but remained licensed as a priest until his death in 2007 at age 67.⁴⁴³

We heard that in the late 1970s, the then Bishop of Newcastle, Bishop Alfred Holland, received an allegation from the parents of a boy, COE, that Father Rushton had sexually abused their son in the Wallsend parish. COE's mother, COC, made the allegation to Bishop Holland in a meeting in about 1978 or 1979. COE's parents were accompanied by their good friends Christopher and Valerie Hall. Mrs Hall told us that Bishop Holland was dismissive of COC's account and told them they needed 'photographic evidence to prove things like that, and until then, there was nothing he could do'. There was no offer of assistance or commitment to do anything. She said they were all shocked by Bishop Holland's response. Two other witnesses gave accounts of Bishop Holland's dismissal of allegations about Father Rushton and COE.⁴⁴⁴

We also heard evidence from survivors CKA and CKB about sexual abuse they say they suffered at the hands of parish priest Father George Parker in the 1970s. Father George Parker was a student of Morpeth College from 1963 to 1965. He was a priest in the Diocese of Newcastle from the mid-1960s until 1996, when he moved to the Diocese of Ballarat.⁴⁴⁵

Survivor CKA told us in the *Anglican Diocese of Newcastle* public hearing:

During the years that I served as an altar boy, [Father Parker] became quite close to my family. My mother was very religious so merely by his position as the parish priest, she held [Father Parker] in the highest regard. She really put him on a pedestal. It was like he was as close to being God as she could get.⁴⁴⁶

CKA and CKB gave evidence they were sexually abused by Father Parker while they served as altar boys in the Diocese of Newcastle in the mid-1970s. At that time, Father Parker was a priest in the diocese.⁴⁴⁷ CKA told us:

During [Father Parker's] abuse, he would often say things to me like 'This is our special secret, remember how good a friend Father Parker is'. At the time, I felt that I couldn't disclose [Father Parker's] secret because no-one would believe me. Priests had extremely high standing back then and could do no wrong in the community's eyes.⁴⁴⁸

CKA told us that, after he and CKB had each disclosed some of the abuse to their mother in 1975, he came to believe that his mother had reported to Bishop Ian Shevill her sons' disclosures that they had each been sexually abused by Father Parker.⁴⁴⁹ CKA told us about the impact on him of Bishop Shevill's response to his mother:

I know that in around 1981 onwards I was fully aware of the fact that Mum had spoken to the bishop. My elder brother CKL and I had an open conversation in around 1981 where he had told me that he had driven Mum to see the bishop and she came out very upset. I came to believe that this was the occasion that mum reported [Father Parker's] abuse to the then Bishop Ian Shevill but that he had been dismissive. This realisation was one of the main contributors to my breakdown.⁴⁵⁰

CKA disclosed the alleged abuse he experienced at the hands of Father Parker to Assistant Bishop Richard Appleby of the Diocese of Newcastle in 1984. No steps were taken with respect to Father Parker after that disclosure.⁴⁵¹

In February 1996, Father Parker transferred from the Diocese of Newcastle to the Diocese of Ballarat. CKA contacted the Diocese of Newcastle in 1996 and again in 1999 to report the abuse by Father Parker. In each case, CKA spoke with the dean of the cathedral in Newcastle, Graeme Lawrence.⁴⁵² Mr Lawrence raised the allegations with Bishop Herft⁴⁵³ and their responses to CKA's disclosures in 1996 and 1999 are discussed in Section 12.4.2, 'Reporting allegations to police and other authorities'.

CKA and CKB reported the alleged abuse to the police in 2000 and Father Parker was charged with child sex offences. He was committed to stand trial. He was represented by Mr Keith Allen (a solicitor with a longstanding involvement in the Diocese of Newcastle in a lay capacity) and Mr Paul Rosser QC (then the deputy chancellor of the diocese). The prosecution ultimately withdrew the charges.⁴⁵⁴ These events are described in more detail in Section 12.4.2.

The dismissal or minimisation of allegations of child sexual abuse by clergy and/or lay people was also a feature of our *Church of England Boys' Society* case study, where we found that it occurred in multiple dioceses.

In the Diocese of Sydney, Mr Richard Kells – a CEBS leader in the St Ives branch – made multiple attempts in the early 1980s to make those involved in leadership roles in the Anglican Church aware of his concerns about the conduct of Simon Jacobs towards young boys.⁴⁵⁵ Jacobs was a lay CEBS leader. He took up a leadership role in the Christ Church St Ives CEBS branch in the mid-1970s and later transferred to the CEBS group at St Swithun’s Anglican Church in Pymble.⁴⁵⁶

In 1980 and 1981, Mr Kells reported to Mr Stewart Park, the St Ives CEBS branch governor, his concerns over Jacobs’s improper conduct with boys. However, Mr Park was dismissive and told Mr Kells not to look into the matter.⁴⁵⁷ In 1982, when Jacobs transferred to St Swithun’s, Mr Kells reported his concerns to the acting rector there, Bishop Clive Kerle. Bishop Kerle told Mr Kells to ‘try to be forgiving and give [Jacobs] a second chance’. There was no evidence that Bishop Kerle took any action in response to this information.⁴⁵⁸

In 1983, Mr Kells was made aware of another allegation that Jacobs had interfered with a CEBS boy. The family of the boy chose not to go to the police. Mr Kells reported the allegation and his earlier experiences with Jacobs to Reverend Kelvin Tutt, who was then the chairman of CEBS in the Diocese of Sydney. Reverend Tutt took action by revoking Jacobs’s warrant to be a leader in any CEBS group. From that time, Jacobs had no further involvement in CEBS. It appears that no further steps were taken by the CEBS leadership or the diocese in relation to Jacobs at that time.⁴⁵⁹

Bishop Dr Jensen, the former Archbishop of Sydney, told us that in hindsight, the responses of Mr Park and Bishop Kerle were ‘massively inappropriate’ and that Mr Kells’s approach was ‘utterly correct’. While he did not seek to excuse these responses, Bishop Dr Jensen explained that at that time there was a belief that sexual abuse did not have the impact it is now known to have. He said that at that time, if abuse was perpetrated, it was thought to be isolated rather than chronic in nature – something now known to be ‘utterly false’.⁴⁶⁰

In relation to the Diocese of Adelaide, another example of dismissing and minimising allegations of abuse is found in survivor Mark King’s experience of sexual abuse as a child by at least one Church of England Boys’ Society (CEBS) leader from the Parish of the Good Shepherd in Plympton and by Robert Brandenburg.⁴⁶¹ Mr Brandenburg had been involved in CEBS as a lay person and was the chief commissioner of CEBS in South Australia.⁴⁶²

Allegations about Mr Brandenburg had first come to the attention of the Diocese of Adelaide at some time in the period between 1976 and 1978. Sometime between 1976 and 1978, there was a meeting between a parent of a CEBS boy, Mr Brandenburg, Reverend Donald Grey-Smith and Reverend Brian Smith (who later became Archdeacon Smith), at which the parent reported that Mr Brandenburg, then the commissioner of South Australian CEBS, had fondled his son on a trip to Melbourne. Reverend Smith said to Mr Brandenburg, ‘You won’t do this again’. Mr Brandenburg responded, ‘No’.⁴⁶³

Mr Brandenburg remained in the position of CEBS commissioner until April 1981 when he was deposed as a commissioner at an election and ceased to be a salaried employee of CEBS. He then became an employee of the Diocese of Adelaide with responsibilities for the management of campsites and parish liaison. In 1989, his employment was transferred to what is now AnglicareSA, and he retired in July 1998.⁴⁶⁴

Mr King told us that he reported abuse by Mr Brandenburg to Archdeacon Smith in the Diocese of Adelaide in June 1993.⁴⁶⁵ Mr King told us about Archdeacon Smith's response to his disclosure:

Archdeacon Smith also told me during our meeting that Brandenburg had often been to his house and he vouched for his good character. Archdeacon Smith said, 'Young people often misinterpret normal contact as something else. Are you sure that's not the problem?' He then said, 'Well if [it] was such a long time ago, even if it did happen what's the point of bringing it up now? You just need to forget and move on'. I felt that Archdeacon Smith was trying to minimise Brandenburg's behaviour.⁴⁶⁶

We were satisfied that Archdeacon Smith responded to Mr King's allegations in an aggressively defensive way and vouched for Mr Brandenburg's good character.⁴⁶⁷

Mr King said that he followed up with Archdeacon Smith on three or four subsequent occasions over eight to nine weeks. He was told the matter was 'sorted out' and also that the diocese would take legal action against him if he repeated the allegations. Mr King told us that Archdeacon Smith had said to him, 'Be very careful who you talk to about this. We have the best lawyers and we have no hesitation in pursuing you'.⁴⁶⁸ We found that Archdeacon Smith's conduct toward Mr King conveyed that he did not believe Mr King's allegations. This had a devastating effect on Mr King and Archdeacon Smith's threats had the effect of discouraging Mr King from taking the matter further at that time.⁴⁶⁹

At that time, Archdeacon Smith was the chairperson of the diocese's Critical Incident Taskforce which had been established to respond to allegations of abuse by clergy.⁴⁷⁰ Archdeacon Smith did not report Mr King's allegations to Archbishop Ian George, then Archbishop of Adelaide, and took no action in response to Mr King's allegations.⁴⁷¹

Further reports or disclosures concerning Mr Brandenburg's conduct were received by the Diocese of Adelaide in March 1995,⁴⁷² 1998⁴⁷³ and early 1999,⁴⁷⁴ and by Anglicare SA in mid-1997 and late 1997.⁴⁷⁵ On 24 May 1999, Mr Brandenburg was charged with 34 counts of unlawful sexual intercourse and 341 counts of indecent assault. On 2 June 1999, two days before he was due to appear in court, Mr Brandenburg suicided.⁴⁷⁶

In the same case study, survivor BYC told us about the sexual abuse he says he suffered in the Diocese of Sydney at the hands of Jacobs.⁴⁷⁷ BYC said that he was first sexually abused by Jacobs in May 1977, when he was 10 years old. The abuse took place during an overnight trip to Young,

New South Wales with BYC's family and Jacobs. BYC and Jacobs shared a room. BYC told us that during the night Jacobs asked BYC to get into his bed and then Jacobs masturbated BYC.⁴⁷⁸

BYC said that Jacobs sexually abused him between two to five times per month until 1981.⁴⁷⁹ He first disclosed the abuse to the Anglican Church in 1987, when he told Reverend Boak Jobbins, the minister at St Swithun's.⁴⁸⁰ BYC described to us Reverend Jobbins's response to his disclosure:

In around 1987, when I was 21 years old, I told the minister at Pymble, Reverend Boak Jobbins, that I was going to take Jacobs to court. Reverend Jobbins told me to 'let sleeping dogs lie' and not to proceed. He also told me that, as a Christian, I had to forgive him. At the time, I was a worshipper at Pymble. I was fairly certain that Reverend Jobbins knew about Jacobs abusing children, as he had dismissed Jacobs quite suddenly from CEBS Pymble two or three years earlier, in around 1984 or 1986.⁴⁸¹

We accepted BYC's evidence that Reverend Jobbins told him to 'let sleeping dogs lie' and not to proceed in relation to his allegation against Jacobs.⁴⁸²

BYC told us that he subsequently reported the abuse to the police in October 1988.⁴⁸³ Jacobs denied the allegations but was nevertheless charged. At the committal hearing, BYC gave evidence and was cross-examined. The magistrate found that a jury would not be likely to convict Jacobs because of a lack of corroborative evidence. The charges were dismissed.⁴⁸⁴ Over 20 years later, in 2011, Jacobs pleaded guilty to 11 child sex offence charges involving six boy victims, including BYC. He was sentenced to an overall term of imprisonment of nine years with a non-parole period of five years and six months.⁴⁸⁵

'Silencing' people who disclosed allegations of child sexual abuse

We also heard evidence in both the *Church of England Boys' Society* and the *Anglican Diocese of Newcastle* public hearings that, in some instances, senior Anglican Church personnel responded to allegations of child sexual abuse by asking survivors and other witnesses who disclosed allegations to remain silent.

In the *Anglican Diocese of Newcastle* public hearing, Ms Noelle Freeman provided a statement about two mothers' complaint in or around 1975 to then Bishop of Newcastle, Bishop Shevill, about sexual abuse of their daughters by Canon Harold Marshall. According to the mothers, Bishop Shevill told them he would 'fix it', but asked them to keep quiet 'to protect the good name of the Church'. Ms Freeman gave evidence that she discussed these allegations of abuse with Bishop Shevill, who said 'we must never speak of it again' and 'we must protect the good name of the Church'. We accepted Ms Freeman's evidence and found that Bishop Shevill had received allegations of child sexual abuse against Canon Marshall but took no steps to respond to those allegations because he was concerned to protect the reputation of the Anglican Church.⁴⁸⁶

In the *Church of England Boys' Society* public hearing, we heard about the response of the Diocese of Tasmania to allegations of child sexual abuse which were disclosed to Bishop Phillip Newell in 1987. In June 1987, Bishop Newell was told of allegations that Louis Daniels, a CEBS leader, had sexually abused three CEBS boys who were under the age of 18.⁴⁸⁷

At the time of the allegations, Daniels was the rector in the Parish of Deloraine and a prominent member of the Church of England Boys' Society in Tasmania and at a national level.⁴⁸⁸ He had been involved in CEBS since the 1960s. Daniels had become a priest in 1975 and held increasingly senior positions in the Anglican Church in Tasmania, including as Archdeacon of Burnie, until the early 1990s. He also held senior positions on diocesan committees and the General Synod Standing Committee, including as chair of the General Synod Youth Commission.⁴⁸⁹

Two of the CEBS boys who disclosed the allegations to Bishop Newell in June 1987 did so with the help of two CEBS leaders, Ms Sue Clayton and Mr Peter Francis. Ms Clayton told us that Bishop Newell did not think the matter ought to be reported to the police⁴⁹⁰ and that Bishop Newell said to her, 'You are to speak to no one about this'.⁴⁹¹

Ms Clayton told us that she resigned from the Anglican Church in April 1989.⁴⁹² Shortly after resigning, she wrote to the secretary of the vestry at the Orford parish explaining her reasons for resigning. Her letter stated in part:

I have witnessed and been part of, what I can only describe as being corrupt situations. At this point in time, I am supposed to be under a confidentiality of silence imposed upon me by our bishop regarding what should have been a matter of prosecution.⁴⁹³

We heard in the *Church of England Boys' Society* public hearing that Daniels resigned in November 1994 from all roles in the Anglican Church and moved to the Australian Capital Territory. The reasons for his resignation were not made known at the time, but in fact he resigned because of new allegations of sexual abuse that survivor BYW had made to the police. From 1995 until May 1997, Daniels was employed as a teacher at several schools in the ACT.⁴⁹⁴

In 1999, Daniels pleaded guilty to and was convicted in the Tasmanian Supreme Court of child sexual abuse offences against BYW. He was sentenced to one year's imprisonment with the last three months suspended.⁴⁹⁵ On 13 December 2002, Daniels was deposed from holy orders after BYF made allegations of child sex abuse against him. In 2005, Daniels pleaded guilty to and was convicted of child sex offences relating to six other boys, including BYF and Mr David Gould. He was sentenced to seven and a half years' imprisonment with a non-parole period of five and a half years.⁴⁹⁶ We discuss the disciplinary proceedings against Daniels in the Diocese of Tasmania in Section 12.4.5, 'Disciplining clergy under the tribunal system'.

In Section 12.4.2, we discuss in more detail the Diocese of Tasmania's inaction in not reporting to police multiple allegations received about Daniels from 1981 onwards.

In the *Institutional review of Anglican Church institutions* public hearing, Mr Michael Elliott, the Professional Standards Director in the dioceses of Newcastle and Grafton, expressed the view that ‘historically, perpetrators of child sexual abuse have used threats of defamation to great effect to stymie any response to complaints about them’.⁴⁹⁷ However, not only individual perpetrators made such threats. We heard evidence of instances where senior Anglican personnel in the Diocese of Adelaide and the Diocese of Newcastle responded to allegations of child sexual abuse by raising the threat of potential legal action against survivors and other disclosers.

As discussed above, Archdeacon Smith, in response to Mr King’s disclosure that he had been sexually abused as a child by Mr Brandenburg, threatened Mr King that the diocese would take legal action against him if he repeated the allegations.⁴⁹⁸

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

12.4.2 Reporting allegations to police and other authorities

I made a real error of judgment. It had appalling consequences. I believe – and I put myself in this position: I had three sons. I just want to be quick but personal. I had three sons and I have said to myself in reading the papers for this Royal Commission, what would I have felt if I had had my three sons coming home and giving that story that those two or three had. What would I have expected and would I have thought that the Church had done enough? I made a wrong judgment.⁵⁰⁹

Bishop Phillip Newell, former Bishop of Tasmania

In this section, we set out what we heard in our case studies about how some personnel in Anglican Church institutions in the dioceses we examined did not, in some instances, report allegations of child sexual abuse by clergy and church workers to police or other authorities.

In the *Church of England Boys' Society* public hearing, we heard how Anglican Church personnel did not report allegations or complaints about the behaviour of people involved in or associated with CEBS to the authorities. As we saw in that case study, this occurred in the dioceses of Sydney, Tasmania, Adelaide and Brisbane.

As noted earlier, Mr Kells made multiple attempts in the early 1980s to make those involved in leadership roles in the Anglican Church aware of his concerns about the conduct of Simon Jacobs towards young boys.⁵¹⁰ However, there was no evidence that Anglican Church or CEBS personnel reported Jacobs to the police or other authorities. In the same case study, we heard that Reverend Jobbins told survivor BYC in 1987, when he disclosed sexual abuse by Jacobs, to forgive Jacobs.⁵¹¹

Bishop Newell, as mentioned earlier, was told in June 1987 of allegations that Daniels had sexually abused three CEBS boys who were under the age of 18.⁵¹² One of the CEBS leaders who helped two of the CEBS boys disclose the allegations to Bishop Newell told us that she asked Bishop Newell if the matter should be referred to the police. Bishop Newell told her that because 'it had not progressed beyond fondling it is not a police matter'.⁵¹³

This was not the first time that Anglican Church personnel had been made aware of inappropriate conduct by Daniels. In 1981, Daniels was the senior assistant priest at St David's Cathedral in Hobart and the chairman of CEBS in Tasmania when he was verbally rebuked by Bishop Henry Jerrim for inappropriate conduct with a boy. Bishop Jerrim was the assistant bishop to the Bishop of Tasmania at the time, Bishop Robert Davies. Daniels told us that the rebuke followed an allegation by a 14-year-old boy that Daniels had sexually propositioned him. Daniels admitted to Bishop Jerrim and Bishop Davies that the allegation was true. Bishop Davies told Daniels to 'amend his life' and attend counselling. There were no other consequences for Daniels. Daniels remained involved in CEBS and at that time was the chairman of CEBS in Tasmania.⁵¹⁴

We found that in 1987, Bishop Newell did not encourage the complainants to go to the police.⁵¹⁵ Bishop Newell accepted that he should have reported the allegations to the police even though the complainants were reluctant to have their parents notified:

If I had acted then, ignoring what they'd asked me, because they were boys, and done the adult thing and gone to the police, so much suffering would have been avoided.⁵¹⁶

Bishop Newell did, however, take counsel from the then primate and Archbishop of Brisbane, Archbishop Sir John Grindrod, about what action should be taken with respect to Daniels. Archbishop Grindrod advised him to seek a verbal assurance from Daniels that if the alleged behaviour had occurred, it was an aberration and not part of a pattern of behaviour.⁵¹⁷ Bishop Newell then verbally rebuked Daniels and sought his assurance that the conduct would not be repeated. We found it difficult to understand how Bishop Newell could have relied on such an assurance given that he was aware that three separate boys had complained.⁵¹⁸

The allegations were not reported to the police at this time, and Daniels remained in ministry and continued his involvement in CEBS. In February 1988, Daniels was made 'life vice president' of CEBS in Tasmania.⁵¹⁹ In 1989, Bishop Newell appointed Daniels as Archdeacon of Burnie, one of the highest positions within the diocese.⁵²⁰

Survivor BYG made a civil claim against the Anglican Church and Daniels in 1994, which he ultimately settled with Daniels in September of that year. BYG had conveyed to the Diocese of Tasmania that in addition to a financial settlement, he expected that Daniels would be dismissed.⁵²¹ Bishop Newell conceded that by this time, he had no doubt that Daniels had committed the acts of which he was accused and Daniels had not denied them when confronted.⁵²² Despite this, no steps were taken by Bishop Newell or anyone in the Diocese of Tasmania to report BYG's allegations to the police. As discussed in Section 12.4.3, 'Continuation of ministry or lay involvement', Bishop Newell decided instead to issue a 'letter of solemn admonition' to Daniels upon the advice of the then primate, Archbishop Keith Rayner.⁵²³

Meanwhile, Daniels continued in his position as Archdeacon of Burnie and his other roles in the Anglican Church generally.

Another CEBS leader, Mr Brandenburg, was the subject of reports to Anglican Church personnel in the Diocese of Adelaide, about which nothing was done. As noted earlier, Archdeacon Smith did not report to the police allegations about Mr Brandenburg received from Mr Mark King in 1993, despite the fact that he was the chair of a task force which had been established to respond to allegations of abuse by clergy.

Further reports or disclosures concerning Mr Brandenburg's conduct were received by the Diocese of Adelaide in March 1995,⁵²⁴ 1998⁵²⁵ and early 1999,⁵²⁶ and by AnglicareSA in mid-1997 and late 1997.⁵²⁷ In March 1995, a senior priest told Archbishop Ian George that Mr Brandenburg had been found naked in a spa at his home with a parishioner's 10-year-old son. At the time, Mr Brandenburg was employed by AnglicareSA. Bishop George told us that although the report sounded alarm bells, it was not pursued further, which was a serious error of judgment on his part. He acknowledged that he could have insisted that AnglicareSA report the complaint to police.⁵²⁸

In the Diocese of Brisbane, Dr Peter Hollingworth, then Archbishop of Brisbane, was made aware in July 1993 of allegations that John Elliot had sexually abused a CEBS boy several years earlier, before he was ordained but while he was involved in CEBS.⁵²⁹ At various times between 1956 and the early 1990s, Elliot was a CEBS leader in Queensland and Tasmania, and he also served in executive positions in CEBS in both states.⁵³⁰ In 1985, he was ordained as a deacon in the Diocese of Brisbane and he received holy orders as a priest in 1986.⁵³¹

Survivor BYB told us in the *Church of England Boys' Society* public hearing that he was sexually abused by Elliot on nearly a weekly basis from when he was about nine years old until he turned 13. BYB's family attended St Barnabas Anglican Church in Sunnybank, Queensland.

At the time, Elliot was the branch governor of CEBS Sunnybank and also a lay preacher. BYB attended activities organised by Elliot, such as overnight CEBS camps.⁵³²

In July 1993, BYB and his brother disclosed to their parents that they had been sexually abused by Elliot. BYB's parents immediately reported the allegations to Bishop John Noble, a family friend and an assistant bishop in the Diocese of Brisbane. Soon after, Bishop Noble reported the allegations to Dr Hollingworth.⁵³³ Elliot subsequently admitted to Dr Hollingworth that he had abused BYB and his brother.⁵³⁴ In August 1993, BYB told Dr Hollingworth that the abuse by Elliot was repeated over a number of years.⁵³⁵

Although he received information from a psychiatrist in September 1993 that was sufficient to alert him that Elliot posed an ongoing risk to children,⁵³⁶ Dr Hollingworth permitted Elliot to remain in the ministry for almost another four and a half years, until he reached retirement age (65 years) in February 1998.⁵³⁷ There was no evidence before us that Dr Hollingworth reported the matter to the police, and he agreed that he told BYB during the meeting that he would like to handle the matter internally. However, Dr Hollingworth said he did not discourage BYB from taking his complaint to the police.⁵³⁸ After Elliot's retirement in February 1998, Dr Hollingworth granted him an authority to officiate and Elliot worked as a locum priest around the Diocese of Brisbane.⁵³⁹ Dr Hollingworth did so without taking further steps to assess whether Elliot posed a risk to children.⁵⁴⁰

In March 2002, Elliot pleaded guilty to 28 child sex offences involving five boys. He was sentenced to seven and a half years' imprisonment with a non-parole period of 30 months. In February 2003, Elliot pleaded guilty to further charges of indecently dealing with two boys under the age of 14 years. One of those boys was BYB. Elliot was sentenced to an additional two and a half years' imprisonment and his non-parole period was extended by three months.⁵⁴¹ We discuss the circumstances of the complaints about Elliot, and the Diocese of Brisbane's response to those complaints, again in Section 12.4.3.

In the *Anglican Diocese of Newcastle* public hearing we received no evidence that child sexual abuse matters were reported to the police or other authorities during Bishop Shevill's and Bishop Holland's episcopates, which covered the period from 1973 to 1992.

We found that during Bishop Herft's tenure from 1993 to 2005, very few allegations of child sexual abuse were reported to the police (although the police were already aware of some). This was despite Bishop Herft's evidence that from 1993, there was a clear policy in the Diocese of Newcastle to report matters of child abuse to the police.⁵⁴² However, we found that this policy was fettered in many respects. Archbishop Herft told us he considered it was only necessary to report such allegations to the police where the complainants were identified by name, where the complaint was put in writing and where the complaint had some 'substance'. In fact, very few allegations of child sexual abuse that had not already been made known to the police were reported to the police during Bishop Herft's tenure as Bishop of Newcastle.⁵⁴³

Bishop Herft did not report allegations of child sexual abuse to police that were made against [REDACTED] the one-time Archdeacon of Maitland, Father Rushton; and parish priest, Father Parker. Bishop Herft showed no regard for the need to protect children from the risk that they could be preyed upon. It was a failure of leadership.⁵⁴⁴

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

As discussed in section 12.4.1, 'Dismissing, disbelieving or minimising allegations of child sexual abuse', CKA and CKB said that they were sexually abused by Father Parker in the Diocese of Newcastle in the mid-1970s. CKA and CKB's older brother, CKL, told us that their mother disclosed the abuse to Bishop Shevill in around 1975,⁵⁴⁸ and CKA disclosed the alleged abuse he experienced to Assistant Bishop Appleby in 1984, but nothing was done.⁵⁴⁹

CKA told us about his experience of abuse:

[Father Parker]'s abuse still preys heavily on my mind. Every single day of my life has been filled with the sexual abuse I experienced as a child. While the abuse was horrendous, at least it's over. It is the impact of the church's response that is ongoing. I cannot get over the sheer frustration of dealing with bishops and clergy who I believe knew full well what Father Parker was doing and yet did nothing.⁵⁵⁰

By February 1996, Father Parker was working in the Diocese of Ballarat. CKA disclosed the alleged abuse to Mr Lawrence in 1996 and 1999. After CKA and CKB reported the alleged abuse to the police in 2000, Father Parker was charged with child sex offences in 2001 but the charges were later withdrawn at trial by the Director of Public Prosecutions.⁵⁵¹

In relation to CKA's disclosures in 1996 and 1999, [REDACTED] Bishop Herft, in not informing the police, acted contrary to the policy in the Diocese of Newcastle that allegations of child sexual abuse be reported to the police. Bishop Herft's response to CKA's allegations in 1999 fell far short of what ought reasonably to have happened. Bishop Herft's response lacked any consideration for the protection of children (to whom Father Parker may still have posed a risk).⁵⁵²

Neither Bishop Herft nor [REDACTED] informed the Diocese of Ballarat of the allegations against Father Parker, despite the fact that Father Parker was licensed as a priest in the Diocese of Ballarat in 1999 and may have had access to children.⁵⁵³

On 23 December 2016 Father Parker was charged with 24 child sex offences committed against CKA and CKB. This included the four offences for which he was originally indicted in 2001. Father Parker died on 11 January 2017 before the charges were heard.⁵⁵⁴

As discussed in Section 12.4.3, the Diocese of Newcastle was made aware of complaints of child sexual abuse by Father Rushton on many occasions, over many decades; however he was permitted to continue in ministry.

In 1998, the diocese was made aware of an allegation by a removalist company that Father Rushton possessed child pornography material. The allegation was subsequently withdrawn, although Bishop Herft, after making inquiries with Father Rushton about the allegation, was led to believe that Father Rushton only possessed large quantities of adult homosexual pornography. We considered that it would have been prudent for Bishop Herft to report the matter to the police even if he was not obliged to do so.⁵⁵⁵

Bishop Herft was made aware in 2002, and again in 2003, of allegations that Father Rushton had sexually abused boys. However, Bishop Herft took no steps after being made aware of these allegations, notwithstanding that they came on top of the earlier allegations (although withdrawn) about the possession of child pornography. By the end of February 2003, Bishop Herft could have been in no doubt that there was a history of behaviour with regard to Father Rushton that required further investigation. We were satisfied that he should have taken further steps to investigate and minimise the risk that Father Rushton posed to children.⁵⁵⁶ We found that Bishop Herft's inaction with respect to Father Rushton contributed to the systematic failure of the diocese to make perpetrators accountable for their conduct. Bishop Herft showed no regard for risk management.⁵⁵⁷

Bishop Herft did take appropriate action in responding to allegations in around April 1999 that ordinand Ian Barrack behaved in a sexualised way towards a 14-year-old boy, CKU, by contacting the police, the Department of Community Services, and other diocesan bishops.⁵⁵⁸ CKU later disclosed in early 2002 that Barrack had in fact sexually abused him and he reported the matter to the police himself.⁵⁵⁹

[REDACTED]

[REDACTED]

In the *Anglican Diocese of Newcastle* public hearing we found that, before 2007, allegations of child sexual abuse and related offences were not consistently or regularly reported to the police. We identified this as being one of many systemic issues, the cumulative effect of which was that a group of perpetrators was allowed to operate within the diocese for at least 30 years.⁵⁶¹

12.4.3 Continuation of ministry or lay involvement

Another response we heard about in our case studies involved Anglican Church institutions and senior church personnel allowing alleged perpetrators of child sexual abuse to continue in active ministry or lay involvement in Anglican institutions with access to children, even after complaints had been made about them. In some cases, conditions were imposed, or purportedly imposed, on those against whom allegations had been made. Such conditions related to the terms of their ministry or lay involvement. However, we found that in some cases these conditions failed to adequately mitigate the risks to children, or were not complied with.

As discussed above, we heard in the *Church of England Boys' Society* case study senior Anglican personnel in the Diocese of Tasmania had received allegations in as early as 1981 against Louis Daniels. Daniels told us that, following the 1981 allegation, there was no consequence for him other than having to go to counselling.⁵⁶²

At the time complaints were made to Bishop Newell in 1987 that Daniels had sexually abused three boys,⁵⁶³ Daniels was the rector in the Parish of Deloraine. As discussed earlier, Bishop Newell did not report these allegations to police. In 1988, he nominated Daniels for the position of rector in the Parish of Burnie to which he was subsequently appointed. Bishop Newell told us that before making this nomination he obtained a reassurance from Daniels that he had 'amended his life'.⁵⁶⁴

Survivor BYG was one of the boys who had complained about Daniels in 1987. He told us that he thought the reason for the transfer of Daniels to the Parish of Burnie was that one of the other boys who had complained about Daniels to Bishop Newell in 1987 was a parishioner at Deloraine, and 'it was thought that it would be a good idea to move Daniels to a different parish'.⁵⁶⁵

Mr Peter Francis, one of the CEBS leaders who helped BYG and BYM make disclosures to Bishop Newell, told us that Bishop Newell said he would take the following actions in relation to Daniels:⁵⁶⁶

- He would be removed from the Parish of Deloraine and placed in another parish.
- He would resign as state chairman of CEBS and have no further involvement with the organisation.
- He would take no further part in the diocesan camping program.
- He would receive counselling.

A file note prepared by Bishop Newell some years later, in May 1994, recorded that Bishop Newell had imposed certain conditions, including requiring Daniels to resign from his chairmanship of CEBS and to discontinue all association with youth work in the diocese.⁵⁶⁷

Bishop Newell told us in a statement:

I was satisfied in subsequent meetings and discussion that he had removed himself from all responsibility for youth ministry in the Church, had sought and accepted professional counsel, and was chastened to the point of amendment.

Finally, I further questioned him in the latter half of 1988 when his name was proposed to me for appointment as Rector [at the] Parish of Burnie. Again in the circumstances I could see no continuing impediment to his appointment to another parish.⁵⁶⁸

Contrary to the restrictions that Bishop Newell foreshadowed to Mr Francis and Bishop Newell's 6 May 1994 file note, Daniels continued his involvement with CEBS. Bishop Newell conceded that minutes of the CEBS state executive meeting in February 1988 indicated that Daniels was still involved in CEBS as at that time. During that meeting, it was moved that Daniels be made life vice president of CEBS in Tasmania. The minutes record that the motion was put and 'carried with acclamation'.⁵⁶⁹

In 1989, Bishop Newell promoted Daniels to the position of Archdeacon of Burnie, making him one of the highest-ranking officers within the Diocese of Tasmania.⁵⁷⁰ Bishop Newell told us, 'When the archdeaconry became vacant, Mr Daniels was the most talented of the parish priests in that archdeaconry, and there being no further complaint against him, after due consideration, I appointed him archdeacon'.⁵⁷¹

Mr Francis told us that the appointment of Daniels as the Archdeacon of Burnie was 'deeply insulting to those who knew of the events in 1987'. A letter that BYG's solicitors sent to the diocese in 1994 seeking financial compensation stated that the promotion of Daniels to Archdeacon was 'to a large extent a cover-up and showed a distinct lack of concern for the victims'.⁵⁷²

In October 1991, at the meeting of the Standing Committee of the General Synod, Bishop Newell nominated Daniels to take a position on the Standing Committee. Bishop Newell agreed that in doing so, he had in effect nominated Daniels to a position of quite some influence within the Anglican Church of Australia. In 1993, Daniels was invited by the then primate, Archbishop Keith Rayner, to become chair of the Youth Commission of the General Synod.⁵⁷³

By early 1994, when Bishop Newell was still the Bishop of Tasmania, BYG had begun civil proceedings against the Diocese of Tasmania and Daniels in relation to sexual abuse by Daniels.⁵⁷⁴ By June 1994, Archbishop Rayner had been made aware by Bishop Newell and Bishop Stone of BYG's allegations against Daniels.⁵⁷⁵ Nevertheless, Daniels remained in his position as Archdeacon of Burnie and, as at October 1994, remained as chair of the Youth Commission of the General Synod. There was no attempt to remove Daniels from his positions. No steps were taken to alert parishioners or those involved in CEBS about the allegations against Daniels.⁵⁷⁶

Bishop Newell told us that in response to BYG commencing civil proceedings in 1994, he took the advice of Archbishop Rayner and issued Daniels with a 'letter of solemn admonition' on 28 July 1994.⁵⁷⁷ A written admonition, while not codified as a disciplinary measure in the constitution, is a formal step before the initiation of disciplinary proceedings. The *Offences Canon 1962* provides that a charge may be put forward to a diocesan tribunal relating to 'habitual and wilful neglect of ministerial duty after written admonition in respect thereof by the bishop of the diocese'.⁵⁷⁸

Bishop Newell's 'Letter of Solemn Admonition' to Daniels reads:

It is my duty and responsibility, in my care for the Church in this diocese and beyond, to place before you this LETTER OF SOLEMN ADMONITION requiring that you note its contents and fulfil its requirements.

The circumstances which have led to this are the allegations of sexual assault made against you by [BYG] when he was a child and when you occupied a position of trust with regard to his care and welfare.

Your acceptance of all that follows and your commitment to and fulfilment of the requirements set out herein are absolutely necessary if you are to continue to be a licensed priest in this diocese.

FIRST, in the event of any civil or criminal action being taken in the courts in the matter of [BYG] and your alleged sexual assault of him, or in the event of other alleged victims of sexual assault by you taking any such civil or criminal action, neither I as bishop nor the Church in this diocese would take any action which would seek to stop the proceedings.

SECONDLY, the initiation of such action would create a public situation such that your resignation as a licensed priest would be immediately required. It is right that you assure me in writing of your compliance with this course of action.

THIRDLY, I hereby require of you in writing your solemn assurance that, since I verbally admonished you in 1987, there has been no repetition or further occurrence of this kind of criminal assault by you and consequent breach of trust.

FOURTHLY, I admonish you to live your life so that it is beyond reproach.

Allegations which satisfy me that you have engaged in conduct disgraceful in an ordained person and productive or likely to be productive of scandal or evil report, or allegations of improper sexual or other behaviour made against you and, again, which satisfy me as being with foundation, will lead to your being required to resign as a licensed priest. Your acknowledgement of your responsibility in this regard is required.

FIFTHLY, in the event of your seeking a position in another diocese or being offered such a position, I would be bound, for the sake of the Church, to inform the bishop of such other diocese regarding the matters to which this letter refers.

SIXTHLY, should you at any time be asked to allow your name to be considered for election to a See or appointment as an assistant bishop, or should you be elected to and offered such an episcopal appointment I hereby require that you decline such offer, nomination or appointment, or make a complete disclosure of the matters referred to in this letter, otherwise I would be duty bound to disclose the matters referred to in this letter to the appointing, nominating or electing authority.⁵⁷⁹

We found that this letter of solemn admonition was an inappropriate way for Bishop Newell to respond to the allegations of child sexual abuse against Daniels, despite the fact that the primate had advised him to issue the letter. The letter failed to disclose that by this time multiple complainants had made allegations against Daniels. The approach adopted by Bishop Newell had no regard for the need to protect children from further sexual abuse by Daniels.⁵⁸⁰

We found that Bishop Newell's only reason for issuing the written admonition in 1994, rather than in 1987 when the allegations were initially raised, was his concern that the matter may become public.⁵⁸¹

Bishop Newell acknowledged that the reason for issuing the letter was concern for the Anglican Church if it became public knowledge that Daniels had settled with BYG for a substantial sum. Bishop Newell stated that he was of the view that Daniels's settlement with BYG would become public, as the media were bound to find out. Bishop Newell also agreed that the outcome of the letter was that, unless the allegations became public, Daniels would be able to continue in ministry. During the public hearing, Bishop Newell told us that he did not turn his mind to what steps were necessary to protect children from Daniels at the time. He told us, 'I think I very much regret that and that is why – partly why I've sought to express an apology later'.⁵⁸²

Daniels resigned from ministry in November 1994, after a further allegation was made against him to Bishop Newell involving a 13-year-old boy.⁵⁸³ We discuss the circumstances of Daniels's resignation, and the involvement of Bishop Newell and other Anglican Church personnel in Daniels's decision to resign, in further detail in Section 12.4.4, 'Removal from ministry'.

In the same case study, we heard how attempts were made to restrict the ministry of John Elliot, following complaints of child sexual abuse. In July 1993, the then Archbishop of Brisbane, Dr Peter Hollingworth, was made aware of complaints that Elliot had engaged in child sexual abuse several years earlier, before he was ordained but while he was involved in CEBS.⁵⁸⁴ Survivor BYB and his brother had each disclosed that they had been sexually abused by Elliot when he was the bursar at an Anglican school and a parish CEBS leader.⁵⁸⁵

On 23 July 1993, Dr Hollingworth met Elliot. Dr Hollingworth told us that Elliot 'admitted to [the allegations] very quickly'.⁵⁸⁶

In order to make a decision about what to do about Elliot, Dr Hollingworth decided to consult Dr John Slaughter in late July 1993 to understand what risk Elliot presented.⁵⁸⁷ At that time Dr Slaughter was a practising psychiatrist and was on the Diocese of Brisbane's selection panel for clergy.⁵⁸⁸ His role was to assess clergy applicants to determine whether they had personality or sexual problems that might affect their behaviour as priests.⁵⁸⁹ Dr Hollingworth asked Dr Slaughter for a psychiatric assessment of the nature of Elliot's 'disorder', whether it was treatable and whether there was a risk of repetition.⁵⁹⁰

Dr Slaughter already knew Elliot, having interviewed him before his ordination selection in around 1983. From August 1994, Dr Slaughter had six consultations with Elliot in which he sought to establish the nature of the problem and whether Elliot was 'treatable'. Dr Slaughter said that by his second consultation with Elliot he had formed the opinion that Elliot was a paedophile and that his personality type was untreatable. Dr Slaughter said that he considered that there was a 'real risk' that Elliot would engage in sexual relations with boys in the future.⁵⁹¹

In around September 1993, Dr Slaughter communicated to Dr Hollingworth that Elliot could not be 'treated' and that paedophilia was a disorder that could recur.⁵⁹² We found that the information Dr Slaughter conveyed to Dr Hollingworth in around September 1993 was sufficient to alert him that Elliot posed an ongoing risk to children.⁵⁹³

Dr Hollingworth decided to permit Elliot to remain in the ministry for another four and a half years as rector of Dalby until he turned 65 in February 1998, when he was to retire.⁵⁹⁴ Dr Hollingworth wrote to Elliot on 3 November 1993 stating that 'no good purpose' could be served by requiring Elliot to relinquish his pastoral responsibility and that 'an act of removing you would place you in an impossible situation at your age and stage in life'. In the letter he also said, 'The matter which has exercised my mind most strongly is the fact that your departure at this stage could cause unintended consequences that would make things worse for you and the Church'.⁵⁹⁵

Dr Hollingworth imposed certain conditions on Elliot's continued ministry, including that Elliot was 'formally' banned from establishing or having any close association with any CEBS group.⁵⁹⁶ Other conditions of Elliot's continued ministry were:⁵⁹⁷

- that Elliot correspond with Dr Hollingworth regularly
- not to have any contact with young boys, unless in the presence of an adult, preferably his wife
- that Elliot retire from the parish when he turned 65 years of age.

In 2002, Archbishop Phillip Aspinall, the Archbishop of Brisbane, announced the establishment of an independent inquiry into the Diocese of Brisbane's past handling of sexual abuse allegations against five named individuals (the Brisbane inquiry), including Elliot.⁵⁹⁸ During this inquiry, Dr Hollingworth, through his solicitors, gave reasons for his decision to let Elliot continue in the ministry. He said, 'It needs to be stressed that, in reaching this decision, Dr Hollingworth had no reason to believe that the incident with the boys was anything other than a single, isolated and distant occurrence'.⁵⁹⁹

Bishop Clyde Wood, an assistant bishop in the Diocese of Brisbane with whom Dr Hollingworth had consulted about Elliot, told us that the rationale behind the decision to permit Elliot to remain in ministry was to minimise any financial hardship for Elliot's family.⁶⁰⁰

We found that, in making the decision to allow Elliot to continue in the ministry, Dr Hollingworth failed to take into account the advice that Dr Slaughter had given him. Upon receiving Dr Slaughter's advice, it was reasonably open to Dr Hollingworth to conclude that Elliot did remain a risk to children. Dr Hollingworth's decision to permit Elliot to continue in the ministry was a serious error of judgment which focused overly on Elliot's financial needs to the exclusion of the needs of BYB and his family and of the need to protect children more generally. The conditions that were placed upon his ministry were ill informed and failed to adequately mitigate the risk that Elliot posed to children.⁶⁰¹

Elliot retired as rector of Dalby on 1 February 1998. On 2 February 1998, Dr Hollingworth granted him an authority to officiate. Elliot subsequently performed casual priestly functions around the Diocese of Brisbane. Dr Hollingworth agreed that the stipulation he had imposed in November 1993 that Elliot retire upon turning 65 was a risk management measure. However, Dr Hollingworth said that he awarded the authority to officiate to Elliot upon his retirement because he considered Elliot no longer posed a risk. He based this conclusion on the lack of further complaints about him and that he 'was in good standing' in the parish.⁶⁰²

We found that Dr Hollingworth made a serious error in judgment in granting Elliot an authority to officiate. Not only was Dr Hollingworth's decision inconsistent with the condition that Elliot retire upon reaching 65 years of age, but it was made without him taking any steps to assess whether Elliot still posed a risk to children.⁶⁰³

The Brisbane inquiry's report was critical of the manner in which Dr Hollingworth had handled allegations of child abuse against Elliot. The Brisbane inquiry found that BYB's complaint against Elliot 'was not handled fairly, reasonably or appropriately'. Dr Hollingworth accepted that conclusion.⁶⁰⁴

Conversely, we found that Dr Hollingworth's successor, Archbishop Aspinall, took prompt and appropriate action in 2002, including announcing the establishment of the Brisbane inquiry, which investigated complaints against five individuals including Elliot, and arranging for Elliot to relinquish his holy orders. Archbishop Aspinall also apologised to Elliot's victims and offered them pastoral support.⁶⁰⁵

As discussed earlier, we heard in the *Anglican Diocese of Newcastle* public hearing that Father Parker was permitted to continue in active ministry despite a number of complaints being made against him by survivor CKA to Anglican Church personnel in the Diocese of Newcastle in 1984, 1996 and 1999. We did not receive any evidence that any conditions were placed on Father Parker's ministry.⁶⁰⁶

CKA told us:

After much frustration from the diocese's inaction, I reported Father Parker's abuse to the New South Wales Police in February 2000. It took a whole lot of courage for me to come forward to the police. I don't expect laypeople to understand 'the power of the church' and the fear this instilled in me about speaking out against its clergy.⁶⁰⁷

As we also discussed in Section 12.4.1, in the same case study we found that in around 1980 Bishop Holland was told that Father Rushton had sexually abused COE. We found that Bishop Holland failed to take any action to report or risk manage Father Rushton once he was made aware of this allegation. In fact, Bishop Holland promoted Father Rushton in 1983 to the position of Archdeacon of Maitland, which meant he formed part of the leadership team within the diocese.⁶⁰⁸

We heard that three other people were sexually abused by Father Rushton after 1979. We found that the failure by Bishop Holland to act on the allegations he received regarding abuse by Father Rushton between 1979 and 1980 was a lost opportunity to prevent further abuse being perpetrated by Father Rushton.⁶⁰⁹

As discussed earlier, Bishop Herft was made aware in 2002 and again in 2003 of allegations that Father Rushton had sexually abused boys. However, no action was taken and Father Rushton was allowed to continue ministry. In relation to the allegations received in October 2002, Bishop Herft made a file note which recorded:

this information that had been shared left me in an unenviable position. Fr Peter had my licence and if he re-offended I would be held liable as I now had prior knowledge of his alleged behaviour.⁶¹⁰

Archbishop Herft conceded that he could have revoked Father Rushton's permission to officiate (or licence) at will, without requiring any diocesan tribunal procedure. Bishop Herft permitted Father Rushton to remain in ministry after multiple allegations of child sexual abuse were disclosed to him in February 2003, and that he could have been in no doubt by that time that Father Rushton had a history of behaviour that required further investigation. Bishop Herft's inaction with respect to Father Rushton contributed to the systematic failure of the diocese to make perpetrators accountable for their conduct.⁶¹¹

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED] The decisions to permit Father Rushton, Father Parker [REDACTED] to continue their ministry are consistent with our findings that:

- Bishop Holland adopted a 'do nothing' approach during his episcopate from 1978 to 1992 in response to child sexual abuse allegations in the diocese. We found that Bishop Holland showed a distinct lack of leadership, did not call alleged perpetrators to account and often did not show compassion and pastoral care to survivors.⁶¹⁵
- Bishop Herft mishandled the allegations of child sexual abuse made against two of the most senior and domineering priests in the Diocese of Newcastle – [REDACTED] the one-time Archdeacon of Maitland, Father Rushton. His response was weak, ineffectual, and showed no regard for the need to protect children from the risk that they could be preyed upon. It was a failure of leadership.⁶¹⁶

12.4.4 Removal from ministry

One of the responses we saw in our case studies was the involvement of Anglican Church personnel in decisions by clergy, against whom allegations of child sexual abuse had been made, to resign or retire from their positions or voluntarily relinquish their holy orders.

In the *Anglican Diocese of Newcastle* public hearing, we heard about two instances where clergy against whom allegations had been made were permitted to retire or resign.

Canon Harold Marshall, who was alleged to have sexually abused two girls in the Diocese of Newcastle, was required to leave the parish and retire after the mothers of the girls, together with their husbands, attended a meeting with Bishop Shevill where they disclosed the allegations. Bishop Shevill took no formal disciplinary steps against Canon Marshall because he was concerned to protect the reputation of the Anglican Church.⁶¹⁷

In the early hours of 12 February 1990, licensed priest Stephen Hatley Gray, the rector of Wyong in the Diocese of Newcastle, sexually abused a 15-year-old boy at his rectory. Hatley Gray had attended Morpeth College in 1972. He was appointed as the rector of the Parish of Wyong in 1988 by Bishop Alfred Holland after previously working in the Diocese of Sydney.⁶¹⁸

The victim reported the assault to police at about 5 am that same morning. Later that day, Hatley Gray was arrested and charged with homosexual intercourse with a male under 18 years and over 10 years. He resigned as a priest later that day.⁶¹⁹

In relation to the circumstances of Hatley Gray's resignation, Reverend Raymond Manuel – who was friends at the time with Hatley Gray – visited him on the day of the offence and also spoke with then Assistant Bishop Appleby a few days later. He said Bishop Appleby had told him that due to the 'sensitivity' of the matter, it was being dealt with 'quietly'. Hatley Gray was permitted to resign and was not dealt with under the Diocese of Newcastle's disciplinary process. Procuring the resignation had the effect, as then Assistant Bishop Appleby had told Reverend Manuel, of dealing with the matter 'quietly'.⁶²⁰

On 7 September 1990, Hatley Gray pleaded guilty to the offence charged and received a fine of \$100 and a good behaviour bond for three years. Hatley Gray reportedly continued to minister as a member of clergy in another diocese. He is now deceased.⁶²¹

Daniels, allegations against whom were examined in the *Church of England Boys' Society* public hearing, resigned from ministry in the Diocese of Tasmania in November 1994 after Bishop Newell had become aware of allegations that Daniels had abused BYW, a 13-year-old boy.⁶²² Here, we discuss the circumstances of Daniels's resignation and the involvement of senior Anglican Church personnel in the Diocese of Tasmania in that decision.⁶²³

Following a meeting between Bishop Newell, Bishop Ronald Stone (then an assistant bishop in the Diocese of Tasmania) and Mr David Thorp (then the diocesan advocate), Bishop Stone visited Daniels on 21 November 1994. He presented Daniels with three options: that Daniels resign immediately, or hand in his licence, or be suspended immediately. The following day, Daniels resigned from all positions within the diocese and the Anglican Church more generally.⁶²⁴

On 30 November 1994, Bishop Newell wrote to all Anglican clergy in Tasmania advising that Daniels had resigned for ‘personal reasons’. Also on that day, Bishop Newell sent a memorandum to all diocesan bishops and administrators in Australia. That memorandum also advised that Daniels had resigned for ‘personal reasons’.⁶²⁵

Bishop Newell suggested that his 30 November 1994 memorandum to the bishops was a ‘discreet warning’ about Daniels. We found that on no fair view can the 30 November 1994 memorandum be characterised as a ‘discreet warning’ about Daniels.⁶²⁶ We were satisfied that Bishop Newell advised his colleagues in the Diocese of Tasmania and other diocesan bishops and administrators in Australia that Daniels had resigned for personal reasons and did not disclose the real reason for his resignation at the time.⁶²⁷

When asked why he did not suspend Daniels or refer the matter to a diocesan tribunal, Bishop Newell said that he did not consider those options and that it was important for him that Daniels resign.⁶²⁸ We found that the approach adopted by Bishop Newell failed to take into account the need to protect children from the risk of further abuse by Daniels.⁶²⁹

In the same case study, we also heard about an instance where a member of clergy voluntarily relinquished his holy orders. After Elliot pleaded guilty in 2002 to 28 charges perpetrated against five boys, the Diocese of Brisbane arranged for Elliot to sign a deed relinquishing his holy orders. Archbishop Aspinall, who by that time had been installed as the Archbishop of Brisbane, told us that he negotiated with Elliot to voluntarily relinquish his holy orders instead of proceeding to a diocesan tribunal because he considered it the most expedient way to remove his credentials. It was his view that because Elliot had already been convicted, there was little benefit in rehearing the matter and it would have placed an unnecessary burden on Elliot’s victims.⁶³⁰

The voluntary relinquishment of holy orders would later be codified at a national level through the *Holy Orders, Relinquishment and Deposition Canon 2004*. This canon allowed for the voluntary relinquishment of holy orders by clergy and for a consent to deposition to be signed rather than needing to progress through a tribunal process or the professional standards framework.⁶³¹

12.4.5 Disciplining clergy under the tribunal system

As we discussed in Section 12.3, in 2004 the Anglican Church largely moved away from disciplining clergy under a diocesan tribunal process, to a new professional standards framework focusing on ‘fitness for office’.

Before 2004, the primary formal mechanism for disciplining clergy established under the 1962 Constitution of the Anglican Church was the diocesan tribunal. However, this mechanism has been rarely engaged in responding to complaints of child sexual abuse. Instead, we heard that Anglican Church institutions adopted inconsistent and ad hoc responses to complaints against clergy and church workers.

The diocesan tribunal process is quasi ‘criminal’ in nature.⁶³² It can hear a ‘charge’ against a member of clergy for an offence involving sexual misconduct if the member lives in the diocese or lived in the diocese within the two years before the charge was laid, or if the events that gave rise to the charge occurred within the diocese.⁶³³

The *Offences Canon 1962* of General Synod prescribes the offences which can be heard by a diocesan tribunal. Mr Michael Shand QC, Chancellor of the Diocese of Melbourne and member of the Professional Standards Commission, told us during the *Institutional review of Anglican Church institutions* public hearing that this canon was adopted by every diocese.⁶³⁴ These offences are, as set out in the *Offences Canon 1962*:

1. Unchastity.
2. Drunkenness.
3. Habitual and wilful neglect of ministerial duty after written admonition in respect thereof by the bishop of the diocese.
4. Wilful failure to pay just debts.
5. Conduct, whenever occurring,
 - (a) which would be disgraceful if committed by a member of the clergy, and
 - (b) which at the time the charge is preferred is productive, or if known publicly would be productive, of scandal or evil report.
6. Another offence prescribed by an Ordinance of the Synod of the Diocese.⁶³⁵

We heard in the *Church of England Boys’ Society* and *Anglican Diocese of Newcastle* case studies that legislation in a diocese sets out how a diocesan tribunal is engaged. For example, in the Diocese of Tasmania, the process is set out in the *Ministry and Tribunal Ordinance 1998*.⁶³⁶ For the Diocese of Newcastle, it is in the *Clergy Discipline Ordinance 1966*.⁶³⁷

The process in each diocese is similar. If a board of enquiry recommends that a matter should go before a diocesan tribunal, charges are laid (according to any applicable canon, ordinance or

rule). The diocesan tribunal hears the charges. If the charges are proven, the diocesan tribunal can recommend sanctions to the bishop of the diocese. The bishop may then decide whether to impose the recommended punishment, mitigate the sentence or issue a pardon. The most severe punishment for a member of clergy is deposition from holy orders.⁶³⁸

Several Anglican Church personnel told us that, in their experience, the diocesan tribunal system has been rarely used to discipline clergy. Mr Shand QC, told us during the *Institutional review of Anglican Church institutions* public hearing:

To my knowledge, in Victoria it has been little used. In my time as Chancellor in Melbourne for the last 10 years, it hasn't been engaged at all. In my time in Ballarat, from 2002, it was not engaged – the reason being that it's fairly technical, you've got to make out a charge, it's quasi criminal, quasi disciplinary, and whatever the reason, it just didn't find itself being used a great deal.⁶³⁹

Mr Blake SC agreed with Mr Shand QC's comments and acknowledged the shortcoming of the diocesan tribunal system in that it does not deal with allegations against lay people. He told us that:

the very significant shortcoming was that it did not deal with laypeople and it could not deal with laypeople, because the jurisdiction, as mandated under the national constitution, was limited to clergy, and it was very clear, in the early 2000s, that the presenting issue of child sexual abuse not only involved clergy but also laypeople.⁶⁴⁰

During the *Anglican Diocese of Newcastle* public hearing, the former Bishop of Newcastle, Archbishop Roger Herft, told us that part of the reason why he did not take action through the tribunal system was the high degree of proof required to proceed against clergy. He told us that the process was 'very cumbersome'. The only matter pursued in the disciplinary tribunal during his tenure was unrelated to child sexual abuse and was unsuccessful.⁶⁴¹

Complaints not progressing to diocesan tribunals

We also heard evidence that in some instances in the 1990s, disciplinary measures could have been taken by dioceses against clergy by way of diocesan tribunals, but were not.

Although Daniels was deposed from holy orders in 2002, as we have discussed above, it was not the first time complaints relating to him had been received by the Diocese of Tasmania. Further, as we heard in the *Church of England Boys' Society* public hearing, a diocesan tribunal process was first considered in relation to Daniels in 1994.

Bishop Stone, who was an assistant bishop in the Diocese of Tasmania at the time, told us about meeting with BYG, a survivor of child sexual abuse by Daniels, in 1994. Bishop Stone told us that the purpose of the meeting was pastoral and it was agreed to by BYG's solicitor and the diocesan solicitors.⁶⁴² In the public hearing Bishop Stone told us:

I'm a pastoral person, or I try to be a pastoral person, and I was really concerned to hear what this young man had gone through. So the purpose was to – and he had no confidence in the church and I was wanting to say, 'Well, I want to make a new start with you as a representative of the church.' [BYG] had already – right from the first instance, the first telephone conversation and the follow-up from [BYG]'s solicitor, it appeared that a legal path was going to be followed and not the church's legal path, and I wanted to just explain to – well, one, to show care for [BYG], that he mattered, because at the time this would have happened he was of the same – would have been around the age of my own boys. That's the first thing. And the second is molestation in the church at the hands of a priest is such a breach of trust that so disturbed me and I felt for this young person and I wanted to say to him there was a process that was available in the church, but he'd opted for a different way.⁶⁴³

In May 1994, Bishop Stone confronted Daniels with BYG's allegations.⁶⁴⁴ Daniels did not deny the allegations.⁶⁴⁵ Bishop Stone told us that although there was sufficient evidence to proceed with a tribunal hearing if BYG would sign a statement, BYG told him that 'I don't want the Church to deal with the matter ... I will deal with the matter through my own solicitors'.⁶⁴⁶

We found that a diocesan tribunal could have been held on the basis of information that the diocese did have. The wishes of the complainant are not decisive as to whether a diocesan tribunal can proceed. It is not sufficiently compelling that the tribunal would not have proceeded because of an assistant bishop's belief that Daniels would contest the hearing and that the case would not be strong without a signed statement from the complainant.⁶⁴⁷

Bishop Newell conceded that by 1994 he had no doubt that Daniels had committed the acts of which he was accused and that Daniels did not deny them. Despite this, he did not consider whether the 'absence of a denial' would be sufficient evidence in a diocesan tribunal. A diocesan tribunal could have been convened on the basis of information the diocese did have about Daniels and a complainant's wishes are not decisive as to whether a diocesan tribunal can proceed.⁶⁴⁸

In the *North Coast Children's Home* public hearing, we heard about the responses of the dioceses of Grafton and Newcastle to the conviction in 2002 of Reverend Allan Kitchingman for child sex offences.

In 2002, Kitchingman was convicted of five counts of indecent assault of a male, survivor CH, and was sentenced to prison. CH had lived at the North Coast Children's Home, which was located in the Diocese of Grafton.⁶⁴⁹

We found that as Kitchingman's offending took place in the Diocese of Grafton, that diocese could have taken action to discipline him. Further, as Kitchingman lived in the Diocese of Newcastle before his conviction in 2002, and had lived there since his release from prison, the Diocese of Newcastle could also have taken action.⁶⁵⁰

We also found that notwithstanding that the bishops of both dioceses (Bishop Roger Herft for the Diocese of Newcastle and Bishop Keith Slater for the Diocese of Grafton) and other senior Anglican Church personnel were aware that Kitchingman had been convicted of child sex offences, neither of them started disciplinary proceedings against him under either the tribunal system or the professional standards framework.⁶⁵¹

As discussed in Section 12.5, 'Contemporary Anglican Church responses to child sexual abuse', in mid-2014, around six months after the *North Coast Children's Home* public hearing, the Diocese of Grafton informed the Royal Commission that Kitchingman had been deposed from holy orders.⁶⁵²

In the *Anglican Diocese of Newcastle* case study, while there was a tribunal system available in the Diocese of Newcastle, we did not receive any evidence that any charges of child sexual abuse against any members of clergy were referred to the diocesan tribunal during Bishop Shevill's episcopate from 1973 to 1977⁶⁵³ or during Bishop Holland's episcopate from 1978 to 1992.⁶⁵⁴

During Bishop Herft's episcopate from 1993 to 2005, no disciplinary processes were pursued against any member of the clergy in respect of whom allegations of child sexual abuse were made. In particular, Bishop Herft failed to take disciplinary action against two of the most senior priests in the diocese – [REDACTED] the one-time Archdeacon of Maitland, Father Rushton, after he was made aware on multiple occasions of allegations that they had sexually abused children.⁶⁵⁵

Disciplinary matters heard by diocesan tribunals

In the *Church of England Boys' Society* public hearing, we heard that complaints of child sexual abuse against Garth Hawkins and Louis Daniels were brought before diocesan tribunals. Both Hawkins and Daniels were deposed from holy orders following the tribunal hearings.

Survivor Mr Steven Fisher told us that he had approached the Diocese of Tasmania in early 2001 and disclosed that he had been sexually abused by Hawkins when he was 13 years old. Mr Fisher asked for help with paying for his university fees and for counselling. He also requested the removal of Hawkins from the Anglican Church.⁶⁵⁶

Hawkins is a convicted perpetrator of child sexual abuse and a former Anglican priest who was ordained in 1971. After his ordination, he held a number of parish priest positions in the Diocese of Tasmania until he resigned due to increased problems with alcohol use.⁶⁵⁷ Although he had resigned, Hawkins remained an Anglican priest but no longer had his own ministry. He moved to Victoria to join the Avalon community in Geelong. Between 1989 and 1995 he performed locum work in the Pilbara, Western Australia.⁶⁵⁸

While Hawkins was never a member of CEBS, he had some involvement in CEBS activities in his capacity as a parish priest. He was also associated with a number of CEBS members and leaders in Tasmania, including Daniels.⁶⁵⁹ In the *Church of England Boys' Society* case study we found that Daniels and Hawkins were aware of each other's sexual attraction to boys and from time to time observed each other's sexual advances to boys.⁶⁶⁰

In 2003, Hawkins pleaded guilty to, and was convicted of, 11 child sexual abuse offences against seven boys. He was sentenced to a total of seven and a half years' imprisonment with a non-parole period of four years. These convictions included offences relating to BYF, Mr Steven Fisher and BYH.⁶⁶¹ In November 2004, Hawkins pleaded guilty to, and was convicted of, a sex offence against another boy. He was sentenced to a further nine months' imprisonment.⁶⁶²

In 2001, Hawkins did not live in Tasmania but he continued to hold an authority to officiate in the Diocese of Tasmania. In May 2001, Bishop John Harrower, Bishop of Tasmania, interviewed Hawkins, who denied Mr Fisher's allegations against him. It would have been appropriate for Bishop Harrower to explore the question of suspending Hawkins's licence at this time.⁶⁶³

In June 2001, the registrar of the Diocese of Tasmania wrote to Mr Fisher to tell him that Hawkins had denied the allegations, Bishop Harrower had referred the matter to the police and any church disciplinary processes against Hawkins could not begin until police investigations had concluded. In December 2001, the registrar told Mr Fisher that there would be a diocesan tribunal process in relation to Hawkins, as the police investigation had concluded and no charges had been laid.⁶⁶⁴

By 2002, the Diocese of Tasmania had received a complaint about Hawkins from another survivor, BYF. BYF told us that he disclosed to Archbishop Aspinall, the Archbishop of Brisbane, in early 2002 that he had been sexually abused by both Hawkins and Daniels when he was involved in the Youth Synod of the Diocese of Tasmania. Archbishop Aspinall outlined the options available to BYF, including reporting the abuse to the Bishop of Tasmania.⁶⁶⁵

BYF then wrote to Bishop Harrower. In March 2002, BYF signed a statement to the effect that he had asked the diocese to investigate his allegations against Hawkins and had chosen not to go to the police. Bishop Harrower appointed a board of inquiry to determine whether BYF's allegations against Hawkins should be referred to a diocesan tribunal. The board of enquiry interviewed BYF, Archbishop Aspinall and Hawkins.⁶⁶⁶

Bishop Harrower followed the board of inquiry's recommendation to refer BYF's complaints about Hawkins to a diocesan tribunal. The diocesan tribunal dealt with the complaints of both BYF and Mr Fisher. Mr Fisher, BYF, Archbishop Aspinall and Hawkins gave evidence.⁶⁶⁷

At the diocesan tribunal, Hawkins pleaded not guilty to all charges related to BYF. In relation to Mr Fisher, Hawkins pleaded neither guilty nor not guilty, which the tribunal took to be a plea of not guilty.⁶⁶⁸

Both Mr Fisher and BYF were cross-examined by Hawkins's lawyer during the diocesan tribunal proceeding. Mr Fisher told us that it was 'like a court room' and that he was cross-examined for three hours.⁶⁶⁹ BYF told us that he found the tribunal process 'extremely distressing'.⁶⁷⁰ BYF subsequently sent Bishop Harrower a letter outlining a number of criticisms of the tribunal process based on his experience, including:⁶⁷¹

- lack of communication about the formality of the processes, and miscommunication about the processes, before the date of the hearing
- Hawkins being present at the proceedings the whole time, resulting in BYF being 'required to see him' whether he wanted to or not.

In May 2002, the diocesan tribunal found eight out of 10 charges that Mr Fisher brought against Hawkins were proven. All charges of disgraceful conduct in relation to BYF were found proven. The diocesan tribunal recommended that Hawkins be deposed from holy orders. On 21 May 2002, Bishop Harrower suspended Hawkins's authority to officiate as an interim measure while he made a decision about Hawkins's sentence.⁶⁷²

In June 2002, Bishop Harrower told Mr Fisher and BYF that Hawkins would be deposed from holy orders. Hawkins was deposed the following day. Bishop Harrower told us in the *Church of England Boys' Society* public hearing that he accepted that the diocesan tribunal procedures had caused additional trauma to BYF.⁶⁷³

In 2003, Hawkins pleaded guilty to, and was convicted of, child sexual abuse offences against seven boys (including BYF, Mr Fisher and BYH). He was sentenced to a total of seven and a half years' imprisonment with a non-parole period of four years. The following year, in November 2004, Hawkins pleaded guilty to and was convicted of a sex offence against another boy. He was sentenced to a further nine months' imprisonment.⁶⁷⁴

In the same case study we heard about Daniels's deposition from holy orders following disclosures by survivor BYF. Daniels was residing in the Diocese of Canberra and Goulburn at the time of BYF's disclosure. BYF consented to the release of material concerning his complaints about Daniels to that diocese. In November 2002, Bishop Harrower formally referred BYF's complaint to the Diocese of Canberra and Goulburn. Disciplinary proceedings against Daniels commenced in that diocese under a diocesan tribunal. The diocese subsequently advised BYF that because Daniels did not contest the proceedings, BYF did not need to be involved.⁶⁷⁵

On 10 December 2002, the Diocese of Canberra and Goulburn advised Bishop Harrower in the Diocese of Tasmania that its diocesan tribunal had, by consent, recommended that Daniels be deposed from holy orders. On 13 December 2002, the then Bishop of Canberra and Goulburn, Bishop George Browning, deposed Daniels.⁶⁷⁶

12.4.6 Legal assistance provided to perpetrators

In the *Anglican Diocese of Newcastle* public hearing, we heard about instances where legal assistance and support was provided to alleged perpetrators of child sexual abuse by senior figures in the Diocese of Newcastle.

James (Jim) Brown had been a youth worker and was licensed as a lay preacher in the Diocese of Newcastle until approximately 1992. Brown was born in 1950 and grew up in Kurri Kurri in the Diocese of Newcastle. Brown was a lay reader and youth group leader at the Kurri Kurri Anglican Church in the 1970s. Brown was also a youth worker for St Alban's Home for Boys. In around 1977, he was appointed to the committee of management for St Alban's Home for Boys. In 1985, Brown was licensed as a lay reader in the Weston parish.⁶⁷⁷

Mr Phillip D'Ammond resided at St Alban's Home for Boys as a child. There, he was sexually abused by Brown. In 1996, Mr D'Ammond reported the abuse by Brown to the police. Brown was charged with three offences relating to the sexual abuse of Mr D'Ammond when he was a resident at St Alban's Home for Boys from 1975 to 1977. At the committal proceedings against Brown in 1997, the charges were dismissed. Brown was represented at the committal proceedings by Mr Paul Rosser QC, the then deputy chancellor of the diocese.⁶⁷⁸

Bishop Herft was the Bishop of Newcastle at the time of the committal proceedings, having been installed in 1993. Archbishop Herft told us that before reviewing and hearing evidence in the *Anglican Diocese of Newcastle* public hearing, he was not aware of the existence of Brown or that Brown had faced committal proceedings in 1997. Archbishop Herft also told us that he was not aware at the time that Mr Rosser QC had acted as defence counsel for Brown in 1997. He said that this was something Mr Rosser QC ought to have brought to his attention. He agreed that not being aware of the criminal proceeding made it impossible for him to provide pastoral care to Mr D'Ammond.⁶⁷⁹

Mr Rosser QC told us that he did not believe his representation of Brown related in any way to his role at that time as deputy chancellor of the diocese. He accepted that a perception could have been created in the minds of the public that as an official of the Anglican Church, accepting the brief to represent Brown might appear to be putting the Anglican Church at odds with those who alleged they had been abused.⁶⁸⁰

While there was not a conflict in the duties that Mr Rosser QC owed Brown as his client and the duties that he owed the Diocese of Newcastle as deputy chancellor, we found that it should have been obvious to Mr Rosser QC that it could readily appear to outsiders that the diocese, through one of its senior officers, was defending a person accused of sexually assaulting a child in the diocese.⁶⁸¹

This perception was one shared by the diocesan insurer. The diocesan business manager, Mr John Cleary, told us that, in around 2013, the diocesan insurer declined to pay out a claim concerning one of Brown's victims. The insurer reached this determination on the basis that, by virtue of Mr Rosser QC's representation of Brown in 1997 while deputy chancellor, the Anglican Church was effectively put on notice of the risk posed by Brown from the mid-1990s and took no steps to mitigate that risk. The insurer, at least, treated Mr Rosser QC as an agent of the Anglican Church.⁶⁸²

We found that it was also difficult to understand why Mr Rosser QC, as deputy chancellor of the diocese, did not bring the matter to Bishop Herft's attention. It would, clearly enough, have been a matter of considerable concern to the bishop to learn that a church volunteer had been accused of sexually abusing a child in the diocese in the past.⁶⁸³

In 2008, another victim of Brown reported the abuse to police. An investigation commenced and Brown was arrested and charged on 25 June 2010. On 20 April 2011, Brown pleaded guilty to 27 charges of child sexual abuse relating to 20 male victims. One of the charges related to Mr D'Ammond. Ultimately, Brown was convicted and sentenced to 20 years' imprisonment with a non-parole period of 12 years.⁶⁸⁴

We also heard in the *Anglican Diocese of Newcastle* public hearing about Father Parker, who was charged in August 2000 with child sex offences after both CKA and CKB reported their abuse to the police. Father Parker was committed to stand trial. Father Parker was represented by Mr Allen and Mr Rosser QC. Mr Allen told us that before the criminal proceedings, he was friends with Father Parker, seeing him at synod and diocesan council meetings and also socially.⁶⁸⁵

Mr Rosser QC agreed to represent Father Parker in the criminal proceedings even though it was outside the course of his ordinary work at the time at the Many Rivers Aboriginal Legal Service. In addition to his role at the time as deputy chancellor, by this time Mr Rosser QC had also been a member of the diocesan synod, a lay member of the Diocese of Newcastle's board of enquiry, and a diocesan representative at the General Synod.⁶⁸⁶

Mr Allen told us that when Father Parker asked for legal assistance, he did not give any consideration to the appropriateness of his acting for Father Parker. Mr Allen told us that he gave absolutely no consideration to whether he had any conflict in his obligations to the Diocese of Newcastle and his obligations to Father Parker as his legal representative. As a person with longstanding involvement in the Diocese of Newcastle, Mr Allen agreed that he owed the diocese a duty to protect its interests and to care for it.⁶⁸⁷

In contrast to what we heard in the *Anglican Diocese of Newcastle* public hearing, in the *Church of England Boys' Society* public hearing we heard that the Anglican Church refused to provide legal support and assistance to John Elliot. In 2001, Elliot asked the Anglican Church to assist in paying for his defence of charges (including sodomy) relating to a number of boys dating back to the 1970s when he was involved in CEBS. Bishop John Noble told Elliot that the Anglican Church would not provide assistance for his defence and that he would have to seek legal aid.⁶⁸⁸

12.4.7 Pastoral responses to survivors

We heard evidence in the *Institutional review of Anglican Church institutions* public hearing from a number of bishops and other senior Anglican Church personnel about the developing understanding of child sexual abuse in the Anglican Church diocese from the 1990s through to the early 2000s. In conjunction with these developments, we heard about improvements in the Anglican Church's understanding of pastoral responses and its obligations to survivors of child sexual abuse.⁶⁸⁹

In both the *Anglican Diocese of Newcastle* and the *Church of England Boys' Society* public hearings, we heard that Anglican dioceses began to introduce more comprehensive policies and procedures for dealing with complaints of child sexual abuse throughout the late 1990s and early 2000s. This included policies in relation to pastoral responses.

For example, by 1993 the Diocese of Newcastle had implemented policies which specifically recognised the obligation of the diocese to provide pastoral support and care to parties involved in complaints of sexual misconduct against Anglican Church personnel.⁶⁹⁰

We heard that, by 1996, other Anglican dioceses had implemented policies for responding to the pastoral needs of survivors of child sexual abuse.⁶⁹¹ For example, the Diocese of Tasmania had implemented its *Principles and procedures for dealing with sexual harassment* in 1996, which specified that complainants were to be offered a support person. The Diocese of Tasmania also developed a diocesan sexual harassment response group. This group 'developed a network of support persons and a list of qualified psychologists, social workers and counsellors across Tasmania to take on referrals for continuing post-submission counselling, of which a number of persons made use'.⁶⁹²

As discussed in Section 12.3, at the request of the annual Bishops' Conference in April 1998, the General Secretary of the General Synod prepared a report comparing various diocesan protocols, ordinances, canons and codes of conduct in relation to the response of Anglican dioceses to allegations of sexual misconduct.

Compassion and support for survivors

Throughout the entire ordeal, I have felt that the church has never acted fairly, compassionately or pastorally. In 1996 the Newcastle Diocese published a document titled 'Principles and Procedures for dealing with allegations of sexual misconduct'. I believe the diocese failed to meet its obligations under this policy. This matter has damaged my trust in the processes and systems the church has for victims of sexual abuse. I am still traumatised by the events.⁶⁹³

Survivor, CKR

In the *Church of England Boys' Society* public hearing, Bishop Ronald Stone gave evidence that he met survivor BYG in May 1994 for the purpose of providing pastoral support. By this time, BYG had commenced a civil claim against Daniels and the Diocese of Tasmania.⁶⁹⁴ Bishop Stone told us that even though BYG had chosen a legal path for redress against the diocese, he wanted to show care to BYG and let him know that he mattered.⁶⁹⁵ He said he also wanted to let BYG know about the tribunal process available in the Anglican Church.⁶⁹⁶ BYG did not give evidence about the meeting with Bishop Stone.

While survivor BYF was generally critical of the Diocese of Tasmania's response to his alleged sexual abuse by Garth Hawkins, he acknowledged a positive pastoral element in the diocese's response in a letter he wrote to Bishop Harrower dated 30 August 2003. BYF wrote, 'One positive thing you have done. Appointing a support person was good. Beryl Carmichael has been excellent. Thank you for this little ray of light'.⁶⁹⁷

We also heard that some Anglican dioceses did not provide appropriate pastoral responses to survivors and other victims of child sexual abuse by Anglican Church personnel between the 1990s and 2005.

In the *Anglican Diocese of Newcastle* case study we found the actions of Anglican Church personnel in the diocese during and after criminal proceedings in 2001 against Father Parker failed to show care or consideration for CKA and CKB. Our finding was based on matters including the following:⁶⁹⁸

- The diocesan trustee, Mr Allen, acted on behalf of Father Parker in the criminal proceedings. Mr Allen did not consider whether it was appropriate to act for Father Parker given the various governance roles he held in the diocese at the time. Mr Allen accepted that, by acting for Father Parker, he may have given CKA and CKB the impression that the Anglican Church was supporting Father Parker over them.
- The deputy chancellor of the diocese, Mr Paul Rosser QC, also acted on behalf of Father Parker in these proceedings. We found that in acting for Father Parker at the time he was deputy chancellor, the inevitable impression was given that the Anglican Church was supporting Father Parker and disbelieving CKA and CKB.

- On the day that the charges against Father Parker relating to CKA and CKB were withdrawn, the diocese released a media statement which incorrectly stated that Father Parker had been ‘acquitted’ of all charges.
- In October 2001, a diocesan magazine published an article by Mr Mitchell entitled ‘Confusion over false action’. Mr Mitchell conceded that his article was neither legally correct nor factually correct and misrepresented the situation. We found that in writing this article, Mr Mitchell gave no consideration to the fact that it could reasonably be perceived by members of the public and the alleged victims that the Diocese of Newcastle, represented by its registrar, was ‘closing ranks’ in support of Father Parker.
- The diocese failed to provide pastoral care to CKA and CKB during the criminal proceedings. This was acknowledged by Archbishop Herft in the public hearing. We found that Bishop Herft failed to meet his pastoral responsibilities to CKA and CKB.

We also found that after being notified in 2002 that ordinand Ian Barrack had sexually abused survivor CKU, Bishop Herft should have taken more proactive steps to ensure that appropriate pastoral care and support were provided to CKU and his mother, CKR.⁶⁹⁹

In the *Church of England Boys’ Society* public hearing we heard that, in 1999, Dr Donald Owers (who was the rector in the Anglican parish of McGill) wrote to the Archbishop of Adelaide, Archbishop George, and proposed a number of pastoral responses to instances of child sexual abuse allegedly perpetrated by Mr Brandenburg.⁷⁰⁰ Dr Owers highlighted the therapeutic benefits of a formal statement from the Anglican Church which publicly acknowledged and apologised to survivors of abuse.⁷⁰¹

In later correspondence to Archbishop George, Dr Owers again pressed the importance of apologising to survivors. He wrote, ‘There is substantial evidence to suggest that the first step toward healing for many victims is an acknowledgement of the reality of the harm done to them’.⁷⁰²

We found that Archbishop George bore primary responsibility for the inordinate delay in responding to the widespread allegations that Mr Brandenburg had sexually abused boys. This delay denied appropriate pastoral support to Mr Brandenburg’s victims.⁷⁰³

Some senior Anglican Church personnel gave evidence that identified possible impediments to dioceses providing authentic pastoral responses. For example, in the *Church of England Boys’ Society* public hearing, Archbishop Aspinall, who was a former assistant bishop in the Diocese of Adelaide, told us that he supported Dr Owers’ request for a public statement about the abuse that named Mr Brandenburg. He said that the Diocese of Adelaide received advice from insurance brokers which may have inhibited the diocese from making the statement.⁷⁰⁴

In the same case study, Bishop George told us that, while he was the Archbishop of Adelaide, he had received legal advice not to name Mr Brandenburg because of issues relating to the diocese's insurance cover and legal liability. He said that 'far too much emphasis was given to legal liability and insurance issues' and not enough emphasis was given to pastoral care. We found that too much weight was given to legal liability and insurance issues and not enough weight was given to the need to provide appropriate pastoral support to victims who alleged they had been sexually abused by Mr Brandenburg.⁷⁰⁵

Treatment and counselling for survivors

In the *Church of England Boys' Society* public hearing, we heard that some survivors were offered financial assistance for counselling and other professional services, such as visits to medical practitioners.

Some survivors told us that they benefited from financial support for professional services provided by Anglican Church authorities in the early 2000s. For example, survivor BYH told us that he attended a psychiatrist paid for by the Diocese of Tasmania and that he found these visits beneficial.⁷⁰⁶

In the same public hearing another survivor, BYB, told us that he was critical of an offer of financial support for medical treatment he received from the Diocese of Brisbane. BYB told us that in 2001 he sought financial assistance for therapy. The diocese agreed to cover the cost of BYB's therapy up to the value of \$500 on the condition that any notes taken during the session regarding BYB's abuse were provided to the diocese. BYB rejected this offer and continued to cover the costs of his therapy himself.⁷⁰⁷

BYB commenced a civil claim for financial compensation from the Diocese of Brisbane in 2002, which we discuss in more detail below. BYB told us:

The biggest impact of the abuse was on my self-esteem. For many years after the abuse occurred and after my dealings with the church in the 1990s, I felt that I did not stand up for myself in either context. This had a very negative impact on my sense of self-worth. I felt I had allowed the abuse to take place in the first instance, and that I had then allowed the problem to be swept under the carpet by the church.⁷⁰⁸

We heard that, before and after the introduction of a formal redress scheme in 2004, the Diocese of Sydney made some small financial payments to survivor BYC by way of pastoral assistance to help him move house and to cover health insurance expenses.⁷⁰⁹

12.4.8 Conclusions about early Anglican Church responses to child sexual abuse

Our consideration of the early institutional responses of the Anglican Church to allegations of child sexual abuse revealed multiple failures.

It is apparent that those people who responded to allegations of child sexual abuse during this time period often dismissed, did not believe, or minimised allegations against both clergy and lay people. This occurred in multiple dioceses. Some leaders of Anglican Church institutions who responded to complaints during this time told victims that there was nothing that they could do, suggested that victims had misinterpreted alleged perpetrators' behaviour or told victims that they should be 'forgiving' or 'let sleeping dogs lie'. Survivors told us of the devastating impacts of such responses by the leaders of Anglican Church institutions.

Senior Anglican Church personnel at times asked complainants to remain silent, in one case 'to protect the good name of the church'. We heard evidence of instances where senior personnel in the Diocese of Adelaide and the Diocese of Newcastle, including a bishop, raised the threat of potential legal action against survivors and others who made complaints. We heard that such threats had the result of dissuading complainants from reporting to the police.

Anglican dioceses began to introduce more comprehensive policies and procedures for dealing with complaints of child sexual abuse throughout the late 1990s and early 2000s, including policies in relation to pastoral responses. We heard from some survivors that they had found elements of the pastoral response of dioceses positive. However, we also heard that some Anglican dioceses did not provide appropriate pastoral responses to survivors and other victims of child sexual abuse by Anglican Church personnel between the 1990s and 2005. For example, in some instances, issues relating to insurance cover and legal liability were given more prominence than the provision of appropriate pastoral support to victims. Although some financial assistance for treatment and counselling was given, there were inconsistencies across dioceses as to the amounts paid and the conditions placed upon receiving such assistance.

In this time period, Anglican Church personnel rarely reported complaints to police or other civil authorities and, in some cases, those who made complaints to the Anglican Church were actively discouraged from taking further action. In some cases, alleged perpetrators were not reported to the police despite them having made admissions relating to child sexual abuse to a bishop. In other cases alleged perpetrators were not reported to police despite multiple allegations being made over periods of years or decades. Where policies requiring reporting to the police existed, they were not followed. One bishop acknowledged that had he gone to the police, much suffering would have been avoided.

Across the case studies discussed in this section, a common response to complaints of child sexual abuse was to allow alleged perpetrators of child sexual abuse to remain in ministry or lay involvement in Anglican Church institutions, sometimes for years or decades. We found serious errors of judgment on the part of senior leaders in the Anglican Church, including one instance where the bishop had received expert professional advice that an alleged perpetrator remained a risk to children, yet permitted him to remain in ministry. In some cases, conditions were imposed, or purportedly imposed, on alleged perpetrators. However, we found that these conditions failed to adequately mitigate the risks to children, or were not complied with. In some cases, there were further allegations of child sexual abuse made against alleged perpetrators.

At times, clergy and lay people were promoted and progressed through the ranks of Anglican Church institutions even after allegations of child sexual abuse had been made against them. In some instances clergy and lay people against whom allegations had been made were allowed to resign or retire quietly, to avoid scandal for the Anglican Church.

Disciplinary action that could have been taken against some clergy was not taken, and we heard that the disciplinary mechanism available to dioceses (that is, the diocesan tribunal system) was rarely used. Where disciplinary proceedings were held, we heard that the processes at times caused additional trauma to survivors.

The *Anglican Diocese of Newcastle* case study presented a particularly egregious example of institutional inaction which spanned many years and a number of episcopates. There was a systematic failure of the diocese to make perpetrators accountable for their conduct and a failure of leadership at the highest levels of the diocese. In that diocese, people in leadership positions provided legal advice and representation for alleged perpetrators. We heard that some survivors felt that the Anglican Church supported alleged perpetrators of child sexual abuse over victims.

We have no doubt that these inadequate responses had the cumulative effect of placing other children at risk of abuse. As acknowledged by the Anglican Church itself at a national level, this represented a significant and shameful failure by the Anglican Church.

12.5 Contemporary Anglican Church responses to child sexual abuse

As discussed in Section 12.3, ‘The development of national model procedures in the Anglican Church’, and Section 12.4, ‘Early Anglican Church responses to child sexual abuse’, before 2004 there were no national policies – and limited diocesan policies – in the Anglican Church for responding to complaints about alleged perpetrators or convicted offenders of child sexual abuse.

In 2004 the General Synod of the Anglican Church recommended that dioceses adopt a professional standards framework based on its proposed Model Professional Standards Ordinance. The professional standards framework comprises a professional standards ordinance, a professional standards protocol, and a code of conduct known as *Faithfulness in service*. We set out in Section 12.3 some of the differences in the way this framework has been adopted and how it operates in each of the 23 dioceses of the Anglican Church of Australia.

In this section we consider the contemporary (that is, from the late 1990s to the present) responses of the Anglican Church institutions we examined in our case studies to allegations of child sexual abuse. This includes the responses of Anglican Church institutions during the development of the professional standards framework and following its introduction at the General Synod in 2004.

12.5.1 Reporting allegations to police and other authorities

As we saw in Section 12.4, early responses by Anglican Church institutions to allegations of child sexual abuse included a failure to report such allegations to the police or civil authorities.

After the introduction of the professional standards framework in 2004, dioceses have had processes in place for reporting complaints of child sexual abuse to police and child protection authorities.

The legal obligations as at mid-2017 for people in religious institutions to report to police and civil authorities are set out in Chapter 20, ‘Making religious institutions child safe’.

The professional standards framework introduced by the General Synod in 2004 does not specifically mandate reporting allegations of child sexual abuse to the police or other civil authorities. Nevertheless, it:

- requires dioceses, under their professional standards protocol, to have in place, among other things, ‘procedures for working, where necessary, with law enforcement, prosecution or child protection authorities of the States and Territories and of the Commonwealth of Australia’⁷¹⁰

- provides that a diocesan professional standards committee has the power and duty ‘to refer any information in its possession to a member of a law enforcement, prosecution or child protection authority of a State or Territory or of the Commonwealth of Australia to which the information is or may be relevant’.⁷¹¹

In late 2014, the Professional Standards Commission established by the General Synod developed a resource for dioceses, entitled *Reporting historical child sexual abuse to the police*. This resource is intended to assist dioceses to create their own policies for reporting complaints of historical child sexual abuse to the police (in circumstances where the adult complainant does not go to the police).⁷¹²

In *Reporting historical child sexual abuse to the police*, the Professional Standards Commission recommends that dioceses report all complaints of historical child sexual abuse to the police, if the police or the diocese believes there is a risk of harm to another child or adult. If a complainant does not consent to being identified, or there are health and safety concerns for the complainant, the Professional Standards Commission recommends that the diocese still report the complaint to the police but exclude any details which may identify the complainant. In recommending this approach, the Professional Standards Commission noted that it is subject to any applicable legislation (for example, section 316 of the *Crimes Act 1900* (NSW)), and emphasised the importance of the diocese informing the complainant of its approach.⁷¹³

In *Case Study 52: Institutional review of Anglican Church institutions (Institutional review of Anglican Church institutions)*, we heard evidence from a panel comprising directors of professional standards from around Australia:

- Lachlan Bryant, Diocese of Sydney
- Michael Elliott, dioceses of Newcastle and Grafton
- Greg Milles, dioceses of Brisbane, Northern Territory, North Queensland and Rockhampton
- Tracie Chambers-Clark, dioceses of Perth, Bunbury and North West Australia
- Claire Sargent, dioceses of Melbourne, Wangaratta, Bendigo and Ballarat.

Ms Jacqueline Dawson, the Chair of the Professional Standards Committee in the Diocese of Sydney, also gave evidence on this panel.

Each of the above professional standards directors outlined the approach to reporting allegations of child sexual abuse to police in their respective diocese(s). Mr Bryant, Mr Elliott, Mr Milles and Ms Sargent told us that the practice of their diocese(s) was to report current and historical allegations to the police with no exceptions.⁷¹⁴

Mr Milles told us that he is required to report all allegations to the police irrespective of the complainant's consent, and to advise the complainant of his intention to report.⁷¹⁵ Mr Elliott told us that the dioceses of Grafton and Newcastle adopt a similar approach. He told us that this approach 'aligns with the obligations in New South Wales under section 316 of the Crimes Act'.⁷¹⁶

Ms Chambers-Clark told us that particular challenges have arisen for her dioceses in relation to reporting historical allegations of child sexual abuse. She told us that their police child abuse unit has had 'very mixed responses' to historical matters. For example, there have been instances where staff of that unit have told her that the complainant had to report the matter to the police themselves. On other occasions they told her that matters would not be reported to the police because they were 'too busy with current stuff' and 'we don't want something that happened 50 years ago'. Ms Chambers-Clark told us that she has 'taken [her] own personal undertaking to report all matters regardless of when they happened'.⁷¹⁷

Reporting to the authorities in the Diocese of Grafton

I recall reporting the abuse to local police in or around 1977. I ran away with another boy from the [North Coast Children's] Home, [REDACTED], and we went to the police. My recollection is that the police didn't do anything about what we'd said, they just took us back to the Home. I was severely beaten after that.⁷¹⁸

Survivor, CB

In *Case Study 3: Anglican Diocese of Grafton's response to child sexual abuse at the North Coast Children's Home (North Coast Children's Home)*, we found that, while the Diocese of Grafton reported some allegations about child sexual abuse to the authorities, there were some instances where the diocese did not report allegations in a timely manner, or at all. The allegations we examined related to historical complaints of child sexual abuse, although they were not disclosed to the Diocese of Grafton until the mid-2000s.

In 2004, the Diocese of Grafton adopted a professional standards ordinance which was based on the General Synod's Model Professional Standards Ordinance and the *Protocol for dealing with complaints of sexual abuse*.⁷¹⁹

Under the ordinance, bishops and clergy in the Diocese of Grafton are required to report any sexual abuse allegations they receive to the diocesan professional standards committee. The professional standards committee is responsible for referring such information to the police or a child protection authority.⁷²⁰

Under the protocol, any person who witnesses or receives information about sexual abuse must report it to the bishop or, if that is not possible, to the director of professional standards. The bishop is required to report all allegations of sexual abuse ‘immediately’ to the professional standards director. However, the protocol emphasises that any allegations which concern potentially criminal conduct should be reported to the police. Both the bishop and the professional standards director are responsible for reporting allegations of sexual abuse to the police ‘where that is required by statute ... or under this Protocol’.⁷²¹

In August 2005, Mr Tommy Campion alleged, among other things, that while he was a resident of the North Coast Children’s Home he was sexually abused by Reverend Campbell Brown and physically abused by Reverend Winston Morgan and Matron Ada Martin.⁷²² The minutes of a meeting of the professional standards committee in September 2005 noted Mr Campion’s complaint and recorded that ‘Further investigation of the generalised complaints against a cleric will be made’.⁷²³

In January 2006, over 40 claimants, including Mr Campion, commenced a group claim against the Diocese of Grafton. By around November 2006, Reverend Brown had moved to the Diocese of Newcastle and had resigned his licence to minister in the Diocese of Grafton. Reverend Morgan had had no involvement with the church since the ordination of women, was nearly 80 and visually impaired, and had no licence from the bishop.⁷²⁴

In September 2006, Reverend Patrick Comben, then the registrar of the Diocese of Grafton, summarised the details of the group claim for the bishop, Bishop Keith Slater, and the solicitor for the Diocese of Grafton. We found that Reverend Comben’s summary of the allegations made in the group claim contained a number of acts that could be characterised as criminal offences. However, only some of these were referred to the New South Wales Police. Reverend Comben could not explain why he did not refer all allegations of criminal conduct relating to former residents of the North Coast Children’s Home to the police.⁷²⁵

In December 2006, Mr Philip Gerber, the then Professional Standards Director for the Diocese of Grafton, provided the New South Wales Child Protection and State Sex Crimes Squad with statutory declarations from Mr Campion about allegations against Reverend Brown, and from former residents CL and CM about allegations against Reverend Morgan. Mr Gerber told the New South Wales Police that, if he did not hear from them within 30 days about taking any further action, the Anglican Church intended to ‘continue to investigate and deal with these matters as a matter of Church discipline’.⁷²⁶

In January 2007, the New South Wales Police advised Reverend Comben by email that they were considering whether to investigate the allegations against Reverend Brown, Reverend Morgan and CL (who was also alleged to have been an abuser, as well as a victim, at the North Coast Children’s Home). The police told him they would prefer for the diocese not to take further action if it could interfere with the police investigation.⁷²⁷

Mr Gerber told us that any contemplated disciplinary proceedings in the Diocese of Grafton were suspended because of this email, and that no disciplinary action had been started against Reverend Brown or Reverend Morgan since January 2007. However, Reverend Comben never followed up with the police following this email to check on the investigation's status.⁷²⁸

Further, at around the time of receiving the email from the New South Wales Police in January 2007, Reverend Brown made statements to Reverend Comben which he took to be an implied admission of guilt. Reverend Comben did not inform the police or make a file note of the conversation with Reverend Brown.⁷²⁹

From the time allegations were received against Reverend Brown until April 2013, no disciplinary action was taken against Reverend Brown by either the dioceses of Newcastle or Grafton, or against Reverend Morgan by the Diocese of Grafton. Reverend Morgan died in February 2014.⁷³⁰

We found that Bishop Keith Slater, then Bishop of Grafton, did not refer allegations made by CB and CC in early 2011 of criminal conduct to the professional standards committee or the director of professional standards in the Diocese of Grafton. This was inconsistent with the *Professional Standards Ordinance 2004* and the *Protocol for dealing with complaints of sexual abuse 2004*.⁷³¹

Following an audit of complaints of child sexual abuse in late 2012, Ms Anne Hywood, who was appointed acting registrar of the Diocese of Grafton in January 2013, discovered that Mr Elliott, the professional standards director, had not been provided with CB's and CC's claims. Ms Hywood told us that she 'was particularly furious' as she 'really believed after 2004, when the dioceses throughout Australia adopted these ordinances and protocols, that this type of problem wouldn't happen again'.⁷³²

After Mr Elliott received relevant material from Ms Hywood in early 2013, including files for CB and CC and the schedule of 41 claims from the North Coast Children's Home, he gave scanned copies of the files to the police.⁷³³

Bishop Slater resigned in May 2013. In his media statement he acknowledged that he should have referred matters concerning child sexual abuse at the North Coast Children's Home to the professional standards director and that, by not doing so, he had failed in his duty under the protocol.⁷³⁴

Reporting to authorities in the Diocese of Newcastle

The Diocese of Newcastle adopted a new professional standards protocol in March 2013.⁷³⁵ Under the protocol, the diocese undertakes to comply with its legal obligations to report to police or to 'other appropriate authorities' any information concerning child abuse or other forms of illegal conduct. A person with a concern (including in relation to any form of child

abuse) about an Anglican Church worker (whether lay, ordained, paid, voluntary or retired) must promptly lodge the complaint with the professional standards director, who will (among other things) report the information to the police and other appropriate authorities if a child is 'at risk of harm'.⁷³⁶

During *Case Study 42: The responses of the Anglican Diocese of Newcastle to instances and allegations of child sexual abuse (Anglican Diocese of Newcastle)*, Mr Elliott told us that shortly after he became the director of professional standards in 2009, Bishop Brian Farran handed him 36 envelopes and told him that they related to professional standards and complaint matters. Bishop Farran told him the envelopes had been stored in the safe in his office. We heard in the public hearing that these records were referred to as the 'yellow envelope system'. Mr Elliott said that when he reviewed the yellow envelopes, he found issues with a lot of them that concerned him. Some envelopes contained information relating to his other existing investigations. He said he reviewed the envelopes from time to time.⁷³⁷

Assistant Bishop Peter Stuart and Mr John Cleary, then diocesan business manager, told us that in early 2013, Mr Keith Allen revealed to each of them that past instances of child sexual abuse may not have been appropriately reported to the police. This was a consequence of the Diocese of Newcastle's past practices around handling information about child sexual abuse, including the yellow envelope system. Allegations not reported to the police included those against Father George Parker and Stephen Hatley Gray.⁷³⁸ Mr Allen was a solicitor who had a long involvement in the governance of the Diocese of Newcastle in a lay capacity.⁷³⁹

Assistant Bishop Stuart told us that he was 'deeply disturbed' by what Mr Allen told him. He said this was the first time he became aware of the existence of the yellow envelopes. In February 2013, Assistant Bishop Stuart directed Mr Elliott to conduct a review of past cases of child sexual abuse in the Diocese of Newcastle. The following month, the yellow envelopes were transferred to Mr Elliott's office and incorporated into professional standards records.⁷⁴⁰

In March 2013, Assistant Bishop Stuart, together with Mr Cleary and Mr Elliott, reported the matters disclosed by Mr Allen to the New South Wales Police. We found that Assistant Bishop Stuart, Mr Cleary and Mr Elliott acted appropriately in response to Mr Allen's disclosures in early 2013, including by referring the matters to the police.⁷⁴¹ Mr Elliott provided the New South Wales Police with scanned copies of the entire yellow envelopes in 2015.⁷⁴²

12.5.2 Disciplinary processes under diocesan professional standards frameworks

In this section we set out our findings about how dioceses examined in our case studies engaged, or did not engage, in disciplinary processes under their various professional standards frameworks, after allegations or complaints of child sexual abuse had been made to Anglican Church personnel.

Cases where disciplinary processes were not engaged

In the *North Coast Children's Home* case study, we found that the dioceses of Grafton and Newcastle did not engage their respective disciplinary processes in response to allegations of child sexual abuse relating to Reverend Allan Kitchingman.⁷⁴³ This was despite the adoption in 2004 and 2005 of diocesan professional standards frameworks in these dioceses, which provided, among other things, for the disciplining of Anglican clergy and church workers in circumstances where they are deemed unfit to hold a licence, office or position of responsibility.⁷⁴⁴ As discussed in Sections 12.3 and 12.4, in 2004 the diocesan professional standards framework largely supplanted the tribunal system, which previously had been the formal process (described in diocesan disciplinary ordinances)⁷⁴⁵ for disciplining clergy.

Kitchingman was convicted in 1968 and again in 2002 for child sex offences. During that period, Kitchingman worked at the North Coast Children's Home in the Diocese of Grafton and later in other dioceses. He retired to the Diocese of Newcastle in 2000.⁷⁴⁶ After his release from prison for the 2002 conviction, Kitchingman continued living in Newcastle and worshipped at the cathedral.⁷⁴⁷

We found that both dioceses could have taken disciplinary action against Kitchingman but neither had done so by late 2013 and there was no clear system in place to determine which diocese would assume responsibility. In particular, we found that Bishop Keith Slater, who was Bishop of Grafton from 2003 to 2013, was aware during this period that Kitchingman had been convicted of child sex offences yet failed to start disciplinary proceedings against him. Bishop Slater accepted that he had the authority to do so (which would have been under the *Clergy Discipline Ordinance* from 2003, and the *Professional Standards Ordinance* from 2004). He said that his failure to commence disciplinary proceedings was 'an oversight'.⁷⁴⁸

It was only in mid-2014, around six months after the public hearing in the *North Coast Children's Home* case study, that the Diocese of Grafton contacted the Royal Commission to advise that Kitchingman had been deposed from holy orders.⁷⁴⁹

As mentioned in Section 12.5.1, 'Reporting allegations to police and other authorities', above, we also found that the dioceses of Grafton and Newcastle failed to take disciplinary action against Reverend Brown, who was named as a sexual offender in a group claim against the Diocese of Grafton in 2006 relating to the North Coast Children's Home. Further, the Diocese of Grafton also did not report the conduct of Reverend Brown, who had moved to the Diocese of Newcastle in around late 2006, to the professional standards committee in the Diocese of Newcastle.⁷⁵⁰ The Diocese of Grafton also failed to take disciplinary action against Reverend Morgan, another named perpetrator in the group claim.⁷⁵¹

As discussed above, the Diocese of Grafton suspended any contemplated disciplinary proceedings against either Reverend Brown or Reverend Morgan after it referred these matters to the police in late 2006. However, from that time until at least April 2013, neither had been the subject of disciplinary proceedings.⁷⁵²

When asked why he did not recommence the disciplinary process against Reverend Brown, Bishop Slater, who was the Bishop of Grafton from 2003 to 2013, told us that the diocese was 'distracted in other ways'.⁷⁵³

Cases where disciplinary processes were engaged

In the Anglican Diocese of Newcastle public hearing, we heard about the protracted disciplinary process which followed CKH's complaint in October 2009 that he had been sexually abused as a child by members of clergy and a lay person.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED] Mr Goyette was involved with the Anglican Church as a lay person, including as an organist and choirmaster. He is a teacher by profession.

On 7 October 2009, CKH's complaint was forwarded to Mr Michael Elliott, the Professional Standards Director of the Diocese of Newcastle. Mr Elliott immediately reported the matter to the New South Wales Police.⁷⁵⁶

Between about 9 and 13 October 2009, and pending an investigation, Bishop Farran, then Bishop of Newcastle, withdrew [REDACTED] permission to officiate in the diocese and stood down Mr Goyette, Mr Hoare and Father Sturt from their roles in the diocese.

[REDACTED]⁷⁵⁷

Bishop Farran also wrote to the Bishop of Bendigo, since Mr Hoare had been offered employment there. Bishop Farran advised that Mr Hoare's licence had been suspended due to allegations of inappropriate behaviour. The offer of employment to Mr Hoare was withdrawn.⁷⁵⁸ We found that Bishop Farran took adequate interim steps upon receipt of CKH's complaint.⁷⁵⁹

We also found that, after Bishop Farran decided to take interim measures against [REDACTED] Mr Hoare, Father Sturt and Mr Goyette pending disciplinary proceedings, Bishop Farran experienced a backlash from elements within the diocese. This backlash included the making of complaints about Bishop Farran to the then primate of the Anglican Church and to the Episcopal Standards Commission.⁷⁶⁰ We discuss this in more detail in Section 12.5.4, ‘Support for respondents during disciplinary processes’, below.

In early August 2010, the New South Wales Police advised the Diocese of Newcastle that no charges would be laid and that the diocese was free to commence its own investigation. Shortly after, the professional standards committee authorised further investigation of CKH’s complaint, which Mr Elliott conducted.⁷⁶¹

Mr Elliott wrote to each respondent about the allegations that had been made and sought their initial response.⁷⁶² [REDACTED]

[REDACTED]

[REDACTED]

The professional standards board conducted public hearings into the allegations against [REDACTED] Father Sturt, Mr Goyette and Mr Duncan in December 2010.⁷⁶⁵ Except for procedural requests, the respondents, save for Father Sturt, all elected not to participate in the hearings. Father Sturt participated through counsel to a limited extent, seeking for the matter to be heard in private, and withdrawing when that application was declined.⁷⁶⁶

Mr Elliott told us that each of the respondents was offered the opportunity to appear at the hearing and ‘significant opportunity’ to place material before the board. The Supreme Court of New South Wales also found in its later judgment on this issue that ‘ample opportunity had been afforded to the plaintiffs’ to provide their version of events.⁷⁶⁷

On 15 December 2010, the professional standards board upheld the allegations in each case and recommended that the clergy be deposed from holy orders and that Mr Goyette be permanently banned from holding any position within the diocese. The professional standards board announced these findings publicly.⁷⁶⁸

On 16 December 2010, [REDACTED] Father Sturt commenced proceedings in the Supreme Court of New South Wales to quash the determinations and recommendations of the professional standards board. They asserted that the professional standards framework was invalid and they had not been afforded procedural fairness. The Supreme Court dismissed the action in April 2012. The court found that the professional standards framework was valid under the Anglican Church's Constitution and that [REDACTED] Father Sturt had not been denied procedural fairness.⁷⁶⁹

On 4 July 2012, the professional standards board held a hearing in relation to the allegations against Mr Hoare. He declined to appear or provide any evidence. On 5 July 2012, the professional standards board upheld the allegations and recommended that Mr Hoare be deposed from holy orders.⁷⁷⁰

The recommendations of the professional standards board are not binding on the bishop (or other person or body having administrative authority to license, appoint, authorise, dismiss or suspend a church worker). The bishop has the discretion as to whether to follow the recommendations.⁷⁷¹

During the public hearing, Bishop Farran told us that he considered there was 'really huge potential of conflict of interest' in the framework established under the Model Professional Standards Ordinance, which leaves the ultimate discretion and responsibility with a bishop. He said 'I think that to act totally with integrity, you are subjected to huge pressures, and I think that that needs to be removed'.⁷⁷²

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

We explore issues in relation to conflicts of interest in Section 12.6, 'Contributing factors in the Anglican Church'. On 10 September 2012, Bishop Farran deposed [REDACTED] Mr Hoare. Bishop Farran did not depose Father Sturt as recommended. Instead, he suspended Father Sturt's licence to minister for five years. Mr Duncan complied with a request to relinquish his holy orders on 6 August 2012, and no further disciplinary action was taken against him. Bishop Farran permanently banned Mr Goyette from holding any lay office.⁷⁷⁴

Following their disciplinary action, [REDACTED]
[REDACTED] We set out our findings about the risk management procedures implemented for [REDACTED] in Section 12.5.5, 'Risk management', below.

12.5.3 Disciplinary processes against lay people

In *Case Study 36: The response of the Church of England Boys' Society and the Anglican Dioceses of Tasmania, Adelaide, Brisbane and Sydney to allegations of child sexual abuse (Church of England Boys' Society)*, we inquired into the response of the Church of England Boys' Society (CEBS) to allegations of child sexual abuse made against lay people or clergy involved in or associated with CEBS. We examined the historical and contemporary responses to those allegations of abuse by the dioceses of Tasmania, Adelaide, Sydney and Brisbane. We found that there have never been any formal child protection, complaint handling or risk management policies within CEBS at either a state or a national level. Instead, CEBS leaders were subject to the general policies of the diocese in which the particular CEBS branch fell.⁷⁷⁶

The harshest discipline for a lay CEBS leader was to have their CEBS leader warrant revoked and to no longer be permitted to participate in CEBS activities.⁷⁷⁷ Awards issued to CEBS leaders by the national coordinating body of CEBS could also be revoked. National awards were revoked for a number of perpetrators of child sexual abuse who had been involved in or associated with CEBS, including Mr Robert Brandenburg in 2004, Louis Daniels in 2005 and John Litton Elliot in 2009.⁷⁷⁸

In the same case study, we examined the steps taken by the Diocese of Sydney in response to Simon Jacobs's criminal convictions for child sexual abuse offences in 2011. As we set out in Section 12.4, for many years Jacobs was a lay CEBS leader at CEBS branches in the Diocese of Sydney. He was convicted in 2011 of a large number of sexual offences against six boys and was sentenced to an overall term of imprisonment of nine years. Jacobs was released on parole in September 2016.⁷⁷⁹

In 2011 Mr Glenn Murray, the then Director of Professional Standards in the Diocese of Sydney, concluded that Jacobs had offended under the *Discipline Ordinance 2006* and recommended that he be banned from any further ministry within the Anglican Church.⁷⁸⁰

As at the time of the public hearing in January 2016, the professional standards committee had not adopted or implemented this recommendation.⁷⁸¹ In August 2016, one month before Jacobs was released from prison on parole,⁷⁸² the Diocese of Sydney issued a prohibition order against Jacobs under the *Discipline Ordinance 2006*. Archbishop Glenn Davies, Archbishop of Sydney, told us in the *Institutional review of Anglican Church institutions* public hearing that a prohibition order is the strongest sanction available under the *Discipline Ordinance 2006* for a lay person.⁷⁸³

Archbishop Davies told us that this order indefinitely prohibits Jacobs from holding any office or position within the Diocese of Sydney or with any Anglican Church body or Anglican Church authority, whether employed or voluntary, paid or unpaid or as a contractor performing services. He also said that all rectors and regional bishops in the diocese were notified of the prohibition order and its terms.⁷⁸⁴

12.5.4 Support for respondents during disciplinary processes

This section sets out our findings in the *Anglican Diocese of Newcastle* public hearing regarding the support provided by senior personnel and key office holders within the Diocese of Newcastle to alleged perpetrators and respondents to professional standards complaints after 2004. We did not receive any evidence in our other case studies about the provision of support for alleged perpetrators and respondents to professional standards complaints after 2004.

Support provided to respondents in professional standards processes

As discussed in Section 12.3, the Model Professional Standards Ordinance provides that dioceses implement a protocol for handling complaints. Among other things, the protocol sets out the process for dealing with respondents to a complaint, including:⁷⁸⁵

- informing respondents of rights, remedies and relevant procedures available to them
- assisting or supporting, as appropriate, respondents
- dealing fairly with respondents.

The Diocese of Newcastle adopted a protocol in 2005. However, Assistant Bishop Peter Stuart told us in the *Anglican Diocese of Newcastle* public hearing that there was a general assumption in the diocese that no such protocol existed. From around 2010, Assistant Bishop Stuart drafted updates to a new protocol, in consultation with the professional standards director for the dioceses of Newcastle and Grafton and others. It was adopted by the diocesan council in the Diocese of Newcastle in March 2013.⁷⁸⁶

Bishop Gregory Thompson's evidence in the *Institutional review of Anglican Church institutions* public hearing was that the Diocese of Newcastle provided support to respondents before the adoption of its new protocol in early 2013. Bishop Thompson, who was Bishop of Newcastle from February 2014 to May 2017, said in a statement that:

Since 2009 respondents [to complaints] have been offered both an appropriate support person and independent psychological counselling by the Director of Professional Standards and some have taken up that opportunity. A child sex offender is also offered specialised offender counselling.⁷⁸⁷

Bishop Thompson told us that, in 2010, Bishop Brian Farran appointed a chaplain to respondents. However, this proved to be impractical and unsuccessful, particularly 'because of the perception that the Chaplain remained aligned to the Diocese', so the position was abandoned after a short period of time.⁷⁸⁸

Support provided in criminal proceedings

What upset me during the court process was that Ian [Barrack] had a support person from the church, but the church didn't support me or Mum. It felt like a slap in the face. The church later made contact through Mum, but only after she rang the Bishop directly and had a go at him.⁷⁸⁹

Survivor, 'CKU'

Ian Barrack, a long-time worshipper at the Newcastle Cathedral, commenced as an ordination student at St John's Theological College, Morpeth, in early 1997. However, in late 1998, the diocese refused Barrack's ordination and he left the college.⁷⁹⁰

In May 2006, Barrack pleaded guilty to one count of sexual intercourse with a child, CKU. In September 2006, Barrack was sentenced to two years' imprisonment with a non-parole period of 12 months.⁷⁹¹

CKU's mother, CKR, told us that Mr Paul Rosser QC attended one of the days of the court proceedings against Barrack. Mr Rosser QC told us he had attended on one day to observe, and had done so in his role as deputy chancellor at Bishop Farran's request. CKR told us she later emailed Bishop Farran about this but Bishop Farran denied arranging for Mr Rosser QC to attend. We did not hear evidence from Bishop Farran about this matter.⁷⁹²

CKR told us that Reverend Wayne Sheean, who had also given character evidence, supported Barrack at his sentencing hearing in August 2006. After the sentencing hearing, CKR contacted Bishop Farran and Mr Gerber to enquire about the presence of Reverend Sheean at court in support of Barrack. Both Bishop Farran and Mr Gerber denied that Reverend Sheean was representing the diocese and said he was present only in a private capacity. We did not hear evidence from Reverend Sheean about this matter.⁷⁹³

CKU told us 'it felt like a slap in the face' for the Anglican Church to provide support people for Barrack, but only make contact with CKU after his mother had rung the bishop and 'had a go at him'. We found that the Diocese of Newcastle failed to provide timely and consistent pastoral care and support to CKU and CKR during Barrack's criminal proceedings.⁷⁹⁴

Response of lay people to professional standards processes

We found in the *Anglican Diocese of Newcastle* case study that there was a faction of key diocesan office holders and a cohort of lay people largely connected to the Newcastle Cathedral who were critical of the professional standards processes in the diocese. We also found that members of these groups were deeply loyal to those about whom complaints were made, [REDACTED] and that such loyalty appears to have been based on personal friendships and longstanding pastoral relationships.⁷⁹⁵

We found that Bishop Brian Farran, who was Bishop of Newcastle from June 2005 to December 2012, experienced a backlash from elements within the diocese following his decision in late 2009 to take interim measures against [REDACTED] others pending disciplinary proceedings, and his decision to make public in 2010 the allegations that Father Peter Rushton was a perpetrator of child sexual abuse. This backlash included the making of complaints about Bishop Farran to the primate of the Anglican Church and the Episcopal Standards Commission, the Anglican Church body responsible for disciplining bishops.⁷⁹⁶

In the group's complaint in June 2011 to the Episcopal Standards Commission, they stated, among other things, that:⁷⁹⁷

- Bishop Farran had intimidated and harassed [REDACTED]
- Bishop Farran had brought the diocese into disrepute with his media commentary on allegations of child sexual abuse perpetrated by Father Rushton and other matters before the professional standards committee.

Mr Robert Caddies was a member of this group and had a long involvement in the governance of the diocese in a lay capacity. [REDACTED]

[REDACTED]

[REDACTED]

Other members of this group included Mr Simon Adam, Mr Christopher McNaughton, Mr John McNaughton AM and Mr Laurie Tabart.⁷⁹⁹ Many members had previously held office in one capacity or another in the Diocese of Newcastle and were connected to the Newcastle Cathedral.⁸⁰⁰

In addition to making separate complaints to the Episcopal Standards Commission in 2011, some members of this group of parishioners told the *Newcastle Herald* newspaper about their concerns. The newspaper then reported in June 2013 that the parishioners had alleged that Bishop Farran was on an 'anti-gay witch-hunt'.⁸⁰¹

Mr Caddies, Mr John McNaughton AM and other parishioners also made complaints in 2016 against Bishop Thompson to the metropolitan of New South Wales, the primate and the Royal Commission following Bishop Thompson's decision to go public about the sexual abuse that he says he suffered at the hands of Bishop Ian Shevill and another senior member of clergy in the 1970s.⁸⁰² Bishop Shevill was the Bishop of Newcastle from August 1973 to September 1977.⁸⁰³

In their letters of complaint, the group stated, among other things, that Bishop Thompson had 'besmirched' the good name of Bishop Shevill and that Bishop Shevill's behaviour may have been 'misinterpreted'. They criticised Bishop Thompson for publicly disclosing his experience of abuse and for appealing to victims to come forward.⁸⁰⁴

Bishop Thompson told us that when he became aware of these letters, he felt publicly shamed and intimidated and also felt a 'deep sense of betrayal'. Bishop Thompson said that these letters formed part of a pattern or practice of public harassment, intimidation and vandalism which he and his staff experienced at the hands of people within the diocese who were aggrieved by his leadership and the discipline of clergy.⁸⁰⁵

Mr Caddies told us that he and the other signatories 'were desperately unhappy about the problems in the diocese', including the 'unfair' treatment of clergy. He said that Bishop Thompson's approach of publicly disclosing his experience of abuse to the media had 'a negative impact on the Anglican community' and damaged the 'good reputation' of Bishop Shevill. Former Lord Mayor of Newcastle Mr John McNaughton AM expressed similar sentiments and described Bishop Thompson's conduct as 'disgraceful' and 'scandalous'.⁸⁰⁶

We did not accept Mr Caddies's explanation of the purpose of the letters. We found that the letters corroborated Bishop Thompson's account of the 'pro-perpetrator' culture within a section of the community attending the cathedral in the Diocese of Newcastle. We found that these complaints were designed at least in part to discourage the diocese from dealing with allegations of child sexual abuse. We also found that those who targeted Bishop Thompson failed to understand or respond appropriately to the sexual abuse of children.⁸⁰⁷

Culture within the Diocese of Newcastle

We found that a deep cultural division had emerged in the Diocese of Newcastle from 2009 which centred upon the professional standards processes applied to clergy within the diocese, [REDACTED] We were also satisfied that while the professional standards regime had been introduced into the diocese in 2005, no culture supportive of that framework had embedded itself within the diocese.⁸⁰⁸

This was evident in the backlashes experienced by Bishop Farran and Bishop Thompson, which included the making of complaints against them. We found that these actions were designed at least in part to discourage the diocese from dealing with allegations of child sexual abuse.

Mr Michael Elliott, the diocese's Professional Standards Director, gave evidence that within the diocese there were groups of influential Anglican Church members who would launch reprisals against actions perceived to threaten the clergy. In response to Mr Elliott's work on professional standards, he believes, he has been subject to isolation, bullying, under-resourcing and vandalism. He said he had received harassing phone calls and text messages.⁸⁰⁹

Bishop Farran told us that there were 'really big issues' in the culture of the diocese and pointed to a lack of professionalism in terms of supervision of the clergy; a 'very paternalistic culture' of 'Father knows best'; and a strong culture of non-accountability, where people felt they could do what they wanted and the bishop should turn a blind eye. Bishop Farran also told us that a

limited number of people had long-term membership of various diocesan bodies over the years, and that created difficulties. He thought that it was ‘very difficult for people to challenge each other in those circumstances, because they had such lengthy and solid connections’.⁸¹⁰

Mr Cleary said that there was a ‘pro-respondent culture with no apparent consideration for the victims’, which was deeply ingrained in the diocese.⁸¹¹

Bishop Farran told us that [REDACTED] had a strong and loyal following in the Newcastle Cathedral. In his view, people had become ‘dependent’ upon [REDACTED] [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

12.5.5 Risk management

Safety issues arise where there is a person whose presence constitutes a risk of sexual abuse to others in the parish community (referred to as a ‘person of concern’).

In this section we discuss the initiatives which have been implemented at a national and diocesan level to manage such risks. As illustrative examples, we outline the risk management approaches taken by the Diocese of Newcastle and the Diocese of Canberra and Goulburn to persons of concern.

In September 2009, the Professional Standards Commission published *Guidelines for parish safety where there is a risk of sexual abuse by a person of concern*.⁸¹⁷ This is a resource intended to assist Anglican clergy and church workers responsible for safe ministry to address safety issues that arise regarding persons of concern and to take steps to protect the parish community from the risk of harm.⁸¹⁸ At the outset, the guidelines highlight the need for clear boundaries where a person of concern is seeking new or continued involvement in a parish, both to protect children and vulnerable adults and to reduce the possibility of the person of concern being wrongly accused of abuse or being tempted to abuse.⁸¹⁹

Central issues addressed by the guidelines include:⁸²⁰

- processes for identifying a person of concern
- assessing when a parish will be ready to receive that person (necessitating the involvement of the director of professional standards)
- establishing appropriate boundaries, including first undertaking a risk assessment of the person of concern to determine whether the person poses a risk of harm to children and/or other vulnerable people and subsequently discussing and reaching a consensus with the person on the terms of their involvement
- the formalisation of any arrangement reached with a person of concern by entry into an agreement (a template for which is provided in appendix 6 to the guidelines)
- communicating information to the parish in consultation with the director of professional standards
- the provision of pastoral support to, and supervision of, the person of concern.

Risk management in the Diocese of Newcastle

Assistant Bishop Peter Stuart told us in the *Anglican Diocese of Newcastle* public hearing that it was not until September 2013 that the Diocese of Newcastle adopted its own *Safe ministry policy*.⁸²¹ The *Safe ministry policy* applies to:

- any person who would not be given a Working With Children Check clearance
- any person who was the subject of certain adverse findings by a disciplinary tribunal such as the professional standards board⁸²²
- any person against whom the professional standards committee had made an adverse risk assessment.⁸²³

One of the key requirements of the *Safe ministry policy* is that a 'Safe Worship Agreement' is to be signed by the parish priest and finalised before the person of concern may be involved in parish activities. As a 'safety policy', the parish priest is required to adhere to and enforce this requirement. Safe worship agreements contain restrictions on the person's involvement in

parish life. The types of restrictions vary according to the seriousness of offending. For example, the agreement may specify which services the person may attend, where they may sit, and whether they may hold any parish leadership roles.⁸²⁴

If the person of concern refuses to enter into a Safe Worship Agreement, the bishop may issue directions to the parish priest regarding that person's involvement in the parish. Assistant Bishop Stuart told us that it is not uncommon for persons of concern to refuse to sign these agreements.⁸²⁵

We found in the *North Coast Children's Home* case study that there was no formal mechanism in the Diocese of Newcastle to manage any risk posed by Kitchingman's involvement in the Newcastle Cathedral before it adopted the *Safe ministry policy* in October 2013.⁸²⁶ Assistant Bishop Stuart told us that he had only become aware in August 2013 that Kitchingman was an offender living in the Diocese of Newcastle, and, following the adoption of the *Safe ministry policy*, he took steps to apply it to Kitchingman.⁸²⁷

We also found in the *Anglican Diocese of Newcastle* case study that there was a delay in implementing formal risk management strategies in relation to [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

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[REDACTED]

Diocese of Canberra and Goulburn

In the *Institutional review of Anglican Church institutions* public hearing, we received evidence from Bishop Stuart Robinson, Bishop of Canberra and Goulburn, on the issue of risk management of persons of concern.⁸³³

The diocese's approach generally has been to adopt canons of the General Synod related to child protection, unless there has been a higher standard required within the diocese.⁸³⁴ Over the past five years, the diocese has moved to a 'safe ministry' model including prevention, early intervention, response and recovery guidelines which aim to protect all vulnerable people, including children.⁸³⁵ The diocese has in place a *Protocol for safe ministry to persons of concern* (most recently updated in 2015 to conform to legislative requirements).⁸³⁶

As we discuss in Section 12.4, Louis Daniels was a priest in the Anglican Church and a prominent member of CEBS in Tasmania and at a national level. He was convicted of child sexual abuse offences in 1999.⁸³⁷ He was subsequently deposed from holy orders in December 2002. Daniels later pleaded guilty to further offences in 2005.⁸³⁸

Bishop Robinson told us that upon Daniels's release from custody in 2012, he returned to worship in a parish in the Diocese of Canberra and Goulburn. The diocese developed a safety plan for Daniels's worship at the parish and Daniels has entered into a safety agreement with the diocese on an annual basis since 2012. The agreement imposed a number of conditions on Daniels, including that he does not accept nomination for election to any leadership office in the Anglican Church, that he does not have contact with minors at social events, and that a member of his support group has 'eyes on' Daniels at all times while he is on Anglican church premises or involved in church activities.⁸³⁹

12.5.6 Institutional responses to victims and survivors after the development of national model procedures

As set out in Section 12.3, in 2004 the Anglican Church in Australia proposed uniform policies and procedures for responding to complaints of child sexual abuse against clergy and lay people, through the professional standards framework.

Despite this development, it remains the case that, to date, each diocese has been responsible for the development, adoption and implementation of its own redress processes. The Anglican Church has never had a national redress scheme. Anglican dioceses have had divergent approaches to redress, with no uniform approach to the payment of monetary compensation. Some individual dioceses have created redress schemes specific to their dioceses to provide pastoral support and practical assistance, including monetary payments, to people who have been abused.

In this section, we first set out what we heard in the *Anglican Diocese of Newcastle* and the *North Coast Children's Home* case studies about the manner in which the Diocese of Newcastle and the Diocese of Grafton handled complaints of child sexual abuse under their respective complaint handling and professional standards frameworks.

We then consider what we have heard about the approach to redress in the Anglican Church. We set out the data relating to redress presented in our report *Analysis of complaints of child sexual abuse received by Anglican Church dioceses in Australia* (Anglican Church complaints data).⁸⁴⁰ This report is the result of the survey of all 23 Anglican Church dioceses regarding complaints of child sexual abuse received by Anglican Church dioceses.⁸⁴¹ The Anglican Church complaints data shows that, of the 1,119 reported complaints, 472 complaints of child sexual abuse resulted in a payment being made following a complaint that sought redress (42 per cent of all complaints).⁸⁴²

Through our case studies we heard about the responses of various dioceses in Australia to claims for redress in relation to child sexual abuse. We outline some examples of the redress schemes operating in Anglican dioceses, including those in the dioceses of Grafton, Sydney, Newcastle, Tasmania, Adelaide and Brisbane. We describe survivors' experiences of making claims to dioceses under these schemes, including survivors' evidence about some of the issues they encountered with these schemes.

Finally, we consider the evidence heard in our *Institutional review of Anglican Church institutions* public hearing regarding the management of claims against dioceses through civil litigation processes. As part of this discussion, we consider in some detail the response of the Diocese of Grafton to a group claim and individual claims in relation to sexual and physical abuse experienced by former residents of the North Coast Children's Home in Lismore, New South Wales.

Responses to survivors under complaint handling processes

Whilst I initially felt that the Diocese believed me, and was prepared to assist me, it appeared to me by that stage that they were not as willing to help. I felt like they were becoming more resistant as more people came forward with claims of abuse. To me, it seemed that the Anglican Church began denying what had happened and I felt that I was being accused of lying about my experiences in the [North Coast Children's] Home.⁸⁴³

Survivor, CA

As discussed in Section 12.3, in 2004 the General Synod recommended that all dioceses adopt a professional standards framework such as that set out in the proposed Model Professional Standards Ordinance. The term ‘professional standards framework’ includes a diocese’s professional standards ordinance, its associated protocol, and the code of conduct such as *Faithfulness in service*. Anglican dioceses have adopted the professional standards framework to varying degrees.

The Model Professional Standards Ordinance⁸⁴⁴ provides that dioceses should have procedures for receiving complaints and for appointing contact persons, and ‘provision for assisting or supporting, as appropriate, all persons affected by alleged conduct the subject of information’.⁸⁴⁵ In the *Institutional review of Anglican Church institutions* public hearing, we heard that the role of professional standards directors in responding to complainants differs across dioceses.⁸⁴⁶ However, most professional standards directors are responsible for providing or organising support for the complainant.⁸⁴⁷ For instance, we heard that Mr Lachlan Bryant, the Professional Standards Director of the Diocese of Sydney, was responsible for receiving complaints,⁸⁴⁸ while support was normally provided by the professional standards chaplain.⁸⁴⁹ We also heard that the role of the professional standards director differs in each diocese in respect of training and investigations.⁸⁵⁰

In the *Anglican Diocese of Newcastle* public hearing, we heard how survivor CKH’s complaint of sexual abuse against [REDACTED] others was handled under the Diocese of Newcastle’s professional standards framework. Further detail about CKH’s complaint and the response of the Diocese of Newcastle is set out in Section 12.5.2, ‘Disciplinary processes under diocesan professional standards frameworks’.

CKH’s complaint was investigated and managed by Mr Michael Elliott, Professional Standards Director in the Diocese of Newcastle, under the diocese’s *Professional Standards Ordinance 2005*. CKH told us, ‘Michael was blunt in manner but I grew to really trust him, and saw that he was concerned and passionate about my case. I was impressed at the degree of independence he was given by the church to investigate my complaints’.⁸⁵¹

CKH said that he had ‘full praise’ for how Mr Elliott and other Anglican Church personnel responded to his complaint. He stated, ‘From the time I approached the church there was no one in an official position who doubted my story. The reactions I received were shock and horror which I would expect. Everyone I dealt with was supportive in their comments to me’.⁸⁵²

Mr Elliott, together with Mr John Cleary, the diocesan business manager, provided appropriate support to survivors of child sexual abuse (including CKH) and assisted them with their claims of redress against the Diocese of Newcastle. We further found that Mr Michael Elliott played an instrumental role in uncovering the extent of the problem of child sexual abuse within the Diocese of Newcastle.⁸⁵³

In the *North Coast Children's Home* case study, we found that the Diocese of Grafton had not responded to members of a group claim in accordance with its obligations under its professional standards framework.⁸⁵⁴ The group claim commenced in 2006 and related to claims of abuse (including sexual and physical abuse) by former residents of the North Coast Children's Home.⁸⁵⁵

In November 2006, the professional standards committee of the Diocese of Grafton considered the group claim. The committee minutes record that it dealt only with disciplinary matters arising from the group claim and police reports. We found that the professional standards committee did not take any steps to ensure the complainants would receive pastoral care and assistance.⁸⁵⁶ However, in December 2006, the diocesan lawyer wrote to Mr Simon Harrison, the lawyer for the group claim, stating that the Anglican Church was willing 'to consider providing some limited pastoral care and assistance to your clients to assist them on their journey through the hurt that they feel ... [but] this pastoral care and assistance will of necessity be limited in scope as the Church has limited resources'.⁸⁵⁷

Mr Peter Roland, the lawyer for the diocese, told us that he believed there was no obligation to follow the *Professional Standards Ordinance 2004* and the associated *Protocol for dealing with complaints of sexual abuse* for claims relating to the North Coast Children's Home, because the Diocese of Grafton had no legal liability. Mr Harrison agreed that Mr Roland had not invited him to apply to the professional standards director on behalf of any of his clients.⁸⁵⁸

Bishop Keith Slater acknowledged publicly in 2013 that the claims alleging sexual abuse in the North Coast Children's Home 'should have been concurrently managed in accordance with the Professional Standards Ordinance and Protocol'.⁸⁵⁹ We found that the Diocese of Grafton's approach meant that the professional standards committee was not performing its functions to investigate, arrange conciliation or mediation, and authorise spending to implement the ordinance or protocol, including for counselling.⁸⁶⁰

After the group claim was settled in March 2007, further complainants came forward with complaints of abuse at the North Coast Children's Home.⁸⁶¹ Two of these complainants, CB and CC, wrote separately to the Diocese of Grafton in 2011.⁸⁶² Neither CB's nor CC's letters were referred to the professional standards committee or the professional standards director, as required under the *Professional Standards Ordinance 2004* and the *Protocol for dealing with complaints of sexual abuse*. Bishop Slater agreed during the public hearing that he should have referred both CB and CC to the professional standards director for pastoral support, including counselling, claim facilitation and proper redress.⁸⁶³

Ms Anne Hywood, who had been appointed acting registrar of the Diocese of Grafton in January 2013, forwarded the letters from CB and CC to Mr Elliott in February 2013. Ms Hywood told us that the whole process for handling such claims had been compromised:

I was particularly furious. I had worked very hard in my role as executive officer in the Diocese of Adelaide on a number of sexual abuse claims and matters and working with others to develop Healing Steps. I had been elected as a member of the general [synod] standing committee on the national church, the Anglican Church of Australia, and had dedicated a lot of my time, effort and energy to ensuring that the Anglican Church in Australia had appropriate protocols. And I really believed after 2004, when the dioceses throughout Australia adopted these ordinances and protocols, that this type of problem wouldn't happen again.⁸⁶⁴

In May 2013, Ms Hywood gave the primate, Archbishop Phillip Aspinall, a report outlining her concerns about the Diocese of Grafton's handling of child sexual abuse claims over the previous six years. Archbishop Aspinall, Bishop Slater and Martin Drevikovsky, then General Secretary of the General Synod of the Anglican Church of Australia, met to discuss Ms Hywood's report. Archbishop Aspinall suggested that, if Ms Hywood's report was true, it was 'untenable' for Bishop Slater to continue as Bishop of Grafton.⁸⁶⁵ Bishop Slater resigned on 17 May 2013. He issued a media statement on the Diocese of Grafton's management of claims that said:

I acknowledge that I was responsible for ensuring full compliance with the Protocol and that I failed in this duty. Some matters dealing with sexual abuse at the North Coast Children's Home were not referred to the Professional Standards Director as they should have been ...

I apologise to those complainants who were not given access to the Professional Standards Director. I also acknowledge that, by not referring these matters, the Professional Standards Director was not provided with information that could have assisted ongoing internal and Police investigations.⁸⁶⁶

We also heard how the Diocese of Grafton was concerned about the potential financial impost of claims against it. Despite its knowledge of potential claims by 2005, the Diocese of Grafton did not make provision for settling child sexual abuse claims in its annual budgets for 2006, and 2008 to 2012 or provision for professional standards matters.⁸⁶⁷

Archbishop Aspinall acknowledged in the *North Coast Children's Home* case study that an auditing scheme for professional standards procedures in dioceses might help dioceses apply professional standards more effectively and uniformly.⁸⁶⁸ We discuss the need for regular reviews and audits to ensure that institutions are properly implementing complaint handling processes in both Section 12.6 and Chapter 20, 'Making religious institutions child safe'.

Data relating to redress

As discussed in Section 12.2, ‘Private sessions and data about child sexual abuse in the Anglican Church’, we conducted a survey of all 23 Anglican Church dioceses to gather data about the extent of complaints of child sexual abuse received by Anglican Church dioceses. The report of the survey, *Analysis of complaints of child sexual abuse received by Anglican Church dioceses in Australia* (Anglican Church complaints data), includes information about outcomes for complainants who sought redress.⁸⁶⁹

In the Anglican Church complaints data, a ‘complaint’ includes an accusation of child sexual abuse made to an Anglican Church diocese.⁸⁷⁰ This includes accusations made by a victim, or a victim’s representative, to an Anglican Church diocese relating to allegations of child sexual abuse.⁸⁷¹ ‘Redress’ is defined in the Anglican Church complaints data as a remedy or compensation provided to a victim of child sexual abuse, which can include:⁸⁷²

- financial compensation
- provision of services
- recognition
- apologies.

Redress may be sought legally (as in seeking compensation through a civil claim), formally from the Anglican Church via a formal redress scheme, or informally from the Anglican Church, such as seeking acknowledgement of the abuse and/or an apology. Redress processes as outlined above include complaints that sought redress that are ongoing, settled or concluded without redress.⁸⁷³

Overall, 1,085 complainants alleged incidents of sexual abuse in 1,119 reported complaints to Anglican Church dioceses (some complainants made a complaint of child sexual abuse against more than one Anglican Church diocese).⁸⁷⁴

Of the 1,119 reported complaints, 472 complaints of child sexual abuse resulted in a payment being made following a claim for redress.⁸⁷⁵ Twenty-five per cent of complaints resulted in an apology from an Anglican diocese and 3 per cent of complaints resulted in an apology from an Anglican institution.⁸⁷⁶ Of those complaints that resulted in a monetary payment, 46 per cent of monetary payments were made through an ‘other’ redress process; 36 per cent were made through a redress scheme and 23 per cent were made through civil proceedings.⁸⁷⁷

Anglican Church dioceses made total payments of \$34.03 million, at an average of approximately \$72,000 per payment in response to complaints of child sexual abuse received between 1 January 1980 and 31 December 2015 (including amounts for monetary compensation, treatment, legal and other costs).⁸⁷⁸

The Diocese of Brisbane reported both the highest total payment and the largest total payments (a total of \$10.68 million paid in relation to 145 payments, at an average of approximately \$74,000 per payment).⁸⁷⁹ Of the Anglican dioceses that made at least 10 payments, the Diocese of Newcastle had the highest average total payment at \$183,000. Table 16.13, from the Anglican Church complaints data, shows the breakdown of payments by diocese.⁸⁸⁰

Table 16.13 – Payments by diocese

Diocese	Number of payments	Complaints	Percentage of complaints resulting in payments (%)	Total payments (\$ million)	Average payment (\$)
Brisbane	145	371	39	10.68	74,000
Adelaide	91	155	59	6.35	70,000
Melbourne	28	96	29	1.21	43,000
Sydney	58	89	65	3.37	58,000
Newcastle	25	67	37	4.57	183,000
Tasmania	34	56	61	2.23	66,000
Perth	7	46	15	0.51	73,000
Grafton	31	37	84	2.06	66,000
Ballarat	15	27	56	0.60	40,000
Canberra and Goulburn	2	28	7	0.10	48,000
North Queensland	11	26	42	0.75	68,000
Bathurst	3	18	17	0.30	100,000
Northern Territory	3	13	23	0.07	23,000
Rockhampton	7	10	70	0.11	15,000
Gippsland	4	13	31	0.15	38,000
Wangaratta	2	9	22	0.23	113,000
The Murray	3	5	60	0.36	120,000
Total	472	1,119	42	34.03	72,000

The five Anglican Church dioceses who made either one or no payments in relation to complaints received a total of 41 complaints, of which three resulted in a payment. These payments ranged from \$60,000 to \$250,000. These Anglican Church dioceses are the dioceses of Armidale, Bendigo, Bunbury, Riverina and North West Australia.⁸⁸¹

Of all redress processes, the highest total amount of monetary payment was through civil proceedings (\$12.74 million). The highest average monetary payment paid was through civil proceedings only (approximately \$116,000 per complainant).⁸⁸²

Complaints involving alleged perpetrators who were lay people had the highest proportion resulting in payments (50 per cent), the highest total payments (\$23.17 million) and the highest average payments (approximately \$77,000).⁸⁸³

As we set out in Section 12.2, one of the limitations of the survey was that each of the 23 Anglican Church dioceses in Australia has different governance arrangements in relation to parachurch, out-of-home care and educational institutions. Some dioceses require associated institutions such as schools to report complaints to the diocese, which then manages the complaint. In other dioceses, complaints relating to associated institutions are not managed by the diocese. Accordingly, in those dioceses, complaints relating to associated institutions will only appear on diocesan records if the complainant themselves took the matter to the diocese (usually due to dissatisfaction with the response of the associated institution) or if the associated institution was required to report complaints to the diocese under specific governance arrangements.

During the *Institutional review of Anglican Church institutions* public hearing we heard that some institutions associated with the Anglican Church have established separate redress schemes from those administered by Anglican Church dioceses, although they may be modelled on the diocesan scheme. For instance, Reverend Dr Andrew Ford, General Manager, Mission & Partnerships, Anglicare Sydney, told us:

We have a redress scheme that operates in parallel to the redress scheme of the diocese. It has been in operation for the same length of time as the redress scheme of the diocese and it has the three components that were identified by the Commission in their report with regard to redress and civil litigation. So counselling and other services are provided, financial assistance is provided, and a direct response to the survivor, including an apology.⁸⁸⁴

Bishop Dr Chris Jones, Chief Executive Officer, Anglicare Tasmania and Chair of Anglicare Australia, told us that Anglicare Tasmania's scheme was modelled on the scheme of the Diocese of Tasmania.⁸⁸⁵ Reverend Professor Peter Sandeman, Chief Executive Officer of AnglicareSA, told us about an agreement that AnglicareSA has with the Diocese of Adelaide. He told us that there is 'a very firm memorandum of understanding with the diocese so that all abuse that happened in children's homes, up until our separate incorporation in the year 2000, is managed by the diocese but funded by Anglicare'.⁸⁸⁶

As a result, complaints and redress payments relating to social welfare organisations may or may not be reflected in the Anglican Church complaints data. For a complaint to be included in the survey responses, it must have been managed by the diocese. Accordingly, payments managed by the Diocese of Adelaide but funded by AnglicareSA may be included; however, complaints managed by Anglicare Sydney may not.

Apologies

In 2013, I attended mediation with the Anglican Diocese. There was a barrister, lawyer and the Church's business manager there and no one would even look at me in the room, they all had their eyes down. The Anglican Diocese gave me financial compensation. It was never about the money for me though, it was about the apology from the Church. I had to remind them about the apology after it finished. It was a written apology and it didn't feel heartfelt.⁸⁸⁷

Survivor, Phil D'Ammond

Shortly before and since the introduction of the national model professional standards framework, some senior Anglican Church personnel have apologised publicly and privately to survivors of child sexual abuse.

Between 2002 and 2003, a number of public apologies were made by senior Anglican Church personnel to survivors of child sexual abuse:

- On 26 July 2000, the day after his installation as Bishop of Tasmania, Bishop John Harrower made 'an unreserved apology to those who were abused by clergy or other officers of the Anglican Church in Tasmania'.⁸⁸⁸
- On 20 September 2002, Archbishop Aspinall in the Diocese of Brisbane wrote an open letter to the victims of sexual abuse by John Elliot, apologising on behalf of the Anglican Church and offering pastoral support.⁸⁸⁹
- On 15 March 2002, the Standing Committee of the General Synod publicly apologised to all those who had suffered child sexual abuse.⁸⁹⁰
- On 25 May 2003, Archbishop Ian George issued a pastoral letter to be read or distributed to all congregations on that day. On behalf of the diocese, he expressed his regret that people who sought help from the Anglican Church may not have received the help they needed or expected.⁸⁹¹
- In December 2003, Bishop Harrower wrote a letter of apology to the victims of Garth Hawkins, after Hawkins was sentenced for child sex offences against multiple victims.⁸⁹²

We also heard evidence of some senior Anglican Church personnel personally apologising to survivors for abuse they had suffered. For example, we heard that Bishop Harrower visited survivor BYH in July 2003. At BYH's request, Bishop Harrower removed his 'dog-collar'. BYH said that Bishop Harrower apologised and BYH felt that it was a sincere apology.⁸⁹³

In the *Church of England Boys' Society* public hearing we heard that Archbishop Dr Peter Jensen gave a handwritten apology to survivor BYC after reading BYC's police statement. We also heard that Archbishop Dr Jensen subsequently met with BYC in person. BYC told us 'I met with Archbishop Jensen where he apologised in person. I actually think he was genuine and wanted to help'.⁸⁹⁴

In May 2005, Ian Barrack pleaded guilty to one count of sexual intercourse with a child aged between 10 and 16 years, CKU.⁸⁹⁵ We explore CKU's experience in seeking redress from the Diocese of Newcastle in relation to his experience of abuse by Barrack later in this section. In addition to financial compensation, CKU also sought redress through a written and public apology from the diocese. CKU told us:

On 3 September 2009, I received a written apology from Bishop Brian Farran, the Bishop of Newcastle, in relation to my abuse, but it was not a public apology ... The apology was important to me. The apology provided me with some sense of 'closure'. Throughout the compensation process I felt like the Anglican Church fought very hard to avoid responsibility and deny their 'duty of care'. An apology from the church was an acknowledgement that they were in the wrong. I was happy to receive it.⁸⁹⁶

In October 2010, Bishop Farran issued a media release about Father Peter Rushton, an alleged perpetrator of child sexual abuse in the Diocese of Newcastle who died in 2007. The media release stated in part:

Following his death, significant allegations and information of concern has been brought forward in relation to Fr. Peter's involvement in the sexual abuse of minors.

...

The Bishop wishes to publicly apologise to any person adversely affected by these deeply regrettable events and urges any persons with any information about such matters to come forward and speak with the Anglican Diocese of Newcastle's Professional Standards Director.⁸⁹⁷

Bishop Farran told us that he considered it important to go public about the allegations in order to honour the victims who had been traumatised, to ensure transparency in the community and to invite other victims to come forward. Bishop Farran told us that some people in the Diocese of Newcastle were 'furious' with him for publishing the media release which 'defamed the dead [Father Rushton]'.⁸⁹⁸ Bishop Farran said that he experienced repercussions because of it, including the making of complaints against him, which we discuss in Section 12.5.4 above.

Survivor CKA told us that Bishop Farran's apology to survivors of abuse by Father Rushton on 19 October 2010 reignited enormous pain and prompted him to write to Bishop Farran to request an apology in relation to his own alleged abuse. We set out CKA's experiences of sexual abuse by Father George Parker and the response of the Diocese of Newcastle in Section 12.4. At a meeting in December 2010, Bishop Farran apologised to CKA for the abuse he suffered at the hands of Father Parker.⁸⁹⁹

After this meeting, Bishop Farran issued a public apology to CKA on behalf of the diocese. Bishop Farran acknowledged that after reporting abuse by a member of the diocese, CKA and his family had been treated inappropriately over an extended period of time by the diocese. Bishop Farran told us that, given CKA had previously been trivialised in the public domain by the diocese, he felt that a public statement was important to recognise how CKA had been mistreated. CKA told us that he had waited 35 years to receive this apology from the Diocese of Newcastle.⁹⁰⁰

In June 2015, Bishop Farran's successor as the Bishop of Newcastle, Bishop Thompson, publicly apologised to all survivors of child sexual abuse by Anglican Church personnel. As with Bishop Farran's public apology to survivors of abuse by Father Rushton, Bishop Thompson told us that as part of his apology he invited victims of abuse to come forward and report their experience of abuse:

My apology in June 2015 was given with the invitation for survivors and witnesses to come forward and provide statements. The media statement was issued and the website Face the Past and Shape a Healthy Future was established to encourage people to report directly to the NSW Police, the Royal Commission, and the Director of Professional Standards.⁹⁰¹

Following this public apology, in August 2015, two members of the clergy in the Diocese of Newcastle told the diocesan synod of their own experiences of sexual abuse when they were children. Their stories were subsequently published in the *Anglican Encounter*, a diocesan publication. Bishop Thompson said that the disclosures of the two men profoundly impacted the diocesan synod as they realised the survivors had been part of the Anglican Church community and had also lived with the trauma of child sexual abuse. Bishop Thompson said the response to the men's revelations in the main was overwhelming support.⁹⁰²

Shortly after these disclosures, in October 2015, Bishop Thompson publicly disclosed his own story of abuse in an article in the *Newcastle Herald*. Bishop Thompson's disclosure, however, was not met with the same overwhelming support. As mentioned above, we found Bishop Thompson experienced a backlash from sections within the Diocese of Newcastle following his public disclosure of his alleged abuse. This backlash included groups of Anglican Church members sending letters of complaint about Bishop Thompson to the Royal Commission, the primate of the Anglican Church, and the metropolitan of New South Wales. We found that the actions of those involved in the backlash were designed, at least in part, to discourage the Diocese of Newcastle from dealing with allegations of child sexual abuse.⁹⁰³

We also heard evidence in two of our case studies which concerned schools affiliated with the Anglican Church about apologies given to survivors who came forward to disclose sexual abuse while they were students at those schools. These case studies were *Case Study 20: The response of The Hutchins School and the Anglican Diocese of Tasmania to allegations of child sexual abuse at the school (The Hutchins School)* and *Case Study 34: The Response of Brisbane Grammar School and St Paul's School to allegations of child sexual abuse (Brisbane Grammar School and St Paul's School)*. While the institutional response of Anglican dioceses to allegations of child sexual abuse at The Hutchins' School and St Paul's School (Brisbane Grammar School is a non-denominational school) was not the primary focus of these case studies, we nevertheless heard evidence about the responses of Anglican diocesan personnel, including bishops, to survivors of child sexual abuse from those two schools.

In *The Hutchins School* public hearing we examined the response of The Hutchins School to allegations of child sexual abuse against David Ralph Lawrence and Lyndon Alfred Hickman. We also examined the role and influence of the Diocese of Tasmania in The Hutchins School's response to allegations of child sexual abuse made by survivors who had been students at the school.

In that public hearing, we heard that the then Bishop of Tasmania, Bishop Harrower, exercised some influence in how The Hutchins School responded to allegations of child sexual abuse made by former students.⁹⁰⁴ Under the *Christ College Act 1926* (Tas), which governs The Hutchins' School, the Bishop of Tasmania is appointed as 'Visitor' to the school with certain functions as prescribed by the act and at common law. Bishop Harrower described to us in the public hearing that the role of 'Visitor' also encompassed the role of 'culture bearer', where his role was to ensure that the culture of the school reflected the Anglican Church's values and to provide guidance to the board of management on those values.⁹⁰⁵

Survivor AOA approached Bishop Harrower in 2002 regarding his complaint of sexual abuse by former headmaster David Ralph Lawrence. AOA told us that he thought that Bishop Harrower might be able to facilitate an apology from the school and would be able to influence the school and hold it accountable.⁹⁰⁶ In 1993, AOA disclosed his allegations of abuse by Mr Lawrence to then headmaster Dr John Bednall and a Hutchins' School Old Boys' representative.⁹⁰⁷ Bishop Harrower told us that he had some power of influence and moral authority over the school but not structural power to compel the school to take particular steps.⁹⁰⁸

In March 2002, Bishop Harrower wrote to AOA to advise he had no power to deal with AOA's dispute with the school, but in the same letter he also wrote:

I wish to express my sincere and deep regret at any abuse which you have suffered. From the beginning of my time as Bishop of Tasmania I have sort [sic] to deal justly and compassionately with all complaints relating to abuse within the life of the Diocese of Tasmania.

The pain experienced by survivors of sexual abuse is traumatic to say the least. I have found it most disturbing to sit with survivors of such abuse and hear their stories of suffering.⁹⁰⁹

AOA told us that all he ever wanted from the school was a face-to-face acknowledgment that he was abused when he was a student at the school and a genuine, heartfelt apology. AOA said that it was clear to him that the school did not even believe that the abuse occurred or, even worse, that it believed that he was to blame for the abuse because he continued to have contact with Mr Lawrence after the abuse ended.⁹¹⁰

Although he first disclosed the abuse in 1993, it was not until some 21 years later that AOA received an apology from The Hutchins School.⁹¹¹ We found that the failure by the board of management over the years to acknowledge to AOA that he had been sexually abused by the former headmaster, Mr Lawrence, and to apologise for that abuse, materially contributed to AOA's distress and suffering. We also found that the board of management of the school was motivated by a concern to avoid damaging publicity that it perceived might result from an apology to AOA, rather than a concern for the truth about what occurred and compassion for AOA.⁹¹² AOA told us that:

I believe that if I had received recognition in 1993 from the school when I first reported that I was abused and an apology, it would have been a significant step in my road to recovery and would have expedited this process. Instead, I have been trying for nearly the best part of 20 years to try and seek my own resolution to this issue.⁹¹³

In the same case study, we heard that in 2000, survivor AOB first disclosed his experience of abuse at the school by Mr Lyndon Hickman to the independent pastoral inquiry into allegations of abuse by priests in the Diocese of Tasmania, which had been established in 1997 by Bishop Newell (the Tasmanian Inquiry). AOB told us that he thought the Tasmanian Inquiry might be able to provide him with information about the circumstances of Mr Lawrence's departure from the school, and that he thought this information would help him understand the context in which the abuse by Mr Hickman occurred and whether his experience of abuse at the school was an isolated occurrence or part of a wider pattern of abuse.⁹¹⁴

AOB met with a counsellor from the Tasmanian Inquiry who told him that his experience of abuse did fall within the scope of the inquiry but suggested that she could help him meet with the then headmaster of the school, Mr William Toppin. That meeting did not eventuate.⁹¹⁵ AOB communicated with the school over the following years seeking information about why Mr Lawrence had left the school, and he disclosed to the school in 2009 that he had been sexually abused when he was a student there in the 1960s. In October 2011, at a meeting between the then headmaster Mr Warwick Dean and AOB, Mr Dean offered an apology to AOB for the abuse he had experienced at the school.⁹¹⁶ AOB told us:

Mr Dean opened the meeting by offering me an apology for abuse experienced at the School (even though I had not discussed the exact circumstances of the abuse with him).

Mr Dean also made an apology for the School's response to my request for information in relation to Lawrence's departure. Mr Dean offered me compensation in relation to counselling expenses.

I responded by accepting his apology but restated that I had never required or requested an apology or compensation; that all I had ever required was information as to the reasons why Lawrence had left the School.⁹¹⁷

We found that Mr Dean had acted compassionately and consistently with the school's values when apologising in 2011 to AOB for his experience of abuse.⁹¹⁸ The school, though, did not give AOB all of the relevant information that it had available about Mr Lawrence's resignation (and did not do so until 2014).⁹¹⁹ By 2013, AOB contacted the Diocese of Tasmania to obtain its assistance in obtaining further information from the school because it was an Anglican school. AOB said that he thought that the Anglican Church might be able to help hold the school accountable for what had happened. Ultimately, a meeting was arranged in August 2013 between Bishop Harrower, the chancellor of the Diocese of Tasmania, and Mr Dean. Bishop Harrower told us that he was again using his 'Visitor' role to meet with the headmaster and chancellor to 'think through' AOB's complaint.⁹²⁰

In the *Brisbane Grammar School and St Paul's School* public hearing, we examined the response of St Paul's School, Brisbane, to allegations of child sexual abuse made against two employees of the school, Gregory Robert Knight and Kevin Lynch. St Paul's School is owned by the Corporation of the Synod of the Diocese of Brisbane.⁹²¹ We do not discuss the response of Brisbane Grammar School to allegations of child sexual abuse made against Kevin Lynch during his employment at that school in this volume, because Brisbane Grammar School is a non-denominational school not affiliated with the Anglican Church.

Knight had trained as a teacher in South Australia. After an inquiry by that state's Department of Education in 1978 into allegations that Knight had sexually abused a number of boys at a high school, he was dismissed. The dismissal was later rescinded and Knight was permitted to resign.⁹²²

Knight moved to Queensland and, after allegations were made against him in October 1980 during his employment at Brisbane Boys' College as a music teacher, he was dismissed. He was then employed as a teacher at St Paul's between 1981 and 1984.⁹²³ During that time, allegations were made that he sexually abused a number of students, including BSG.⁹²⁴ In October 1984, the then headmaster, Gilbert Case, gave Knight the option of resigning or being sacked, and accepted his resignation. Mr Case wrote Knight a favourable reference.⁹²⁵

Knight was charged with and convicted of the sexual abuse of survivor BSG in 2004.⁹²⁶ BSG told us that, in relation to civil action he took against the Anglican Church:

I would point out that for me, my actions weren't about getting an apology – I received plenty of pale platitudes from various sources within the church over the time – it might make the apologising individual feel better about the terrible neglect, but it doesn't really mean anything to me, especially when it comes from some faceless official, who wasn't even connected to the whole affair, just mouthing the words.⁹²⁷

Mr Kevin Lynch commenced employment at Brisbane Grammar in 1973. Initially he was employed as a teacher. In 1976, he was appointed to the role of school counsellor. He remained employed in that role until 1988, when he left the school.⁹²⁸ We heard evidence that, during the period of Mr Lynch's employment at Brisbane Grammar, Mr Lynch sexually abused a large number of students.⁹²⁹

In 1989, after he left Brisbane Grammar, Mr Lynch started working at St Paul's as the school counsellor. He remained in that position until 1997.⁹³⁰ Former students of the school told us that Mr Lynch had sexually abused them while he was employed at St Paul's.⁹³¹

In 1996, two students – BSB and BRC – made complaints to Mr Case, the then headmaster of St Paul's, about Mr Lynch sexually abusing them.⁹³² Mr Case made a phone call to Mr Lynch and discussed the allegations.⁹³³ After the phone call Mr Case told BRC and BSB that they were lying and threatened to punish them if they persisted with the allegations.⁹³⁴

On 22 January 1997, while Mr Lynch was still employed as the school counsellor, the Queensland Police Service charged Mr Lynch with nine counts of offences committed against a St Paul's student, BSE. The following day, Mr Lynch suicided.⁹³⁵

BSB told us that in the period after he disclosed his alleged sexual abuse by Mr Lynch, he was asked what the school could do to help him. He told us that 'My answer was always, "I would like an apology in writing". I never received one, not even a verbal apology'.⁹³⁶ Another student, BSE, told us that he felt that 'the way St Pauls and the Anglican Church dealt with this was unacceptable, and made things worse for me. They had little respect and obviously were more focused on covering up for their actions/failures than helping me'.⁹³⁷

In November 2015, the Diocese of Brisbane announced that it would introduce a policy to refund the school fees of all former students who had experienced sexual abuse in Anglican schools in the diocese.⁹³⁸

Diocese-based redress schemes

We are very much looking forward to more information about the [Commonwealth redress] scheme and hope that those faith institutions involved in having input into its design will raise some of the issues of concern to ensure that the scheme, as it is designed to respond to Commonwealth institutions, is also a scheme that we can very much consider opting-in to and providing national consistency.⁹³⁹

Anne Hywood, General Secretary of the General Synod of the Anglican Church

The Anglican Church is yet to adopt a national redress scheme. To date, each diocese has been responsible for the development, adoption and implementation of its own redress processes and, as we have seen above, institutions such as Anglicare in the various states have had either their own, or no, redress scheme.

The Anglican Church considered a national redress scheme at the same time the professional standards framework was being introduced in the early 2000s. The Sexual Abuse Working Group of the Standing Committee of the General Synod was formed to develop the professional standards framework in 2002–03. The Sexual Abuse Working Group concluded that:

Inconsistency of approach can only serve to aggravate an already difficult situation with a victim. The public perception is of one indivisible Church. The Roman Catholic experience is that multiple compensation schemes inevitably attract criticism. While the question of compensation may well form part of a mediation or conciliation, it is helpful to have standard principles on which the question will normally be approached.

This is an area where more work needs to be done in developing a national approach. We are conscious that several dioceses are already in the course of developing such schemes, and that experience should be harnessed and coordinated.⁹⁴⁰

In 2009, the Professional Standards Commission of the General Synod of the Anglican Church put forward *Principles for a scheme which provides pastoral care and assistance to those who have been sexually abused by clergy or church workers*.⁹⁴¹ The Standing Committee of the General Synod adopted these principles by resolution in October 2009 and subsequently shared them with the 23 dioceses.⁹⁴² The principles provide that a voluntary scheme should include the following nine elements:

1. an application form that includes details of the financial, medical and personal consequences of the abuse;
2. the establishment that the complaint is encompassed by the scheme;
3. the offer of counselling and ‘emergency’ assistance up to an agreed financial limit (where this has not already been offered);

4. the appointment of a support person (where this has not already been provided);
5. the investigation and determination of the complaint (where this has not already occurred);
6. the independent assessment of the financial and other care and assistance to be provided (up to a set limit);
7. the assessment must be fair and enable the person to speak with the assessor;
8. the assessment should permit the provision of expert medical or other advice at the request of the assessor or the diocese;
9. the offer to the person who has been abused of the care and assistance package which, if accepted, (after giving the person the opportunity to obtain legal advice) will result in the signing of a deed of release which will not contain any confidentiality clause.⁹⁴³

One consequence of diocese-based redress schemes is the possibility of inconsistent outcomes for people seeking redress from Anglican dioceses.

Following the *Institutional review of Anglican Church institutions* public hearing in March, the General Synod adopted the *Redress for the Survivors of Abuse Canon 2017* which authorises Standing Committee to establish a corporate entity. The purpose of the corporate entity will be to co-ordinate and manage redress for survivors of child sexual abuse by being the body which engages with the Commonwealth redress scheme on behalf of Anglican dioceses and associated institutions. The entity will otherwise provide redress to survivors ‘who are unable or willing’ to engage with the Commonwealth scheme.⁹⁴⁴ We discuss a national approach to redress in the Anglican Church in Chapter 22, ‘Redress and civil litigation for survivors of child sexual abuse in religious institutions’.

In this section we set out examples of the redress schemes operating in dioceses throughout Australia: those of the dioceses of Tasmania, Sydney, Grafton, Newcastle, Adelaide and Brisbane.

Pastoral support and assistance scheme in the Diocese of Tasmania

In the *Church of England Boys’ Society* case study we heard that in May 2003, the Diocese of Tasmania established a *Pastoral support and assistance scheme*.⁹⁴⁵ Survivors Steve Fisher, BYH, BYF and Mr David Gould told us that they each received payments under this scheme.⁹⁴⁶ We also heard in *The Hutchins School* public hearing that the school adopted the *Pastoral support and assistance scheme* in 2014 as part of its *Policy for dealing with complaints received by adults of sexual abuse whilst attending the school*.⁹⁴⁷

Applications for financial assistance under the Diocese of Tasmania’s scheme can be lodged once an allegation of sexual misconduct is substantiated either by court proceedings or by the professional standards board.⁹⁴⁸ In May 2015 the cap on financial compensation under this scheme increased from \$60,000 to \$75,000.⁹⁴⁹

Under the *Pastoral support and assistance scheme*:

- A complainant is provided with a support person.
- Grants of pastoral support and assistance are then made on the recommendation of an independent assessor.⁹⁵⁰
- Payments are made in exchange for a deed of release.⁹⁵¹

Pastoral care and assistance scheme in the Diocese of Sydney

Before the introduction in 2004 of a *Pastoral care and assistance scheme* in the Diocese of Sydney, the professional standards unit could make payments, usually between \$1,000 and \$3,000, to survivors 'to help alleviate hardship'.⁹⁵² This continued after the introduction of the *Pastoral care and assistance scheme*, and the scheme provides for claimants to be offered counselling, an apology and a payment in line with specified amounts.⁹⁵³ The cap on payments under the scheme is \$150,000 as at March 2017.⁹⁵⁴

Under the *Pastoral care and assistance scheme*, the Diocese of Sydney made a commitment that its response to claimants would incorporate a number of elements. These include pastoral care, counselling, apology, dealing appropriately with perpetrators and financial assistance. As a first response, claimants are contacted by the diocesan chaplain for victims, who is responsible for ensuring that victims of child abuse or sexual misconduct receive ongoing pastoral care and support. Claimants are also offered counselling with an independent practitioner selected by the claimant from an agreed panel of providers.

Any person who makes a claim or allegation of child abuse or sexual misconduct by an Anglican Church worker is eligible to apply to the *Pastoral care and assistance scheme*. If an applicant accepts an offer of financial assistance under the scheme, they are required to release the diocese from any further claims. However, in 2014, all forms of confidentiality restrictions in deeds of release for claims under the scheme were removed.⁹⁵⁵

Pastoral care and assistance scheme in the Diocese of Grafton

In the *North Coast Children's Home* public hearing we heard about how the Diocese of Grafton adopted the Diocese of Sydney's *Pastoral care and assistance scheme* in November 2005.⁹⁵⁶

The scheme says that once a person informs the Anglican Church of sexual abuse, the Anglican Church will offer counselling with an independent practitioner and will immediately give a general acknowledgement that 'all child abuse or sexual misconduct is grossly wrong'. If the substance of the allegation is established, then a senior office holder in the Anglican Church must give an unqualified and specific apology. If the person is claiming financial aid, the claimant and a claims counsellor will try to reach agreement and, if it is not reached, the claimant can apply for pastoral care and assistance. The application will be referred to a panel of a senior psychiatrist or clinical psychologist, and a senior legal practitioner.⁹⁵⁷

We discuss the Diocese of Grafton's handling of claims under its *Pastoral care and assistance scheme* below.

Pastoral care and assistance scheme in the Diocese of Newcastle

In April 2007, the Diocese of Newcastle also adopted a scheme based on the Diocese of Sydney's scheme. The upper limit of compensation available under the scheme was set at \$75,000. This scheme offered an alternative path for redress that did not involve seeking compensation through the courts.⁹⁵⁸

In around May 2015, the cap under the scheme was increased to \$150,000. Mr John Cleary, the diocesan business manager, told us that before the cap was increased, about 90 per cent of claimants rejected a settlement under the scheme. He said that doubling the cap to \$150,000 resulted in a significant 'take-up' of redress offers under the scheme. Mr Cleary said that around 40 to 50 alleged survivors of child sexual abuse had received redress from the diocese, although not all of those settlements were reached under the *Pastoral care and assistance scheme*.⁹⁵⁹

In 2015, the *Claim resolution protocol* was formally adopted to provide redress to those claimants who did not want to participate in the *Pastoral care and assistance scheme*. The diocesan business manager managed those claims.⁹⁶⁰

Under the *Pastoral care and assistance scheme*, claims are assessed by an assessment panel comprising the diocesan business manager, the diocesan lawyer and the chair of the professional standards committee. The panel then determines and advises the bishop on settlement, including its proposed sum of financial compensation. For all claims involving a financial redress payment, the diocese requires the claimant to sign a deed of release. The diocese has established a special purpose fund to meet these payments.⁹⁶¹

All claimants are also offered an apology meeting, usually with the bishop. In 2015, the diocese developed a 'Survivor Apology Meeting Facts Sheet', which outlined the practice for making an apology. Bishop Thompson, formerly Bishop of Newcastle, told us that he has provided a written or personal apology in all cases where a claimant has requested that he do so. He has also met a number of other survivors who did not seek financial redress from the diocese but who wanted to meet him to discuss their experiences.⁹⁶²

Healing steps in the Diocese of Adelaide

In August 2004, the Diocese of Adelaide introduced a pastoral support and assistance scheme called *Healing steps*. Under the scheme, survivors of sexual abuse by any Anglican Church worker in the diocese were entitled to make an application for pastoral support and assistance, including financial assistance. Following an application, the diocese could appoint an independent person to investigate allegations of abuse. Alternatively, an application could proceed without investigation where allegations had been established by police or an investigation by some other body.

Once a claim had been substantiated, *Healing steps* set out a process to facilitate a formal mediated settlement between survivors and the diocese through an independent ‘facilitator’. *Healing steps* stated that available outcomes included recognition from the Anglican Church that it understands the impact of abuse on the lives of survivors, an apology, reasonable assurance that the offence will not happen to another person, and financial assistance. Where mediated settlements include payment of financial assistance, survivors are required to release the diocese from any further claims.

In his statement provided as part of the *Church of England Boys’ Society* public hearing, the then Archbishop of Adelaide, Archbishop Jeffrey Driver, explained that *Healing steps* ‘was never seen as a rigid process, with fixed “steps” to be followed inflexibly by those who chose to use it’. Rather it sought to approach claims ‘from a pastoral perspective toward a resolution appropriate to the circumstances of each individual’. It was made clear that ‘this alternative is neither part of, nor a substitute for pursuing claims through a legal process’.⁹⁶³

In a statement provided to us as part of the *Institutional review of Anglican Church institutions* public hearing, the then Administrator of the Diocese of Adelaide, Bishop Tim Harris, explained that following the release of our *Redress and civil litigation* report:

It is evident that the redress scheme specific to the Anglican Diocese of Adelaide, *Healing Steps*, will need to evolve into something different – namely, a scheme independent of the Synod. Diocesan Council agrees with the view that this may require the Synod to participate in a scheme wider than our own diocese, either by establishing an independent redress scheme or participating in a scheme that meets the Report’s recommendations.⁹⁶⁴

Bishop Harris also noted that *Healing steps* was ‘coming to the end of its effective life’, and that the Diocese of Adelaide, in conjunction with the other dioceses and associated Anglican institutions would need to think about developing a provincial approach in the absence of a state or national scheme.⁹⁶⁵

Pastoral care and assistance package in the Diocese of Brisbane

Archbishop Aspinall told us that the Diocese of Brisbane adopted the *Pastoral care and assistance package* in February 2010. That package provides for applications for financial assistance to be made once an allegation of sexual misconduct is substantiated either by court proceedings or by the professional standards board. All applicants are to be offered pastoral care, an apology and counselling. Financial assistance is capped at \$75,000.⁹⁶⁶

Issues with diocese redress schemes

I am not satisfied with the amount that I settled for. I am thinking about suing the Church again. I don't think that what I got was fair. I think it was a pittance. I have lived with the impact of the abuse for nearly thirty years of my life. I want someone to be held responsible for it, to be accountable. The \$22,000 payout is ridiculous. I feel like the Church has given me the money and told me to shut up and go away, and it's not good enough.⁹⁶⁷

Survivor, CD

As noted above, each diocese has been responsible for the development, adoption and implementation of redress processes operating within its own jurisdiction. As a consequence, there are inconsistencies in the operation of redress frameworks between dioceses.

In this section we set out what we heard in our case studies about how redress schemes have been administered in a number of Anglican dioceses. We also set out the experiences of survivors who have sought redress under these schemes. We heard from survivors about issues with diocese redress schemes including:

- delays in assessing claims
- the process required to substantiate claims of abuse causing inconvenience to a survivor
- absence of communication, or inconsistent application, of diocesan policy that amounts already paid for counselling would be deducted from final determinations of financial assistance
- perceptions that the maximum payments available under the schemes were too low.

Delays in assessing claims

In the *Church of England Boys' Society* case study we found that there was force to a survivor's submission that there was undue delay in the assessment of his application for financial assistance under the formal redress scheme in the Diocese of Tasmania.

On 10 July 2003, survivor BYF applied for financial assistance from the Diocese of Tasmania under the *Pastoral support and assistance scheme* in relation to his experience of abuse by Louis Daniels. It was not until March 2004 that the independent assessor made findings about BYF's application for financial assistance. BYF signed a deed of settlement on 25 March 2004 in relation to his experience of abuse by Garth Hawkins and Daniels and received some financial compensation.⁹⁶⁸

Bishop Harrower told us that one of the reasons for delays in assessments is that independent assessors were ‘sometimes not available for literally months for personal reasons’.⁹⁶⁹

In the same case study, we also heard there was some delay in the assessment of survivor Mr Gould’s application under the scheme because the police were still investigating one of his alleged abusers, Louis Daniels. Mr Gould applied to the *Pastoral support and assistance scheme* on 14 July 2004.⁹⁷⁰ Daniels was sentenced in May 2005 to seven and a half years’ imprisonment after pleading guilty to 13 charges (some of which related to Mr Gould).⁹⁷¹ Mr Gould’s application was not assessed until 26 September 2006, when he was awarded the maximum amount under the scheme.⁹⁷²

‘Inconvenient’ process

In the *Church of England Boys’ Society* case study we found that there was also force to BYF’s submission that the procedure under the *Pastoral support and assistance scheme* in the Diocese of Tasmania put him to inconvenience.⁹⁷³ As we set out earlier, applications can only be lodged once a diocesan tribunal or committee has made a finding that the sexual misconduct complained of did occur.

At the time of BYF’s application under the scheme in July 2003, Daniels had been deposed from holy orders by the Bishop of Canberra and Goulburn. It appeared from correspondence in evidence in the case study that a board of inquiry process was required in Tasmania to progress BYF’s application under the scheme, despite the fact that Daniels had already been deposed from holy orders by the bishop in the Diocese of Canberra and Goulburn.⁹⁷⁴

On 30 July 2003, BYF wrote to Bishop Harrower expressing his strong concern over the processes he had had to go through to prove his experience of abuse. Bishop Harrower responded on 4 August 2003 saying:

I was very saddened to read your letter and to hear of your distress.

I admit that we in Tasmania have been on a very steep learning curve as we have tried to respond to disclosures of sexual abuse by clergy, and we have certainly not always got it right or foreseen all the difficulties that would require us to make changes.

The journey for someone bringing a complaint is never an easy one, but I am very sorry if the way we have tackled this has made your journey even harder than it needed to have been.⁹⁷⁵

The board of inquiry issued its report on BYF's claim on 6 September 2003 and found that there was a case to answer. However, because Daniels had by that time been deposed from holy orders, the Anglican Church had no current jurisdiction over him. Bishop Harrower then asked the board to make a finding on whether the abuse occurred. The board found the abuse had occurred. The independent assessor under the *Pastoral support and assistance scheme* determined BYF's claim in March 2004.⁹⁷⁶

Deduction of counselling payments from final determinations of financial assistance

In the *Church of England Boys' Society* case study we found that the Diocese of Tasmania was inconsistent in its approach to amounts that would be deducted from financial assistance awarded under the *Pastoral support and assistance scheme*. We also found that the diocese failed to communicate intended deductions to a survivor who sought redress under the scheme.⁹⁷⁷

On 24 May 2003, survivor BYH wrote to Bishop Harrower, and disclosed sexual abuse by Garth Hawkins. The diocese told BYH that it could not investigate his complaint until a police investigation had concluded, but offered him paid visits to a psychiatrist in the meantime. BYH accepted that offer and told us that the visits were beneficial.⁹⁷⁸

After Hawkins was convicted, Bishop Harrower advised BYH that he could apply for assistance under the *Pastoral support and assistance scheme*, which he did. BYH was awarded the full amount available less the amount spent on counselling to that point. BYH told us that he was not told that the diocese would deduct the cost of the counselling he had received from the final settlement amount. He had originally thought the counselling was provided free of charge. We found that BYH should have been advised in advance that any counselling fees would be deducted from the final settlement amount. BYH said that after legal costs he was left with around \$40,000.⁹⁷⁹

We also found that the Diocese of Tasmania took an inconsistent approach to the deduction of counselling expenses in response to another survivor's application under the scheme. In July 2004, Mr Gould submitted an application to the *Pastoral support and assistance scheme*. He was told by Bishop Harrower that the diocese would not deduct counselling payments from any payout he received. In September 2006, Mr Gould's application was assessed and he was awarded the maximum amount available. Unlike in BYH's situation, the Diocese of Tasmania did not deduct any amounts for counselling from Mr Gould's final payment.⁹⁸⁰

Perceptions that the maximum payment available was too low

Of the diocese redress schemes we set out above, all except *Healing steps* in the Diocese of Adelaide capped the maximum amount of financial assistance available to survivors.

We heard that some survivors chose not to seek redress through formal diocese redress schemes because they believed that the capped amounts for financial assistance were too low. In the *Anglican Diocese of Newcastle* case study the diocesan business manager, Mr John Cleary, told us that redress under the scheme was ‘regularly rejected’ by survivors because the maximum grant of assistance was capped at \$75,000.⁹⁸¹

Survivor CKA told us that he received two payments under the *Pastoral care and assistance scheme* operating in the Diocese of Newcastle, in relation to the abuse by Father George Parker. The response of the Diocese of Newcastle to CKA’s disclosure of sexual abuse by Father Parker and the criminal proceedings related to this complaint in 2001 is set out in Section 12.4.

CKA received \$35,000 in 2008 under the scheme, in relation to sexual abuse he says Father Parker committed at the rectory in Wallsend in 1975. Father Parker was never the subject of disciplinary proceedings in the Diocese of Newcastle or any other diocese.⁹⁸² The Diocese of Newcastle approved CKA’s application in exchange for releasing the diocese from claims relating to Father Parker.⁹⁸³

In 2012, CKA negotiated a second settlement with the Diocese of Newcastle in relation to disclosures of further allegations of sexual abuse by Father Parker. CKA told us that he received a second payment of \$75,000 from the Diocese of Newcastle and signed a second deed of release in 2012.⁹⁸⁴ While this was the maximum amount payable under the scheme at that time, CKA told us that he thought it was ‘a joke’. He said the Anglican Church could ‘never pay me enough to compensate me for what I could have been had [Father Parker] not abused me’.⁹⁸⁵

Changes to diocese redress schemes

We heard that some dioceses have taken steps to improve their response to survivors under formal redress schemes.

In the *Church of England Boys’ Society* public hearing, the then Archbishop of Adelaide, Archbishop Jeffrey Driver told us that as a result of discussions with survivor Mr Mark King in 2005, the archbishop sought to change the level of counselling offered to victims from six sessions to 15 sessions. He told us he also sought to relax the requirement around which counsellors victims could see.⁹⁸⁶

Some dioceses have also taken steps to increase the amount of financial assistance available to survivors under formal redress schemes. In the *Anglican Diocese of Newcastle* case study we heard that in May 2015, the Diocese of Newcastle increased the cap on the maximum amount payable under its *Pastoral care and assistance scheme* from \$75,000 to \$150,000.⁹⁸⁷ In the *Church of England Boys’ Society* public hearing we heard that in May 2015, the Diocese of Tasmania had increased the maximum grant of assistance under its *Pastoral support and assistance scheme* from \$60,000 to \$75,000.⁹⁸⁸

The Diocese of Grafton took steps to review all payments made under its formal redress scheme in 2013. During the *North Coast Children's Home* public hearing, Ms Hywood, who had been appointed acting registrar of the Diocese of Grafton in January 2013, told us that she was unaware that the Bishop-in-Council had adopted the Diocese of Sydney's *Pastoral care and assistance scheme* in November 2005. In June 2013, Ms Hywood proposed a revised pastoral and care assistance package, adapted from the Diocese of Sydney's package. This new package was adopted at the Bishop-in-Council meeting in around October 2013.⁹⁸⁹

The professional standards director and professional standards committee subsequently reviewed all abuse claims received in the Diocese of Grafton, including those raised in a group claim relating to the North Coast Children's Home that had been settled some years earlier. We discuss the Diocese of Grafton's response to the group claim and others claims relating to the North Coast Children's Home in further detail below. The professional standards director and the professional standards committee recommended the diocese pay each claimant at the level recommended by the committee. Archdeacon Greg Ezzy told us that the revised *Pastoral care and assistance package* would apply retrospectively to all 41 members of the earlier group claim.⁹⁹⁰

In the *Institutional review of Anglican Church institutions* public hearing Bishop Dr Sarah Macneil, the Bishop of Grafton, told us:

The Commission will be aware that the diocese, in response to the understanding that the settlements that had been made in the case of the North Coast Children's Home were inadequate and did not meet the diocese's own benchmarking, under its Pastoral Care and Assistance Scheme, contacted the complainants, the victims in the North Coast Children's Home case, and offered ex gratia payments to bring their settlements, their payments, to the level that they would have received under the Pastoral Care and Assistance Scheme.⁹⁹¹

Responses to survivors through civil litigation

As noted earlier, the Anglican Church complaints data showed that, of all redress processes, the highest total amount of monetary payment was through civil proceedings (\$12.74 million). The highest average monetary payment paid was through civil proceedings only (approximately \$116,000 per complainant).⁹⁹²

Table 16.14, from the Anglican Church complaints data, sets out the average payments by redress process by Anglican Church province:⁹⁹³

Table 16.14 – Average payments by redress process by Anglican Church province

Province	Redress scheme (\$)	Civil (\$)	Other (\$)
Queensland	38,000	143,000	31,000
New South Wales	64,000	74,000	105,000
Victoria	N/A	0	45,000
South Australia	73,000	85,000	57,000
Western Australia	80,000	0	25,000
Extra provincial: Tasmania	71,000	75,000	35,000
Total	71,000	116,000	52,000

During the *Institutional review of Anglican Church institutions* public hearing we heard that some Anglican Church dioceses attempt to resolve civil claims as expeditiously as possible. Bishop Geoffrey Smith, at the time an assistant bishop in the Diocese of Brisbane and now the Archbishop of Adelaide, told us that ‘we do say to our lawyers that we want to get to the mediation, the compulsory mediation stage of our process as reasonably, quickly and easily as possible’.⁹⁹⁴

Bishop Dr Macneil, told us, ‘We have also instructed the lawyers who act for us in these cases to negotiate an outcome and there have been very few cases, but none of them have gone to court, they have all been settled’.⁹⁹⁵

Archbishop Philip Freier, Archbishop of Melbourne and Primate of the Anglican Church of Australia, told us that dioceses in the Province of Victoria have formed diocesan corporations, such as the Melbourne Anglican Diocesan Corporation. He told us that the purpose of the Melbourne Anglican Diocesan Corporation was to, effectively, provide a ‘proper defendant’ in legal proceedings.⁹⁹⁶ Archbishop Freier told us in his written statement that the purpose of the entity was to be:⁹⁹⁷

- the nominated ‘employer’ under the WorkCover statutory scheme of clergy and others in the diocese
- the corporate vehicle by which the diocese can hold itself accountable to the community for liability that may be incurred as a result of the acts or omissions of those in the service of the diocese.

Some survivors told us in our case studies about their experiences in using civil litigation processes before 2005 to seek redress for child sexual abuse perpetrated by Anglican Church personnel.

In the *Church of England Boys' Society* public hearing, survivor BYG told us that he was critical of the process he had to engage in when he pursued a civil claim against the Anglican Church and Louis Daniels in 1994. In 1994, BYG engaged a solicitor and sought financial compensation from both the Diocese of Tasmania and Louis Daniels.⁹⁹⁸ BYG said that, according to his solicitor, the Diocese of Tasmania had said that it was unable to contribute money without the matter becoming widely known and would have to go through complicated Anglican Church processes.⁹⁹⁹

BYG told us that he decided to settle with Daniels a few months after initiating proceedings, as he did not want the matter to become widely known and he was exhausted by the process. In September 1994 BYG executed a deed of release with Daniels and Bishop Newell on behalf of the Diocese of Tasmania. Daniels personally paid BYG an amount of \$34,000. The diocese was released from all claims.¹⁰⁰⁰

In the same case study we heard that in 1998, Mr Brett Skipper commenced proceedings against the Diocese of Tasmania and the men who allegedly abused him, one of whom was Daniels, for compensation in relation to the sexual abuse he suffered. Mr Skipper eventually settled with the diocese on 11 May 2004 for \$75,000 (including costs) and released the diocese from all future claims.¹⁰⁰¹ Later that day, Mr Skipper took his life.¹⁰⁰²

The response of the Diocese of Grafton to civil claims relating to the North Coast Children's Home

In Section 12.5.1, we discussed the response of the Diocese of Grafton to a group claim brought by over 40 survivors of abuse at the North Coast Children's Home. In that case study, we heard about the impact the Diocese of Grafton's response to the group claim had on survivors.

In August 2005, Mr Tommy Campion, a former resident of the North Coast Children's Home, wrote to the Anglican dioceses of Sydney and Grafton and described physical, psychological and sexual abuse he experienced as a resident at the North Coast Children's Home.¹⁰⁰³

Reverend Patrick Comben, who was the registrar of the Diocese of Grafton, replied to Mr Campion:

I am unable to adequately express my personal feelings of revulsion, sorrow and helplessness which the letter raises in me ... I have no hesitation in speaking on behalf of the Diocese in saying that we will do all that we can to assist you to move beyond the pain that was caused in an Anglican place that should have been safe, but was clearly not.¹⁰⁰⁴

Reverend Comben said that the professional staff of the Diocese of Sydney would respond to Mr Campion on behalf of the Diocese of Grafton. He also offered Mr Campion counselling support and \$500 to help him travel to counselling appointments. He sent Mr Campion information about the Diocese of Sydney's *Pastoral care and assistance scheme*, explaining that 'the Diocese of Grafton follows these guidelines'.¹⁰⁰⁵

Mr Campion said he was 'ecstatic' at the news of the redress scheme being offered and that he and his sister, CA, might each receive between \$70,000 and \$80,000. He said he 'knew so many other children who were abused in the Home ... [and he] felt that everyone who was abused should receive something'.¹⁰⁰⁶

Between November 2005 and January 2006, Mr Campion spoke to the media about his experiences at the North Coast Children's Home and advertised to find other former residents.¹⁰⁰⁷ In 2006, over 40 former residents began a group claim against the Diocese of Grafton. They claimed to have suffered physical, psychological and sexual abuse at the North Coast Children's Home between 1940 and 1985. Twenty of those claims involved child sexual abuse by clergy, staff, foster parents and others.¹⁰⁰⁸

The Diocese of Grafton denies liability

In January 2006, Mr Simon Harrison, a lawyer running the group claim, requested documents and other information from Reverend Comben about the North Coast Children's Home and its former staff. Reverend Comben declined the request. After the request, Reverend Comben instructed lawyers for the diocese to defend the group claim by denying liability.¹⁰⁰⁹

On 1 June 2006, the diocese's lawyer wrote to Mr Harrison and confirmed the diocese's position that it denied liability, on the basis that the North Coast Children's Home was never run by clergy and the staff were not employed by the Anglican Church. We found that the Diocese of Grafton initially dealt with Mr Campion's complaint by providing a copy of the *Pastoral care and assistance scheme* adopted by the diocese in 2005. When faced with the group claim, the diocese changed its response to Mr Campion's claims by stating that the diocese and its corporate trustees had no legal liability for sexual or physical abuse of a child by clergy, staff or other people associated with the North Coast Children's Home.¹⁰¹⁰

In December 2006, an informal settlement conference between the lawyers for the Diocese of Grafton and for the group claim failed to resolve the claim. Mr Harrison wrote to his clients about the hostile and combative nature of the negotiations:

During the course of the second day of conferencing we were appalled at two offensive remarks that were made both by the Reverend and his lawyer ... The comments related to the nature of 'discipline in those days' and a suggestion that implied that any abuses that occurred had to be placed in the context of the fact that at least the children were given a home.¹⁰¹¹

We found that the settlement negotiations in December 2006 were conducted in a hostile manner. Eventually, the Diocese of Grafton agreed to settle the group claim in March 2007 for \$825,000.¹⁰¹²

Mr Campion and CA rejected the offer made as part of the group claim, and later sought redress under the *Pastoral care and assistance scheme*, which we discuss below. The other members of the group claim accepted the offer. We found that the amounts offered to the claimants were substantially lower than if the claim had been resolved under the 2005 *Pastoral care and assistance scheme* adopted by the Diocese of Grafton. We also found that the Diocese of Grafton had misled Mr Campion and another survivor, CA, that the 2005 *Pastoral care and assistance scheme* would be followed.¹⁰¹³

Mr Campion and other survivors told us that they were disappointed and hurt by the Diocese of Grafton's response and the financial settlement reached. CK told us that in denying responsibility, the Anglican Church caused much hurt because the residents knew the truth. He said that the Anglican Church taking responsibility and ownership was important to him and other former residents.¹⁰¹⁴

CN was disappointed with the group claim settlement and the diocese's denial of liability. She described the legal process overall as being very distressing:

At the end of that case, it was like being raped all over again. So it made me feel just like I felt when I was in the Home, like I was lying and worthless.¹⁰¹⁵

Mr Campion gave evidence about his legal fees and the amount offered by the Diocese of Grafton:

I was upset. I mean, the amount of abuse that I suffered was pretty bad. I just thought that settlement was – the church had schemed a bit to get out of paying the correct amount of money. I was pretty heartbroken that he only offered that much ... All these people had gone through hell and then you get the situation where you have the lawyers telling you what to have, without asking beforehand, and knowing that [the claimants] had to pay half of what they got. I just didn't think that was fair.¹⁰¹⁶

CA told us:

I felt the offer and conditions were unacceptable, and did not feel that what they called the 'compassionate payment' was genuine. I was devastated. Other people decided to take what they could get. I couldn't believe people could take the money for what was done to their life. I felt they wanted it all wrapped up and forgotten about.¹⁰¹⁷

We found that by denying legal liability, on the basis that it did not control the North Coast Children's Home, and not providing a pastoral response, the Diocese of Grafton's response had a detrimental effect on abused former residents.¹⁰¹⁸

Survivors seek redress under the Pastoral care and assistance scheme

After Mr Campion rejected the diocese's settlement offer in the group claim in March 2007, he and his sister, CA, continued to negotiate with the diocese. Mr Campion told the diocese that he needed more extensive counselling and he wanted compensation of \$75,000 in line with the diocese's *Pastoral care and assistance scheme*.¹⁰¹⁹

On 14 August 2007, Bishop Keith Slater wrote to Mr Campion and CA:

It seems to me that what you are now asking in relation to a Care Package would actually be a betrayal of all of those whom you encouraged to make a claim with you through your lawyer. If the Diocese now proceeded to renegotiate with you at a significantly higher level of recompense then it would actually impinge upon your integrity, and be viewed by others as a betrayal.¹⁰²⁰

Bishop Slater repeated the offer that had been given to the group claimants: \$22,000 plus continued payment for 10 counselling sessions. Mr Campion told us that he was shocked by the bishop's letter: 'I could not believe it. I thought it was a shocking thing to say that I would betray the other children. I thought it was despicable'. CA responded in similar terms on 16 October 2007.¹⁰²¹

Bishop Slater acknowledged that his letter was an inappropriate reply to Mr Campion. He agreed that it confused the interests of the complainant, the bishop, the diocese and other members of the group claim. We found that Bishop Slater did not follow the *Pastoral care and assistance scheme* in responding to Mr Campion.¹⁰²²

In 2010, Mr Campion accepted the original offer under the group claim:

Due to a desperate need to regain my sanity, my health, pay the rent and electricity and purchase decent food to keep that health, I will now accept every cent due to me for the physical, sexual and psychological abuse I suffered [at the Home].¹⁰²³

12.5.7 Conclusions about contemporary Anglican Church responses to child sexual abuse

Since 2004, Anglican dioceses in Australia have adopted and implemented a range of measures under a professional standards framework to respond to complaints of child sexual abuse, with the intention of achieving a consistent national approach. However, there remain differences in how this framework operates in each of the 23 dioceses, leading to inconsistent outcomes for survivors.

As noted in Section 12.4, before the development of the professional standards framework, complaints were rarely reported to the police or other civil authorities. The 2004 framework, while not specifically mandating that allegations of child sexual abuse are reported to the police and other civil authorities, nevertheless requires dioceses to have procedures for working with law enforcement, prosecution and child protection authorities. Furthermore, professional standards committees have a power and a duty to refer information to such authorities.

We heard from five directors of professional standards from different dioceses across Australia, who each said it was the practice in their respective diocese to report all allegations of child sexual abuse to the police. Nevertheless, as we saw in the *North Coast Children's Home* case study, where policies existed, Anglican Church personnel did not necessarily report historical allegations in a timely manner, if at all. In that case study, the diocese breached its own professional standards procedures and protocols, in that allegations of historical child sexual abuse were not reported to the professional standards director or the police for a period of some years after they were made.

Following the introduction of the professional standards framework in 2004, there was a shift away from the tribunal-based system of disciplining clergy to a mechanism which considers whether clergy and church workers remain fit to hold a licence, office or position of responsibility where allegations have been made against them. In the Diocese of Grafton, the process as envisaged by professional standards framework was not followed in relation to one offender, although it was acknowledged by two dioceses that such action could have been taken. Although the mechanism was engaged in the Diocese of Newcastle, we heard that in relation to one alleged perpetrator, the process was long and protracted, taking almost three years from initial complaint to outcome.

In the Diocese of Newcastle, disciplinary processes conducted in 2010 resulted in allegations being upheld against a number of alleged perpetrators. Two individuals unsuccessfully challenged the determinations of the professional standards board in the New South Wales Supreme Court. The application of the professional standards framework in the Diocese of Newcastle resulted in significant backlash from a section of the lay Anglican community in the diocese. They criticised decisions to take disciplinary action against clergy, and complained to the primate and the Episcopal Standards Commission about bishops in the diocese who were taking such action. We found that no culture supportive of the professional standards framework had embedded itself in the diocese and that the complaints were designed at least in part to discourage the diocese from dealing with allegations of child sexual abuse.

We also heard that lay people in the Anglican Church can significantly influence the prevailing culture of a diocese. In the Diocese of Newcastle, this led to child safety not being prioritised, the undermining of attempts to implement professional standards processes, and backlash directed to bishops and others in leadership positions when they sought to bring about positive cultural change in relation to the issue of child sexual abuse.

By the late 2000s, the Anglican Church was also addressing the issue of risk managing ‘persons of concern’ who wished to remain involved in parish activities. We heard that restrictions are sometimes placed on persons of concern, designed to protect the parish community from the risk of harm. Risk management processes have been put in place in some cases; however we heard that some ‘persons of concern’ have proved difficult to risk manage.

Although pastoral care and assistance schemes have operated in most dioceses since the 1990s, we heard that these were not always followed or properly implemented. Where there were civil claims, sometimes the approach adopted by a diocese was legalistic and defensive, which caused further trauma for survivors. A number of diocesan bishops who gave evidence in the institutional review hearing told us that their dioceses have sought to improve their responses to survivors. Despite this, we heard from some survivors about their negative experiences with diocese-based redress schemes, including delays, inconvenient processes, and perceptions that the maximum available through these schemes were inadequate.

The introduction of professional standards processes has nevertheless resulted in some improvements in institutional responses to survivors of child sexual abuse in the Anglican Church. We heard about the positive impact that apologies can have for some survivors. In some instances, disciplinary processes were successfully pursued against both clergy and lay people in relation to child sexual abuse. Diocese-based redress schemes, in the absence of a national redress scheme in the Anglican Church, provide some financial and other assistance to survivors of child sexual abuse. However, there continue to be inconsistent approaches to the institutional response to child sexual abuse across Anglican institutions.

In Section 12.6, we consider factors that may have contributed to the occurrence of child sexual abuse in Anglican institutions, or to an inadequate institutional response to this abuse. We make recommendations to the Anglican Church, including in relation to furthering efforts to achieve national consistency in relation to measures to promote child safety.

12.6 Contributing factors in the Anglican Church

12.6.1 Introduction

The house is burning. We need a national response. We need resolution and resolve from our Bishops to commit themselves to have one consistent practice of professional standards and child protection. There is no excuse for Bishops to defend their position around jurisdiction.¹⁰²⁴

Bishop Gregory Thompson, former Bishop of Newcastle

In *Case Study 52: Institutional review of Anglican Church institutions (Institutional review of Anglican Church institutions)* and our case studies which examined specific Anglican Church institutions, we heard evidence about factors that may have contributed to the occurrence of child sexual abuse in Anglican institutions and to inadequate institutional responses to that abuse. This included the following issues:

- barriers to a consistent response related to the structure and governance of the Anglican Church
- the role of bishops and significance of their leadership
- conflicts of interest for bishops and other office holders in the Anglican Church
- cultural issues within Anglican Church communities
- the impact of clericalism
- the practice of forgiveness and confession
- inadequate screening, selection, training and supervision.

12.6.2 Structure and governance: barriers to a consistent response

Our observations in this section are informed primarily by evidence we received in the *Institutional review of Anglican Church institutions* public hearing, but are also informed by what we heard in some of our case studies that examined Anglican Church institutions.

We heard evidence that there is no consistent, national approach in the Anglican Church of Australia to responding to allegations of child sexual abuse. We heard that this is influenced by dispersed and decentralised authority, diocesan autonomy, and theological and cultural differences between dioceses. These influences raise structural and cultural barriers to a consistent approach to responding to allegations of child sexual abuse.

Archbishop Phillip Aspinall, Archbishop of Brisbane and at the time primate of the Anglican Church of Australia, told us in *Case Study 3: Anglican Diocese of Grafton's response to child sexual abuse at the North Coast Children's Home (North Coast Children's Home)* that, while the Anglican Church represents itself as a unified national body, it does not operate in a unified way.¹⁰²⁵ Archbishop Aspinall further acknowledged in the *Institutional review of Anglican Church institutions* public hearing that this is a problem 'enshrined structurally in our constitution. When the power lies in the diocese, it's almost a recipe to guarantee diversity'.¹⁰²⁶

In terms of the structural barriers to consistency, Archbishop Aspinall noted in the *Institutional review of Anglican Church institutions* public hearing that authority within the Anglican Church was dispersed both at the diocesan level (where the bishop, in conjunction with the synod, governs the diocese) and the parish level (where the parish priest operates in conjunction with a parish council).¹⁰²⁷

We are aware that the structural barriers are considerable. For example, we heard in the *Institutional review of Anglican Church institutions* public hearing from Archbishop Aspinall that while ‘the General Synod could pass a canon about child protection’, all 23 dioceses would need to adopt it.¹⁰²⁸ We heard that the impact of this was that there was no nationally consistent approach across the dioceses in relation to responding to child sexual abuse, professional standards in general and episcopal standards.¹⁰²⁹

Bishop Gregory Thompson, who at the time was the Bishop of Newcastle, told us in the *Institutional review of Anglican Church institutions* public hearing that:

I’m really disappointed that the national church hasn’t been galvanised for years to have a common national response, and I think it’s been undermined by tribal interests, vested interests in keeping the jurisdictions of not allowing someone else coming into our territory to tell us what to do. And this is so disappointing. It’s as if the child protection, child safety thrust is being overwhelmed by these other vested interests, and they need to be examined. I think there needs to be an honesty about it rather than this veneer of nice Anglicanism – we ought to be nice to each other but in reality we’re in competition with each other.¹⁰³⁰

The lack of a nationally consistent approach to child safety is a significant challenge for the Anglican Church of Australia. It has been a feature of every hearing we have conducted in relation to Anglican dioceses.

During the *North Coast Children’s Home* public hearing we heard about the role of the primate and the structural issues in the Anglican Church that might impede the handling of claims.¹⁰³¹

In *Case Study 36: The response of the Church of England Boys’ Society and the Anglican Dioceses of Tasmania, Adelaide, Brisbane and Sydney to allegations of child sexual abuse (Church of England Boys’ Society)* we found that the partial adoption of the model professional standards framework by Anglican Church dioceses meant that, for a parachurch organisation such as the Church of England Boys’ Society (CEBS), there were no clear and consistent rules. Further, we found that, despite several diocesan inquiries, and a report commissioned by the Professional Standards Commission of the Anglican Church and published in 2009 that found a high rate of offending among CEBS leaders nationally, there had not been a national coordinated response to offending within CEBS.¹⁰³²

In *Case Study 42: The responses of the Anglican Diocese of Newcastle to instances and allegations of child sexual abuse (Anglican Diocese of Newcastle)*, we found that a consequence of the structure of the Anglican Church was that each diocese had responsibility for developing its own professional standards framework.¹⁰³³

Reverend Dr Bruce Kaye AM, Adjunct Research Professor, Centre for Public and Contextual Theology, Charles Sturt University, and a former General Secretary of the General Synod of the Anglican Church of Australia, told us that the structure of the Anglican Church would be difficult to change:

So it is a long-embedded structure, and I think it's really hard to imagine engaging in a strong move to centralise it, unless it is on some such issue as this, which is obviously one of great national importance and which the church has manifestly failed in. So I think I wouldn't want to underestimate the challenge involved in such a move.¹⁰³⁴

We also heard evidence that there is no homogeneity of theology or church practice within the Anglican Church of Australia.¹⁰³⁵ For instance, Professor Patrick Parkinson AM, professor of law, University of Sydney, identified (while recognising these to be 'very broad generalisations'¹⁰³⁶) three major theological groupings: the evangelical tradition, the Anglo-Catholic tradition, and a liberal tradition.¹⁰³⁷ Archbishop Glenn Davies, Archbishop of Sydney, called these 'loose overlapping definitions'.¹⁰³⁸

We heard that these theological differences do not in themselves directly concern the Anglican Church's response to child sexual abuse. As Archbishop Aspinall told us:

they are not theological differences about child sexual abuse, there are much deeper underlying issues about how to interpret and apply the scriptures which give rise to differences about the ordination of women, which prayer books should be authorised to be used, differences about human sexuality.¹⁰³⁹

Before the *Institutional review of Anglican Church institutions* public hearing, we asked all 23 dioceses in Australia whether theological differences have an impact on the protection of children. In the statements which addressed this issue, there was a consensus that theological differences do not and should not have an impact on the Anglican Church's response to child sexual abuse.¹⁰⁴⁰ Archbishop Aspinall told us that he did not believe 'there's any lack of commitment anywhere in the church to want to protect children. I think there is uniform resolve about that.'¹⁰⁴¹

However, Archbishop Aspinall told us that 'what impedes our capacity to collaborate is a fundamental lack of trust between the dioceses, to the point where there is a lack of will or even a desire to cooperate on a whole range of issues'. He went on to observe:

So we have one part of the church who looks at another part of the church and says, 'We do not believe you are understanding and applying the scriptures in a proper, truthful way. We actually have doubts about what you believe. We suspect' – this would never be said, but it's what's there, beneath the surface – 'We suspect you may not really be truly Christian. Therefore, we do not want to associate with you too closely, institutionally, lest we be contaminated with those errors that you are making'.

Now, this undermines a desire to collaborate nationally, and pushes people back into their own dioceses where they live with the true and pure, like-mindedness. That's the fundamental issue, I think, the Anglican Church of Australia has to grapple with.¹⁰⁴²

Archbishop Davies told us that the Anglican Church was working towards consistency but that there were still robust systems of child protection in place in most dioceses:

In my view, consistency is a second-order issue. It is important, but it is far more important to have children protected ...

... I recognise that there has been a failure of the national church to have consistency across the board, but it shouldn't be forgotten that there are a number of robust systems of child protection in place in most dioceses in the national church, and we are still working towards getting the consistency and raising the bar, having those minimum standards accepted across the board, that's true, that is still work to be done, but it shouldn't be forgotten that good work has been done.¹⁰⁴³

Dioceses having different minimum standards guiding their responses to allegations of child sexual abuse is likely to lead to different outcomes for survivors approaching each diocese. A consistent approach would ensure more predictable and transparent outcomes for survivors.

These structural and cultural differences have impeded the Anglican Church of Australia's ability to develop a common response to child sexual abuse. It is clear that there are structural and cultural barriers to a shared national approach to child safety.

In the *Institutional review of Anglican Church institutions* public hearing we heard about the efforts of the General Synod, particularly since 2004, to achieve a nationally consistent approach, including recommending policies for implementation by dioceses.¹⁰⁴⁴ However, Mr Garth Blake SC, Chair of the Professional Standards Commission and Chair of the Royal Commission Working Group, told us, 'Paradoxically, I think there has been more fragmentation in recent times, and I think that has corresponded with the development of more sophisticated professional standards processes in each diocese'.¹⁰⁴⁵

As we noted in Section 12.3, 'Development of national model procedures in the Anglican Church', Archbishop Aspinall told us that, in his view, a recommendation from the Royal Commission may be necessary to overcome these barriers. Mr Blake SC told us that he would regard the need for an 'external push' as a 'continuing moral failure'.¹⁰⁴⁶

In Chapter 20, ‘Making religious institutions child safe’, we recommend that religious organisations should adopt the Royal Commission’s 10 Child Safe Standards as nationally mandated standards for each of their affiliated institutions (Recommendation 16.32). The Child Safe Standards articulate the essential elements of a child safe institution and set benchmarks against which institutions can assess their child safe capacity and set performance targets.

We also recommend that religious organisations should drive a consistent approach to the implementation of the Child Safe Standards in each of their affiliated institutions (Recommendation 16.33). In Chapter 20 we set out what we heard about the adoption of the *Safe Ministry to Children Canon 2017* by the General Synod in September 2017. The *Safe Ministry to Children Canon 2017* prescribes uniform minimum child safe standards and a code of conduct.¹⁰⁴⁷ We note that in order for this to result in a consistent approach it will have to be adopted with minimal amendments by each of the 23 dioceses.¹⁰⁴⁸

We also believe that religious organisations can play a role in promoting ongoing compliance with the standards in their affiliated institutions. In Chapter 20 we recommend that religious organisations should work closely with relevant state and territory oversight bodies to support the implementation of and compliance with the Child Safe Standards in each of their affiliated institutions (Recommendation 16.34). As part of this approach, we encourage religious organisations to implement a process of measuring compliance with the Child Safe Standards in their affiliated institutions, and to make public the results of that process for the purposes of transparency and accountability. We note that the *Safe Ministry to Children Canon 2017* includes a public auditing function, being the publication of audits on the General Synod website.

In Chapter 20 we describe how, in existing highly regulated sectors such as education and out-of-home care, religious organisations will have less of a role to play in supporting implementation of and compliance with the Child Safe Standards. Nevertheless, we consider that, where an institution operates under the auspices of a religious organisation, there should be some oversight of that institution by the religious organisation with respect to child safety. In our view, institutions in existing highly regulated sectors should report their compliance with the Child Safe Standards, as monitored by the relevant sector regulator, to the religious organisation with which they are affiliated (Recommendation 16.35).

In the Anglican Church of Australia, given what we have heard about the structural barriers to nationally consistent responses to child sexual abuse, particular attention should be given to the development of a mechanism not only to drive a consistent approach to child safety but also to monitor the adoption of this approach in the 23 dioceses and their affiliated institutions.

In Chapter 20 we describe some further approaches in the Anglican Church that could lead to greater consistency in approach to child safety. These include:

- the creation by the Diocese of Melbourne of a separately incorporated entity to provide child protection services (such as complaint handling and arranging screening/clearances), Koorooya Ltd
- the creation by the General Synod of a separately incorporated entity to interact with the national redress scheme on behalf of Anglican Church dioceses and associated institutions.

Koorooya Ltd is an independent corporate entity established by the Anglican dioceses of Melbourne and Bendigo.¹⁰⁴⁹ In a statement provided to us as part of the *Institutional review of Anglican Church institutions* public hearing, Mr Michael Shand QC, Chancellor of the Diocese of Melbourne, told us that the role of the independent ‘scheme corporation’ will be to administer the complaints and clearance regimes, as well as any Anglican Church redress scheme, which will be subject to a biennial audit and review by a professional standards ombudsman.¹⁰⁵⁰ In Chapter 20 we discuss Koorooya Ltd in further detail.

During the *Institutional review of Anglican Church institutions* public hearing, Mr Shand QC told us that the corporate approach was a compromise between acknowledging the autonomy of dioceses and the need for a common but independent approach.¹⁰⁵¹ We consider that the use of an independent entity in the province of Victoria is likely to lead to greater consistency of approach between Victorian dioceses. The independent entity could also potentially monitor the implementation of the Child Safe Standards in these dioceses and affiliated institutions.

In Chapter 20 and Chapter 22, ‘Redress and civil litigation for survivors of child sexual abuse in religious institutions’, we also discuss the proposed establishment of an independent corporate entity by the General Synod to engage with the national redress scheme on behalf of Anglican Church dioceses and affiliated institutions. An independent corporate entity could potentially operate nationally and have within its remit the implementation and monitoring of the Royal Commission’s Child Safe Standards across all Anglican Church dioceses and affiliated institutions.

12.6.3 Leadership

Our case studies have demonstrated critical failures of leadership in the Anglican Church in responding to allegations of child sexual abuse.

In this section we set out what we heard about leadership failure in the Anglican Church of Australia. We look at the role of bishop and consider the factors that may have contributed to poor responses to allegations of child sexual abuse. We also provide examples of positive leadership to underscore the importance of leadership that values and promotes child safety.

The role of the bishop

A diocesan bishop is the primary spiritual and administrative leader of a diocese.¹⁰⁵² Traditionally in the Anglican Church, the bishop's essential role is to ordain and oversee the clergy in a diocese.¹⁰⁵³ While the diocesan bishop governs in conjunction with a synod,¹⁰⁵⁴ in the *Institutional review of Anglican Church institutions* public hearing, member of the General Synod, Dr Muriel Porter OAM told us that 'fundamentally, it's the bishop who has the position of the spiritual leadership and can really influence the way that synod operates to a very great degree'.¹⁰⁵⁵

In the same hearing, Archbishop Aspinall told us that a bishop does not exercise 'monarchical power' and that 'authority in the Anglican Church is always dispersed at every level, so it is the bishop, in conjunction with the synod, that governs a diocese'.¹⁰⁵⁶ However, Reverend Dr Kaye told us that bishops can influence the operation of a diocesan synod as 'bishops are in a fairly invidious position in terms of the exercise of power'.¹⁰⁵⁷ Reverend Dr Kaye said that:

[The governance structure of a diocese] effectively gives a bishop a veto, and it leads to the kind of point that bishops find it very difficult to initiate things, except by persuasion and things that don't ruffle the constitutional feathers, but very easy to stop things. It is easier as a bishop to stop something happening in those kinds of contexts than I think to get something done. So the problems are fairly significant, I think.¹⁰⁵⁸

In the *Anglican Diocese of Newcastle* public hearing, the *North Coast Children's Home* public hearing and the *Church of England Boys' Society* public hearing, we heard about the poor responses of some diocesan bishops to complaints of child sexual abuse. These case studies showed that poor leadership was a significant contributing factor to poor responses to allegations of child sexual abuse in the dioceses examined.

In the *Anglican Diocese of Newcastle* public hearing we heard about the successive poor responses of three diocesan bishops. Bishop Ian Shevill, who was the Bishop of Newcastle from 1973 to 1977, took no formal disciplinary steps against alleged perpetrator Canon Harold Marshall, because he was concerned to protect the reputation of the Anglican Church.¹⁰⁵⁹

Bishop Shevill's successor, Bishop Alfred Holland, adopted a 'do nothing' approach during his episcopate from 1978 to 1992 in response to child sexual abuse allegations in the diocese. We found that the failure of Bishop Holland to act in the face of the allegations made to him represented a lost opportunity to prevent further abuse being perpetrated by Father Peter Rushton and Mr James (Jim) Brown.¹⁰⁶⁰ Overall, we found that Bishop Holland showed a distinct lack of leadership, did not call alleged perpetrators to account and did not show compassion and pastoral care to survivors.¹⁰⁶¹

Bishop Roger Herft was Bishop of Newcastle from 1993 to 2005.¹⁰⁶² We found that during Bishop Herft's tenure:¹⁰⁶³

- very few allegations of child sexual abuse that police were not already aware of were reported to the police
- no disciplinary process was pursued against any member of the clergy in respect of whom allegations of child sexual abuse were made
- where the alleged perpetrator moved to another diocese, that diocese was generally not warned of the allegations
- survivors were not offered timely or compassionate pastoral care and support.

We found that Bishop Herft's approach to child sexual abuse allegations was generally avoidant rather than proactive. He mishandled the allegations of child sexual abuse made against [REDACTED] [REDACTED] Father Rushton [REDACTED] [REDACTED]. We found that his response was weak, ineffectual, and showed no regard for the need to protect children from the risk that they could be preyed upon. It was a failure of leadership.¹⁰⁶⁴

In the *North Coast Children's Home* case study, we found that Bishop Keith Slater, who was Bishop of Grafton from 2003 to 2013:

- did not report allegations of criminal conduct made by two former residents of the North Coast Children's Home to the police¹⁰⁶⁵
- did not refer claims of child sexual abuse to the professional standards committee or professional standards director under the diocese's professional standards framework¹⁰⁶⁶
- did not commence disciplinary proceedings against Reverend Allan Kitchingman notwithstanding that Bishop Slater was aware that Kitchingman had been convicted of child sexual abuse offences and that he had the authority to discipline him.¹⁰⁶⁷

In May 2013, Bishop Slater publicly acknowledged his mishandling of claims and resigned.¹⁰⁶⁸

Archdeacon Greg Ezzy, who was then the administrator of the Diocese of Grafton, told us in the *North Coast Children's Home* public hearing that '[t]he leadership [of the Diocese of Grafton] failed in responding, particularly in responding'.¹⁰⁶⁹

We found in the *Church of England Boys' Society* case study that bishops in a number of dioceses responded poorly to allegations against lay people and members of the clergy involved in or associated with the Church of England Boys' Society (CEBS).

Archbishop Ian George, who was Archbishop of Adelaide from 1991 to 2004, unreasonably delayed taking action in response to widespread allegations that CEBS leader Robert Brandenburg had sexually abused boys. We found that this delay denied appropriate pastoral support to Mr Brandenburg's victims.¹⁰⁷⁰

The responses of the then Archbishop of Brisbane, Dr Peter Hollingworth, and the then Bishop of Tasmania, Bishop Phillip Newell, to allegations of child sexual abuse against CEBS leaders and clergy John Elliot and Louis Daniels respectively, were inappropriate and failed to take account of the survivors' and their families' needs and of the need to protect children in the Anglican Church.¹⁰⁷¹

We found that Bishop Newell was told in around June 1987 of allegations that Daniels had sexually abused three CEBS boys. Two of the boys personally disclosed the allegations to Bishop Newell with the help of two CEBS leaders. Bishop Newell did not encourage the complainants to go to the police. He accepted that he should have reported the allegations to the police even though the complainants were reluctant to have their parents notified.¹⁰⁷² Bishop Newell told us:

If I had acted then, ignoring what they'd asked me, because they were boys, and done the adult thing and gone to the police, so much suffering would have been avoided. And I've expressed apologies before, but I do from the bottom of my heart to those three and, indeed, to anyone else who suffered because I didn't get that first point right and allowed Daniels to remain in office. I apologise from the bottom of my heart to them.¹⁰⁷³

In the same case study, we found that Dr Hollingworth made a serious error in judgment in permitting Elliot to continue in ministry after Dr Hollingworth became aware that Elliot had sexually abused boys and posed an ongoing risk to children.¹⁰⁷⁴ Dr Hollingworth's successor, Archbishop Aspinall, took prompt and appropriate action in 2002, including establishing an independent inquiry into the handling of complaints of sexual abuse in the Diocese of Brisbane (the Brisbane inquiry), which investigated complaints against five individuals including Elliot, and arranging for Elliot to relinquish his holy orders. Archbishop Aspinall also apologised to Elliot's victims and offered them pastoral support.¹⁰⁷⁵

As discussed in Section 12.5, 'Contemporary Anglican Church responses to child sexual abuse', we found in the *Anglican Diocese of Newcastle* case study that Bishop Brian Farran and Bishop Thompson met the challenge head on by exposing allegations of child sexual abuse within the diocese, taking appropriate responses against alleged perpetrators and providing survivors with pastoral care.¹⁰⁷⁶

Bishop Thompson and other key figures in the diocese such as Mrs Jean Sanders and Mr Michael Elliott stand out in particular for their dedication, determination and diligence in seeking to uncover the extent of child sexual abuse in the diocese and in the compassion and care they showed for survivors and their families.¹⁰⁷⁷

We also heard about instances where advice was provided to a diocesan bishop by other diocesan personnel or by people with expertise in relation to child sexual abuse, but the advice was poor or was not followed. For example, in the *Church of England Boys' Society* public hearing we heard about Bishop Newell seeking advice in relation to child sexual abuse matters on two occasions from more senior bishops, being successive primates of the Anglican Church, Archbishop Sir John Grindrod (also Archbishop of Brisbane), and Archbishop Dr Keith Rayner (also Archbishop of Melbourne). Bishop Newell acted upon the advice of Archbishop Grindrod in seeking a verbal assurance from Daniels in 1987, and of Archbishop Dr Rayner in sending a letter of solemn admonition to Daniels in respect of the same allegations in 1994.¹⁰⁷⁸

We were critical of the response to the allegations of child sexual abuse against Daniels. We found that the letter of solemn admonition was an inappropriate response which had no regard for the need to protect children from further abuse.¹⁰⁷⁹ While we found that Bishop Newell was ultimately responsible for the Anglican Church's response,¹⁰⁸⁰ it follows that the advice provided by the primates was poor, and reflected an inadequate understanding of child sexual abuse issues more generally.

In the same case study we heard that Dr Hollingworth, while Archbishop of Brisbane, sought the advice of psychiatrist Dr John Slaughter in late July 1993 to understand what risk Elliot presented.¹⁰⁸¹ We found that the information Dr Slaughter conveyed to Dr Hollingworth in around September 1993 was sufficient to alert him that Elliot posed an ongoing risk to children.¹⁰⁸² In making the decision to allow Elliot to continue in ministry, Dr Hollingworth failed to take into account Dr Slaughter's opinion.¹⁰⁸³ This is an example of a bishop seeking expert advice but not following it.

In Chapter 20, 'Making religious institutions child safe', we make several recommendations aimed at improving the leadership of religious institutions. We consider that religious leaders should be provided with leadership training, including in relation to the promotion of child safety (Recommendation 16.36). They should also take advice from individuals with professional expertise on all matters relating to child sexual abuse and child safety, including lay men and women, to enhance their decision-making (Recommendation 16.37).

Lack of oversight and accountability

In the *Institutional Review of Anglican Church institutions* public hearing, Archbishop Aspinall told us about what he described as 'a kind of informal collegial accountability' between bishops. However, he told us, 'They are not processes of formal accountability'.¹⁰⁸⁴ While there is limited peer accountability, the need for formal accountability is evident given the significant leadership failures in respect of responding to complaints of child sexual abuse. Archbishop Aspinall told us:

there is quite a body of feeling in the church that bishops must be held accountable by a body external to their own diocese; the accountability has to be held that way, because most of the key people within a diocese are either personally known to the bishop, so there are conflicts of interest, or have been appointed by the bishop, so there are conflicts of interest. So there needs to be an external body.¹⁰⁸⁵

A particular issue in relation to the accountability of bishops in the Anglican Church is the capacity for complaints to be pursued against bishops, particularly bishops who have retired and are no longer subject to a complaints framework in a diocese. During the *Institutional review of Anglican Church institutions* public hearing we heard about a recent decision by the Appellate Tribunal of the Anglican Church of Australia that identified jurisdictional issues in relation to such complaints.

On 19 January 2017, the Appellate Tribunal of the Anglican Church of Australia handed down its decision in respect of an appeal by Bishop Keith Slater, the former Bishop of Grafton.¹⁰⁸⁶ Bishop Slater had been deposed from holy orders in October 2015 following a recommendation of the Diocese of Grafton's professional standards board, which found that various 'failings' had occurred in the manner in which Bishop Slater had managed or responded to complaints of child sexual abuse.¹⁰⁸⁷ Bishop Slater challenged the validity of that deposition (or alternatively sought a less punitive sanction that would permit him to remain a priest of the Anglican Church).¹⁰⁸⁸

The Appellate Tribunal considered that the Grafton authorities had no jurisdiction over Bishop Slater under the *Professional Standards Ordinance 2004*, which it found did not in its terms or operation authorise the action that was taken against Bishop Slater.¹⁰⁸⁹

The Appellate Tribunal explained in its reasons that the potential gaps in jurisdiction were at least twofold. First, it was relevantly necessary to show that Bishop Slater was a 'church worker' (as defined in the *Professional Standards Ordinance 2004*) to engage the professional standards board's jurisdiction, but he was not.¹⁰⁹⁰ The definition of 'church worker' expressly excluded the conduct of the diocesan bishop, given that he was subject to the jurisdiction of the Special Tribunal when he occupied that office.¹⁰⁹¹

Second, to engage the definition of 'process failure' on Bishop Slater's part, it was necessary to establish some failure on his part that occurred prior to the *Professional Standards Ordinance 2004* coming into effect, but that was neither attempted nor established.¹⁰⁹²

The Appellate Tribunal went on to consider whether there was a constructive failure to exercise jurisdiction on the part of the professional standards board, having regard to the essentially non-disciplinary nature of proceedings under the *Professional Standards Ordinance 2004*.¹⁰⁹³ The Appellate Tribunal concluded that the professional standards board's report disclosed jurisdictional error on this ground as well. This conclusion followed from 'the failure of the [professional standards board's] Report to demonstrate that the Board's attention was always focussed on the issue of present unfitness'.¹⁰⁹⁴

The potential ramifications of the Appellate Tribunal's decision are wide ranging. In particular, the decision highlights potential limitations on the ability of dioceses to deal with misconduct by retired bishops. In our view this is of concern, given what we have heard about process failures in Anglican Church institutions. While it is a matter for the Anglican Church of Australia, some of the bishops identified above are retired and beyond the reach of any existing complaint handling scheme.

The Royal Commission heard evidence from Mr Blake SC that a canon was being drafted at the General Synod level to attempt to address these issues.¹⁰⁹⁵ Mr Shand QC told us in the *Institutional review of Anglican Church institutions* public hearing that:

What I see as fundamental here is for each diocese to have proper professional standards legislation and proper episcopal standards legislation and that will go a great distance in meeting any perceived lacuna in reach against a former Diocesan Bishop.¹⁰⁹⁶

As we outlined in Chapter 20, each religious institution in Australia needs to consider and implement mechanisms to ensure that religious leaders can be held accountable for the decisions they make with respect to child safety. That may be to a board of management or a council (Recommendation 16.38).

In our view, oversight and accountability in decision-making in the Anglican Church means having a uniform process for making complaints against leaders who fail in their responsibilities to complainants of child sexual abuse.

In Chapter 20, we discuss the adoption by the General Synod, in September 2017, of the *Episcopal Standards (Child Protection) Canon 2017*.¹⁰⁹⁷ This canon introduces a uniform mechanism for complaints against current and former diocesan bishops that relate to child sexual abuse and the handling of complaints of child sexual abuse. We note that in order for this to result in a consistent approach it will have to be adopted with minimal amendments by each of the 23 dioceses.

Recommendation 16.1

The Anglican Church of Australia should adopt a uniform episcopal standards framework that ensures that bishops and former bishops are accountable to an appropriate authority or body in relation to their response to complaints of child sexual abuse.

12.6.4 Conflicts of interest

We also heard about the impact of conflicts of interest on the responses of Anglican Church dioceses to complaints of child sexual abuse.

Here, we discuss what we heard about the impact of such conflicts of interest on the response of diocesan bishops and other senior Anglican personnel to complaints of child sexual abuse, in both the *North Coast Children's Home* and *Anglican Diocese of Newcastle* public hearings.

Conflicts of interest of the bishop

In addition to being the spiritual leader of the diocese, the bishop has responsibility for disciplining clergy and church workers within his or her diocese.¹⁰⁹⁸ The diocesan bishop is singularly empowered to depose from holy orders members of clergy who are licensed or resident within their diocese.¹⁰⁹⁹

In the *Anglican Diocese of Newcastle* public hearing we heard that, under the Diocese of Newcastle's professional standards framework, the recommendations of the professional standards board are not binding on the diocesan bishop (or other person or body having administrative authority to license, appoint, authorise, dismiss or suspend a church worker). Rather, the diocesan bishop has discretion as to whether to follow the recommendations.¹¹⁰⁰

In the *North Coast Children's Home* public hearing, Mr Philip Gerber (the Director of Professional Standards in the Diocese of Sydney) explained the significance of the diocesan bishop's role and exercise of constitutional powers under the professional standards framework:

[If] there is a finding against a member of the clergy and a recommendation is made, they are the final, as it were, imposer of the sentence, including having the right to mitigate and show mercy and apply a lesser sentence than that recommended by a tribunal.¹¹⁰¹

Bishop Brian Farran, the former Bishop of Newcastle, told us in the *Anglican Diocese of Newcastle* public hearing that he was not aware of any mechanism for the diocesan bishop to give that decision-making power to someone else.¹¹⁰² He told us that, as the diocesan bishop, '[i]n many ways, [he] would have had a relationship with all of the clergy in the Diocese', who he was required to supervise and discipline. He acknowledged that this was one of the 'complicating factors' involved in the operation of the professional standards framework.¹¹⁰³

We heard that the professional standards board of the Diocese of Newcastle recommended the deposition of a member of clergy, [REDACTED] following a determination that allegations of sexual misconduct against him were sustained.¹¹⁰⁴ Bishop Farran, [REDACTED] ultimately followed the recommendation and deposed [REDACTED] from holy orders. We heard that he was originally minded not to follow the board's recommendations and was concerned about the impact upon parishioners if he were to depose [REDACTED].

Drawing on his experiences in the Diocese of Newcastle, Bishop Farran suggested the following during his evidence at the *Anglican Diocese of Newcastle* public hearing:

I think that this whole process should be removed from the church. I think it is too difficult for the church to undertake. I think that if you look into the future, membership of the church is going to decline fairly rapidly and that the availability of people with professional skills to be members of boards, this sort of board, will be limited. I think in terms of the person who had to undertake it as the Bishop, that's according to the ordinance, there is really huge potential of conflict of interest. I experienced that. I think probably of all the bishops in Australia at the moment I've probably, because of the number of cases that were through Newcastle and because of the high profile of them, I was the one who experienced it. I think that to act totally with integrity, you are subjected to huge pressures, and I think that that needs to be removed.¹¹⁰⁶

During the *North Coast Children's Home* case study, Bishop Slater, the former Bishop of Grafton, told us:

when the [professional standards] protocol was set up, it was set up so that the bishop was at arm's length, so when there were the opportunities to act as the bishop, that I wasn't being influenced by other matters. So I tried to work strongly from that position quite often, and that's why a lot of my responses are almost non-responses, in a sense.¹¹⁰⁷

Bishop Slater acknowledged that, as diocesan bishop, he was ultimately responsible for the application of and adherence to the *Professional Standards Ordinance 2004*, but stated that 'that's a conflict, in a sense – trying to exercise that oversight as well as keep at arm's length'.¹¹⁰⁸

In the *Institutional review of Anglican Church institutions* public hearing we heard that the Diocese of Melbourne has introduced amendments to its professional standards framework that provide that the bishop or other church authority must give effect to the recommended outcome of the professional standards process, with limited ability for discretion.¹¹⁰⁹

Conflicts of interest of senior Anglican Church personnel in the Diocese of Newcastle

In the *Anglican Diocese of Newcastle* case study we found that a number of situations gave rise to actual or perceived conflicts of interest involving senior office holders in the Anglican Church.

For example, in 2001, Father George Parker was tried for child sexual abuse offences. Father Parker was represented in the proceedings by Mr Keith Allen, a diocesan trustee, and the acting deputy chancellor of the diocese, Mr Paul Rosser QC. A number of other Anglican Church office holders were also involved in the criminal proceedings on behalf of the Diocese of Newcastle.¹¹¹⁰

We found that the diocesan registrar, Mr Peter Mitchell, [REDACTED] adopted obstructive approaches in response to police inquiries for information about Father Parker in the course of the criminal investigation. We also found that Mr Mitchell, who was a close friend of Father Parker, failed to produce diocesan records within the scope of a subpoena addressed to the registry during the criminal proceedings.¹¹¹¹

Bishop Herft, accepted that, as he was the Bishop of Newcastle at the time, he had a responsibility to ensure that officers in the diocese were not acting inappropriately in the criminal proceedings against Father Parker.¹¹¹² Bishop Herft accepted that he failed to discharge this responsibility.¹¹¹³

We also found that a number of perceived and actual conflicts of interest arose between the duties owed by lay officers who performed legal or quasi-legal roles on behalf of the diocese and duties they owed to clients in their private practice as legal professionals. For example, we heard that, as acting deputy chancellor in 1999, Mr Rosser QC, provided advice and settled correspondence on behalf of the diocese to survivor CKA in response to his complaint of child sexual abuse by Father Parker. We found that there was a clear conflict of interest between Mr Rosser QC's duty to the Diocese of Newcastle in acting as the deputy chancellor and his duty to his client, Father Parker.¹¹¹⁴

In 2010 the then Bishop of Newcastle, Bishop Farran, raised concerns with Mr Rosser QC, by this time the chancellor of the diocese, about potential conflicts of interest in his representation of Mr James (Jim) Brown. Brown, a youth worker and licensed lay preacher in the diocese until about 1992, was facing child sexual abuse charges. In the *Anglican Diocese of Newcastle* public hearing, Mr Rosser QC ultimately accepted that a reasonable person would perceive a conflict of interest between his role as chancellor and his representation of Mr Brown.¹¹¹⁵

Brown is to be distinguished from Father James Brown, who was a licensed priest in the Diocese of Newcastle. Father Brown, now deceased, was also accused of sexually abusing children.¹¹¹⁶

We heard that there was a poor understanding among Anglican Church members about the nature and extent of duties owed by lay office holders to the diocese. The then Bishop of Newcastle, Bishop Thompson, told us about the impact of poor understanding of conflicts and duties on governance in the Diocese of Newcastle:

I've witnessed at the highest level people who played multiple roles and had conflicting duties of responsibility. As they sat among the trustees, as they sat on Diocesan Council, they clearly didn't disclose those conflicts at those meetings and then chose to reveal confidential information or bleed information out. People seem to be unaware of their responsibilities at the highest level about how to make wise and good decisions.¹¹¹⁷

We heard that the Diocese of Newcastle took steps to adopt the Conflict of Interest Policy then in force in the Diocese of Perth in March 2013. The Conflict of Interest Policy comprised a set of guidelines to assist members of the diocesan council and other governance bodies in determining when and how declarations of interest should be made in situations involving competing interests. The policy was high level and provided guidance on the process for declaring an interest. In 2015 the Conflict of Interest Policy was updated to include a range of definitions of conflicts of interest, and examples of how to determine when a conflict existed.¹¹¹⁸

In the *Anglican Diocese of Newcastle* case study we identified a lack of awareness of, or policies on, avoiding conflicts of interest as a systemic issue which contributed to poor responses to child sexual abuse matters in the Diocese of Newcastle.¹¹¹⁹ During the *Institutional review of Anglican institutions* public hearing, Bishop Thompson told us, 'Conflicts of interest arise around friendships, where [clergy who have allegedly] offended have been afforded a lot of protection at various levels, either at a committee level or in the local parish – people refuse to accept that their loved priest has been an offender'.¹¹²⁰

Further, these conflicts can give the impression to a survivor that the institution is supporting an alleged perpetrator over the interests of the survivor. In the *Anglican Diocese of Newcastle* public hearing, we found that when Mr Rosser QC acted for Father Parker at the same time he was deputy chancellor, it was inevitable that the impression would be given that the Anglican Church was supporting Father Parker and disbelieving CKA and CKB.¹¹²¹

We consider that proper accountability and transparency in decision-making requires office holders to clearly understand the nature and extent of their duties and obligations to the diocese and its representatives.

In Chapter 20 we recommend that, as a matter of good governance, each religious institution should have a policy on managing actual or perceived conflicts of interest that may arise in relation to allegations of child sexual abuse, which should cover all individuals who have a role in responding to complaints of child sexual abuse (Recommendation 16.39).

In the case of the Anglican Church, such a policy should cover members of professional standards bodies; members of diocesan councils, bishop-in-councils or standing committees of synods; members of the Standing Committee of the General Synod; and chancellors of and legal advisers to dioceses.

Recommendation 16.2

The Anglican Church of Australia should adopt a policy relating to the management of actual or perceived conflicts of interest that may arise in relation to allegations of child sexual abuse, which expressly covers:

- a. members of professional standards bodies
- b. members of the diocesan council (otherwise known as bishop-in-council or standing committee of synod)
- c. members of the Standing Committee of General Synod
- d. chancellors and legal advisers for dioceses.

12.6.5 Lay involvement in the Anglican Church

I think there has been a generation that has been totally ignorant of the trauma of child abuse, as they have been ignorant of domestic violence, and have not had the language to talk about it, and that includes the church. I think a part of the challenge that we face is people understanding the nature of trauma in child abuse.¹¹²²

Bishop Gregory Thompson, former Bishop of Newcastle

One difference between the Anglican Church and other religious organisations we inquired into is the high level of involvement by lay people in the governance and operation of the Anglican Church.

We heard that the governance structure of the Anglican Church is designed to give lay people power so ‘that the church ought to be governed by the church, not by the officers’.¹¹²³ We heard that ‘the carriage of major initiatives is very often in the hands of laypeople’.¹¹²⁴ We discuss the positive role that lay people have had in relation to clericalism below.

We heard that the lay culture within a diocese can have a significant impact on a diocese’s response to child sexual abuse. During the *Institutional review of Anglican institutions* public hearing, Bishop Thompson told us about the culture of the Diocese of Newcastle:

You have high levels of lay involvement. You have relationships ... where people are aligned to groups, to factions. So within the diocese, let alone across the country, there are factions and allegiances which cut across a common response, particularly when there are beliefs and attitudes that have not come to terms with the abuse history.¹¹²⁵

Bishop Thompson told us in the *Anglican Diocese of Newcastle* public hearing that dioceses which ‘afford respect and recognition to the bishop and his responsibilities work well when there are not compromised systems and compromised leaders’. He said that in the Diocese

of Newcastle people of influence and power provided a ‘protection racket’, which made it ‘very hard for any change to emerge in the period of their leadership’.¹¹²⁶

Similarly, Bishop Farran told us that a limited number of people had long-term membership of various diocesan bodies over the years. He told us that it was ‘very difficult for people to challenge each other in those circumstances, because they had such lengthy and solid connections’.¹¹²⁷

The significant influence of some lay members in the Diocese of Newcastle is evident from the backlashes experienced by Bishop Farran and Bishop Thompson after they respectively publicly disclosed allegations of abuse against members of clergy within the Diocese of Newcastle and announced they would take disciplinary measures against those clergy.

We found in the *Anglican Diocese of Newcastle* case study that a cohort of lay people, some of whom had previously held office in the Diocese of Newcastle, opposed professional standards processes being applied to allegations of child sexual abuse against clergy. They also opposed the public airing of these allegations. In particular, we found that members of this group, including Mr Robert Caddies, were deeply loyal to former clergyman, [REDACTED] and that such loyalty appears to have been based on personal friendships and longstanding pastoral relationships.¹¹²⁸ [REDACTED]

We found that Bishop Farran experienced a backlash from this group following his decision in late 2009 to take interim measures against [REDACTED] and others pending disciplinary proceedings, and his decision to make public in 2010 the allegations that Father Rushton, who died in 2007, was a perpetrator of child sexual abuse. This backlash included the making of complaints about Bishop Farran.¹¹³⁰

We also found that Bishop Thompson experienced a backlash from a group of lay people within the diocese, some of whom had previously complained against Bishop Farran, including Mr Caddies and Mr John McNaughton AM. This backlash, which also involved the making of complaints against Bishop Thompson, was triggered by Bishop Thompson’s decision in October 2015 to go public about the sexual abuse that he says he suffered at the hands of Bishop Shevill and another senior member of clergy in the 1970s.¹¹³¹

Mr Caddies, a lay member in the Diocese of Newcastle who had a long involvement in the governance of the diocese, told us that he and the other signatories ‘were desperately unhappy about the problems in the diocese’, including the ‘unfair’ treatment of clergy. He said that Bishop Thompson publicly disclosing his own experience of abuse to the media had ‘a negative impact on the Anglican community’ and damaged the ‘good reputation’ of Bishop Shevill. Mr McNaughton AM expressed similar sentiments and described Bishop Thompson’s conduct as ‘disgraceful’ and ‘scandalous’.¹¹³²

We found that the group's complaints corroborated Bishop Thompson's account of the 'perpetrator' culture within the diocese. We found that these complaints were designed at least in part to discourage the diocese from dealing with allegations of child sexual abuse. We were also satisfied that those who targeted Bishop Thompson failed to understand or respond appropriately to the sexual abuse of children.¹¹³³

While we primarily explored this issue in the *Anglican Diocese of Newcastle* public hearing, we heard that the influence of local lay cultures on the response to complaints of child sexual abuse may also be a factor in other dioceses. Bishop Tim Harris, then Administrator of the Diocese of Adelaide, told us during the *Institutional review of Anglican Church institutions* public hearing:

I wonder whether the culture of provincial gatherings where a few people hold significant power and influence is a particular area of vulnerability, so that whether it's the Wollongongs, Newcastles and Ballarats and others, has a particular local culture that things have been able to continue without check or challenge, because there is sort of a feature, and I think that would be an area within the church that those areas where there is a desire for independence of the major cities but lack of awareness historically of the vulnerability that comes with that and the danger when things are not challenged and investigated, I think is a significant element of our acknowledged failure as a church.¹¹³⁴

We recognise that these local cultures, when they do not prioritise the safety of children, can have a significant impact on the ability of a bishop to effectively lead a diocese, and can contribute to poor responses to allegations of child sexual abuse. In our view, these cultures can seek to reinforce the primacy and value of a particular church culture over the interests of both survivors and children.

During the *Institutional review of Anglican Church institutions* public hearing, Ms Audrey Mills, member of the Professional Standards Commission and Chancellor of the Diocese of Tasmania, told us about the ongoing challenge of cultural change in the Anglican Church:

We have really been on a journey. There has been a lot of change but there is still work to be done. It needs to be accepted that these issues are not just for leaders or for disciplinary bodies or for committees, it is actually an issue for everyone in our church and we all have a responsibility to play in that area and I think that is the ongoing challenge which we will continue to work through so that that can be properly understood.¹¹³⁵

We heard that the Diocese of Adelaide has recently developed training about safe church communities for all Anglican Church members, rather than specifically those in leadership or involved in ministry to children.¹¹³⁶ Bishop Harris explained:

The intention of that is to move it beyond those who have direct contact with children and those areas, to an all-of-community response, so that we don't develop a sense of some people saying, 'Well, I don't have direct contact with children, therefore, it's not relevant

to me', to actually saying, 'No, the responsibility for a safe environment needs to cover the whole church community.' That needs to be one in which we are consistent and recognising community standards and, I would hope, actually being an advocate for the need for community standards, to ensure that abuse doesn't occur in the first place ...¹¹³⁷

We also heard that the Diocese of Newcastle, under the leadership of Bishop Thompson, made efforts to reform the culture within the diocese, including by conducting the 'listening process' and creating and implementing 'parish recovery' teams. Bishop Thompson also implemented the *Responsible Persons Ordinance 2015*, under which Mr Allen and other divisive members of the diocese were removed from governance positions within the diocese. These steps were necessary in order to reduce impediments that existed within the diocese for responding appropriately to allegations of child sexual abuse.¹¹³⁸

In terms of reforming the culture of the Anglican Church generally, Bishop Thompson told us during the *Anglican Diocese of Newcastle* public hearing:

I think compliance is one important step in the nature of a national response, practices and policies which are consistent and benchmarked to best practice, research based. But in the end, it is hearts and minds, and until we have hearts and minds convinced that child safety is of the highest order and that those who have suffered need to have proper redress, change will be slow.¹¹³⁹

As mentioned in Section 12.3, in 2004 the Anglican Church of Australia adopted *Faithfulness in service* as a code of conduct for bishops, clergy and church workers. In 2014, the General Synod adopted *Being together*, a 'statement of expectations regarding the behaviour of members of Church communities', and endorsed it for adoption by dioceses.¹¹⁴⁰ For example, *Being together* sets expectations around being a community in the Anglican context, relating and communicating with each other, acknowledging difference and responding to conflict.¹¹⁴¹ The statement of expectations does not include reference to children or to the importance of child safety. We were told in the *Institutional review of Anglican Church institutions* case study that *Being together* has been adopted by some dioceses.

Given what we heard about the negative impact that church cultures that fail to prioritise child safety can have on institutional responses to complaints, we recommend that *Being together* or any other statement of expectations in relation to the behaviour of lay members of the Anglican Church include express reference to the importance of child safety.

Recommendation 16.3

The Anglican Church of Australia should amend *Being together* and any other statement of expectations or code of conduct for lay members of the Anglican Church to expressly refer to the importance of child safety.

12.6.6 Clericalism

We discuss clericalism in relation to the Catholic Church in Section 13.11.3, 'Clericalism'. While it is a term more commonly used in the Catholic context, we heard that aspects of a clerical culture in the Anglican Church may have played a role both as a factor that contributed to the occurrence of child sexual abuse and as an impediment to appropriate responses to such abuse.

Notions of power, authority and responsibility are central to this concept. Professor Parkinson referred to clericalism as 'a theological belief system that the clergy are different from the laity; the clergy are in some sense brothers, in a male sense, have responsibilities to each other and there is a distinction between the clergy and the laity'.¹¹⁴²

Clericalism can result in the reputation of the clergy and church being placed above the needs of survivors of child sexual abuse.

Reverend Dr Kaye told us that the practice of Anglicanism retains aspects of clericalism which, albeit 'invisible', underlined much of what happened in the Anglican Church. He further observed that 'despite the extensive lay representation on governance bodies ... by virtue of the way in which [governance bodies operate]', at the parish level clergy still have 'significant power in relation to what happens and how people relate to [clergy]'.¹¹⁴³ He described this as a 'power imbalance' and a 'power differential that develops for practical reasons in parishes, and often in dioceses, in terms of the relationships between clergy and laypeople'.¹¹⁴⁴

Archbishop Aspinall expanded upon the notion of clericalism with respect to the Anglo-Catholic and evangelical traditions. He observed that 'it can take an Anglo-Catholic form, where the priest is seen as having some kind of changed status and, therefore, to be revered and deferred to'.¹¹⁴⁵ Archbishop Aspinall further told us that in the evangelical tradition, clericalism 'takes a different form, where the priest is seen as the qualified teacher, the one with the specialist knowledge, and is therefore to be deferred to and can exercise power out of that base, and abuse power in the same kinds of ways but from a different perspective'.¹¹⁴⁶

The effect of clericalism upon the risk of abuse and the Anglican Church's response to abuse

In the *Institutional review of Anglican Church institutions* public hearing and other case studies, we heard evidence that suggested that:

- a culture of clericalism may have discouraged survivors and others from reporting instances of child sexual abuse, including reporting to the police

- historically, the reputation of clergy and the Anglican Church was placed above the welfare of survivors and
- consequently there was further abuse as complaints against perpetrators were not properly addressed.

All of these factors are interrelated.

In the *Institutional review of Anglican Church institutions* public hearing, Professor Parkinson was asked to comment on what effect or relationship clericalism had in respect of the occurrence of abuse and the response of the Anglican Church to that abuse. He told us that:

That culture of protection of clergy, that culture of dealing with things internally in a way that makes people discouraged from going to the police – that self-facilitates abuse, because somebody who has a tendency or an orientation towards the abuse of children is going to make a risk calculation. What happens if it is disclosed? If the risk of consequences is low, one is much more encouraged to do that than if the risk of consequences is high. So the culture of the church, in terms of how it will deal with these issues, if it comes out, is itself causative, or at least facilitative, of some sexual abuse in church communities.¹¹⁴⁷

Professor Parkinson referred, by way of example, to the Anglican dioceses of Adelaide and Brisbane, which have each been the subject of previous inquiries into their handling of allegations of child sexual abuse. For instance, he noted that, ‘in Adelaide, those who challenged the issues, those who tried to raise the issues above the parapet were attacked for doing so’.¹¹⁴⁸ The report of the independent inquiry into the handling of claims of sexual abuse and misconduct in the Diocese of Adelaide, concerning the handling of allegations of child sexual abuse against numerous priests and leaders of CEBS (discussed in Section 12.3), ultimately stated:

The potential possibility of the involvement of the police, at the instance of the Church, was, seemingly, abhorrent. There was also, in some cases, a curious focus on extending compassion and forgiveness towards an offending cleric, almost to the total exclusion of proper consideration of the situation and needs of a victim. At times victims were cautioned against articulating their complaints by scarcely veiled threats of possible civil action against them for defamation.¹¹⁴⁹

Archbishop Aspinall told us that a culture of clericalism ‘leads to both parents and children over-trusting clergy and not questioning them when they should’.¹¹⁵⁰ He also considered that, historically, church leaders have over-trusted clergy and not challenged them when they should have been challenged, so that there had been ‘a tendency to believe denials made by clergy rather than to thoroughly investigate’.¹¹⁵¹ This had the effect that ‘perpetrators have been allowed to continue because thorough investigations, when suspicions arose, have not been carried out’.¹¹⁵² However, Archbishop Aspinall considered that this aspect of clericalism had broken down over recent years, particularly as a result of our work.¹¹⁵³

Specific aspects of clericalism, particularly relating to the culture of protection of clergy among lay people, were addressed in the *Anglican Diocese of Newcastle* public hearing. As mentioned above, during the *Institutional review of Anglican Church institutions* public hearing, Bishop Thompson observed that within the Diocese of Newcastle, 'people refuse to accept that their loved priest has been an offender'.¹¹⁵⁴

In the *Anglican Diocese of Newcastle* public hearing, we received evidence of deep cultural division in the Diocese of Newcastle, which centred upon protecting the reputation of the diocese and its former leaders. For instance, Bishop Thompson told us that there was a high level of sympathy within the diocese for clergy in relation to their treatment in disciplinary proceedings for professional misconduct. Specifically, Bishop Thompson told us that a large number of people held the view that disciplinary action taken against [REDACTED] others by then Bishop Farran was unfair.¹¹⁵⁵ In contrast, Bishop Thompson found that some Anglican Church members expressed little sympathy for victims and survivors of abuse.¹¹⁵⁶

Clericalism within the Anglican Church may also have facilitated the practice of 'grooming'. For instance, in the *Institutional review of Anglican Church institutions* public hearing, Bishop Thompson gave evidence that the culture of the Diocese of Newcastle had 'allowed [St John's Theological College, Morpeth] to be a place where older offending clergy could nurture young emerging ordinands' and that recruitment occurred through these 'sexualised relationships'.¹¹⁵⁷

In response to a question from the Chair as to whether his evidence was that 'there was gathered together a group of older ordained men who were seeking out younger men', Bishop Thompson agreed that that was his reading of some of the relationships.¹¹⁵⁸ Through this practice, he told us, 'people are compromised early on in their ministry by older men, and are groomed to accept this as the normal rights or the entitlements of a priest'.¹¹⁵⁹

The problems arising out of abuse of power are broader than just the concept of clericalism, and potentially exist wherever there are relationships involving a power differential. For instance, Archbishop Davies stated that, in his view, the problems of the Diocese of Sydney with respect to abuse of power related to lay people rather than clergy, 'particularly where a layperson would enter the safety of a church environment, became a leader of a youth group or whatever it might be, and then regrettably and ashamedly use the opportunities that they had to engage in terrible conduct'.¹¹⁶⁰

Addressing issues of clericalism within the Anglican Church

We heard evidence of a number of measures that could address the culture of clericalism within the Anglican Church, including greater transparency and a greater role for women and the laity in the governance of the church. We also heard varying views on the need to change the form of addressing clergy, or the adoption by clergy of priestly attire.

We heard that greater transparency may assist in combating the particular aspects of clericalism which impact upon the Anglican Church's response to child sexual abuse. For example, Reverend Dr Kaye considered that there should be 'external auditing and public description' of the way in which child safety protocols are followed in parishes 'where those power differentials enable them not to be followed'.¹¹⁶¹

We also heard evidence in the *Institutional review of Anglican Church institutions* public hearing that the increased involvement of women and laity in the governance of the Anglican Church has contributed to breaking down the culture of clericalism. Dr Porter, a member of the Standing Committee of the General Synod, told us that she had observed that where there 'are women present in leadership positions within the Church in significant numbers', including as 'archdeacons, bishops, parish priests', 'that level of clerical power dominance, certainly from my observation, has been very much reduced'.¹¹⁶² By way of example, Dr Porter referred to her personal experience on the Standing Committee of the General Synod, a role she has occupied for the last 28 years. She noted that when she was first elected, she was the only woman. Now, 30 per cent of members are women. She has observed a decrease in the level of formality adopted and a 'very discernible difference in the culture and the way in which we behave towards each other'.¹¹⁶³

Bishop Thompson similarly attributed a breakdown of the culture of clericalism in Newcastle to, in part, the involvement of women.¹¹⁶⁴ Archbishop Aspinall also agreed that 'certainly the increased involvement of women in leadership at all sorts of levels has gone hand in hand with changes in culture to make the church safer'.¹¹⁶⁵ Bishop Dr Sarah Macneil, the Bishop of Grafton, gave evidence that:

I have been ordained as a deacon, then as a priest and then as a bishop, since 1993, and in that over 20 years I have seen a significant shift away from clericalism, a significant shift towards a more open and transparent use of power and sharing of power between laity and clergy.¹¹⁶⁶

During the *Institutional review of Anglican Church institutions* public hearing there was also a discussion on whether the symbols of clergy authority, such as the collar and the title of 'Father' presented opportunities for offending.¹¹⁶⁷ Archbishop Davies, while acknowledging that clericalism and 'corrupted power' was also something that was an issue for evangelicals,¹¹⁶⁸ told us:

One of the issues from an evangelical point of view is the use of the title 'Father' for clergy. Jesus actually said, 'Call no man father', and I think that has been a significant aspect, particularly for vulnerable boys, where the fatherhood connection has been lost and the priest becomes the surrogate father, and by using the title 'Father' over and over again, we heard terrible evidence in Hobart, for example, with regard to one survivor saying he thought this is what fathers did.¹¹⁶⁹

Archbishop Philip Freier, Archbishop of Melbourne and Primate of the Anglican Church of Australia, told us that in his view the term ‘Father’ did not ‘necessarily import all of the opportunities of risk that might be being mentioned’.¹¹⁷⁰ He said:

I personally think it is helpful for members of the clergy, ordained people, to be visibly seen as members of the clergy in public. I think that helps their accountability and I encourage certainly ordinands in my diocese to have confidence, because I think that puts them in a place where they are in public scrutiny.¹¹⁷¹

Archbishop Freier, reflecting on whether the way clergy physically represent themselves, through the way they dress and the ceremonies they perform, was a causal factor in abuse, told us that, in his view, ‘there is a whole cultural expression of how symbols work’, and that ‘symbols can be corruptive as well’.¹¹⁷² Archbishop Freier told us that ‘you would want to really culturally locate signs and symbols because ... they are very influential and very powerful’.¹¹⁷³ He explained that changing such symbols may not work without changing the culture underneath and ‘might simply transfer the risk’ elsewhere.¹¹⁷⁴

Archbishop Freier told us that causal factors within the Anglican Church of Australia included the ‘profoundly embedded cultural practice’ of ‘not thinking that children are reliable’ and ‘dismissing views that they had’ combined with an ‘almost unquestioning faith’ in authority figures.¹¹⁷⁵ He told us:

So I think that, as I observe clergy in my diocese, who come and have Anglo-Celtic congregations, they would be highly questioned in those things, that kind of clericalism. The society has moved very greatly.

However, my diocese is certainly one which is highly multicultural and I observe that we need, and we are doing, a lot of education of these principles in people groups who come with, as I observe it, a very high deference to leadership generally, but leadership within the church and leadership within their cultural group ...¹¹⁷⁶

We note that the code of conduct for people in ministry in the Anglican Church, *Faithfulness in service*, explicitly refers to the special authority and power that clergy have in pastoral relationships,¹¹⁷⁷ as well as in relation to children.¹¹⁷⁸ Further, the *Safe ministry training benchmarks* published by the General Synod of the Anglican Church set out that Safe Ministry training for clergy and church workers should include information about the ‘positional power within ministry [and] non-ministry settings’ and the role of power in abuse.¹¹⁷⁹

12.6.7 Forgiveness and confession

During our inquiry, we have heard that one of the central beliefs or practices of Christian life is that of forgiveness. In relation to the Catholic Church, we discuss the sacrament of reconciliation in Section 13.11.10, ‘The sacrament of reconciliation’.

In that chapter we note that confession, penance, forgiveness and reconciliation are different names for the sacrament by which Christians believe that the sins they have committed are forgiven through God's mercy and they are reconciled with God and the rest of the believing community.¹¹⁸⁰

Unlike the Catholic Church, the Anglican Church does not recognise 'confession' as being a sacrament of the church.¹¹⁸¹ Rather, it is part of Christian practice and central to the Christian faith.

Forgiveness

We heard that a culture of forgiveness may have contributed to poor responses to allegations of child sexual abuse in the Anglican Church of Australia. In the *Church of England Boys' Society* public hearing, we heard that in some cases there was a focus on extending forgiveness and compassion to an offender rather than properly considering the needs of the victim.¹¹⁸²

During the *Institutional review of Anglican institutions* public hearing we heard that the practice of forgiveness was 'theologically well-grounded' in the Bible and would be found 'across all three spectrums that we mentioned with regard to churchmanship', from Anglo-Catholic to evangelical dioceses.¹¹⁸³

Archbishop Davies went on to say that an essential part of the act of forgiveness was restitution and repentance:

forgiveness is corrupted when there is no restitution, when there is no true repentance and I think what has happened in the past is that there has been easy forgiveness, or shall I say cheap forgiveness, whereby a person has been forgiven thinking it is not going to happen again.¹¹⁸⁴

Archbishop Davies went on to tell us:

We are not aware of recidivism as an issue, we too easily forgave. I think at heart people almost didn't believe such behaviour could be engaged in in a church environment, I think it was actually a disbelief with regard to that, and that's why we didn't listen properly to children and when complaints were made, they were not properly addressed, and I've spoken publicly about that and given an apology with regard to that.

I think those are the causes, or part of the causes, that have allowed this horrific abuse of young people to occur in previous decades.¹¹⁸⁵

Bishop Dr Macneil agreed, telling us that a result of a culture of forgiveness, naivety and 'a lack of knowledge about the dynamics of perpetrators and the perpetration of sexual abuse', the Anglican Church has 'made itself vulnerable'.¹¹⁸⁶

Mr Blake SC told us that a significant factor in the poor response of the Anglican Church was ‘wholesale ignorance’ of the effects of child sexual abuse. He told us, ‘People just did not understand the serious, long-term consequences, and I think, again, that fed into very inadequate responses on behalf of the church’.¹¹⁸⁷

One consequence of both a culture of forgiveness and a poor understanding of child sexual abuse was that survivors would be encouraged to forgive the person who abused them. Similarly, third parties who raised complaints would be encouraged to forgive the person they had concerns about. As discussed in Section 12.4, ‘Early Anglican Church responses to child sexual abuse’, during the *Church of England Boys’ Society* public hearing the outcome of this was to minimise complaints and discourage complainants. Survivor BYC told us about his experience in the Diocese of Sydney:

In around 1987, when I was 21 years old, I told the minister at Pymble, Reverend Boak Jobbins, that I was going to take Jacobs to court. Reverend Jobbins told me to ‘let sleeping dogs lie’ and not to proceed. He also told me that, as a Christian, I had to forgive him.¹¹⁸⁸

We heard that in 1982, Mr Richard Kells, a CEBS youth leader, contacted Bishop Clive Kerle and reported his observations and concerns about CEBS leader, Simon Jacobs. Bishop Kerle told Mr Kells to ‘try to be forgiving and give [Jacobs] a second chance’. We found that the words spoken by Bishop Kerle indicated an acceptance of Mr Kells’ concerns. However, there was no evidence that Bishop Kerle took any action in response to these disclosures.¹¹⁸⁹

We also heard about a letter sent by the Archbishop of Brisbane, Dr Hollingworth, to survivor BYB’s brother about the Diocese of Brisbane’s response to John Elliot. The letter stated that ‘the Christian rule is one of forgiveness and reconciliation’ and ‘if he ever does this kind of thing again he knows that I will remove his Licence immediately’. We found that Dr Hollingworth’s letter to BYB’s brother was inappropriate and insensitive.¹¹⁹⁰

These responses demonstrate the way in which the principle of forgiveness can be used to discourage a complainant, whether a survivor or a third party, from pursuing their complaint.

Bishop Dr Peter Jensen told us in the *Church of England Boys’ Society* public hearing that a culture of forgiveness can be spiritually abusive to survivors:

Central to the Christian faith is forgiveness and when you’re a Christian you know that. Unfortunately, the word ‘forgiveness’ can be abused to further abuse victims because the victim – say the victim is believed or the survivor is believed, which is hard enough to start with sometimes, but say the survivor is believed then it is so easy for the person who believed them to say, ‘Well, you’re a Christian, you must forgive’, to which I say this is a very, very shallow view of what the Christian faith entails and really what we are often doing by a constant plea that survivors forgive is re-abusing them spiritually.¹¹⁹¹

Bishop Dr Jensen explained that forgiveness was important, but part of a process:

What we must do is stand with such a person and help them through a place where they can forgive, that's part of the Christian life, that's true, but we must remember that it is a process and not something that simply can be done like that.¹¹⁹²

During the *Institutional review of Anglican Church institutions* public hearing we heard from professional standards directors about how a culture of forgiveness and proper risk management of persons of concern may weigh against one another. Mr Michael Elliott, Professional Standards Director for the dioceses of Grafton and Newcastle, explained that forgiveness was 'a principle of Christianity and it is in conflict with proper risk management at times'.¹¹⁹³ Mr Greg Milles, Professional Standards Director for the dioceses of Brisbane, Northern Territory, North Queensland and Rockhampton, and Ms Claire Sargent, Professional Standards Director for the dioceses of Melbourne, Ballarat, Bendigo and Wangaratta agreed that the culture of forgiveness can be in conflict with risk management.¹¹⁹⁴

All of the professional standards directors who gave evidence during the *Institutional review of Anglican Church institutions* public hearing told us that they had experienced some reluctance on the part of some clergy to 'risk manage' known persons of concern. Ms Tracie Chambers-Clark, Professional Standards Director for the dioceses of Perth, Bunbury and North West Australia, told us that:

In the very early start of my career, yes, there seemed to be some reluctance around this process, and I think that priests felt that the offender had done their time, they had sought forgiveness, you know, repentance, but I wasn't so easily convinced and I actually organised a professional development day and asked the Sex Offenders Management Squad to come and address the clergy, and that was a real starting point in clergy going, 'Ah, I see why this is an important process.'¹¹⁹⁵

Mr Lachlan Bryant, Professional Standards Director for the Diocese of Sydney, told us:

It can be present. Most of the time, in my view, through education, it is simply a no-brainer. Forgiveness doesn't sort of make this person a safe person, whether they are forgiven or not. So as long as we are continuing to keep child protection issues on view, I think people resisting this – it's in decline, and I think they are going against the grain.¹¹⁹⁶

We were told in the *Institutional review of Anglican Church institutions* public hearing that the culture of forgiveness had become more nuanced in that it recognised that there is a difference between forgiveness and trust.¹¹⁹⁷ Mr Blake SC told us:

If I can just touch upon forgiveness, I agree with everything that has been said, but I think there was an aligning of forgiveness and trust, and I think that the practice of forgiveness was to say, ‘Once you are forgiven, we now trust you’, and there is a difference, I think, between forgiveness and trust, which we now recognise, which, in its practice, was not always recognised ...

I think there has been a real emphasis that genuine forgiveness requires an act of reparation. You just can’t go to the priest and say, ‘I’m very, very sorry, I’m contrite’, and expect that there would be no act of reparation, and with child sexual abuse – and this appears in various of our policies – it would be incumbent on the minister, the priest, to encourage the person confessing to go to the police or make other reparation that may be appropriate.¹¹⁹⁸

The seal of the confessional and confidentiality

In the *Church of England Boys’ Society* and *Institutional review of Anglican Church institutions* public hearings we heard evidence about issues relating to the ‘seal of the confessional’ and confidentiality in the Anglican Church. This section sets out what we heard about the seal of the confessional and confidentiality in the Anglican Church as a contributing factor to poor responses to allegations of child sexual abuse.

Confession operates differently in the Anglican context compared to the Catholic Church. Archbishop Freier told us, ‘I think that in many cases private confession is not common in the Anglican Church. It certainly is not anonymous, in that we don’t have, as probably people might conjecture from movies, a confessional box or some other place’.¹¹⁹⁹

Instead, Archbishop Freier told us, confession usually occurs in a congregational context as part of a church service, and *The Book of Common Prayer* sets out that those who cannot ‘quieten their conscience should seek out a learned minister to work through these things’. Therefore, when private confession did occur, it would be ‘within a well-known pastoral context’.¹²⁰⁰ Likewise, Archbishop Davies told us that it was not common to have private confessions in the Diocese of Sydney.¹²⁰¹

We heard during the *Institutional review of Anglican Church institutions* public hearing that *A Book of Common Prayer*, *An Australian Prayer Book* and *A Prayer Book for Australia* provide for private confession, meaning that it is part of the authorised liturgy and practice of the church.¹²⁰² Mr Blake SC told us that it is difficult to get any statistical information about the occurrence of private confession in the Anglican Church.¹²⁰³

In 2014 the Doctrine Commission of the General Synod reported to the General Synod on private confession and noted ‘the increasing evidence that the ... “seal of the confessional” has sometimes been used to conceal wrongdoing, especially in relation to child sexual abuse’.¹²⁰⁴

During our inquiry, we heard that there were disagreements about the practice of confession within the Anglican Church and that this related to differences in theological practice within the Anglican Church. In the *Church of England Boys’ Society* public hearing, Bishop Dr Jensen told us that:

There is a dispute in our church, in our Anglican Church about this, with the more Catholic wing of the church embracing the idea of the seal of the confessional, whereas when I was a theological student in the 1960s, I was taught there is no such thing as the seal of the confessional.¹²⁰⁵

Bishop Gary Nelson, the Bishop of North West Australia, stated that:

One area where this difference of views regarding the authority of the Bible may have an impact concerns the confessional. Those holding an orthodox or evangelical viewpoint may approach the issue of people confessing sins in a formal context differently to those who do not hold traditional understanding of the Bible’s authority. For these clergy in the second category, any confession made to a priest is virtually sacrosanct. Evangelicals, though committed to confidentiality, would not regard criminal offences, especially child sexual abuse, as confessions to be automatically protected.¹²⁰⁶

The Anglican Church and confession

During the *Institutional review of Anglican Church institutions* public hearing, Mr Blake SC explained that the seal of the confessional in the Anglican Church of Australia was inherited when the Church of England broke away from the Catholic Church.¹²⁰⁷ A limited exception (in Canon 113) was introduced in 1603 when the Church of England revised the Canons, but this exception was ‘generally thought only to relate to treason’.¹²⁰⁸

When the Anglican Church of Australia was formed in 1962 it inherited the applicable Canons of the Church of England,¹²⁰⁹ including Canon 113. In 2014, the Doctrine Commission of the Anglican Church of Australia concluded that Canon 113 ‘establishes both that such confidentiality is of the utmost importance, and also that exceptions could be made under extraordinary circumstances’.¹²¹⁰

Mr Blake SC also noted the section in the schedule to the 1962 Constitution, which ‘provides that any rule of the church which is inconsistent with the written or unwritten law of the jurisdiction, is null and void’.¹²¹¹ This would mean that any rule of the Anglican Church inconsistent with, for instance, mandatory reporting, would be null and void.¹²¹² Mr Blake SC told us that this was still not well understood within the Anglican Church.¹²¹³

In 1989, the General Synod repealed Canon 113 and replaced it with the *Canon Concerning Confessions 1989*, which established the seal of the confessional except with the consent of the person seeking confession.¹²¹⁴ This canon was adopted by every diocese except one, although the Diocese of Sydney later excluded the canon.¹²¹⁵

Mr Blake SC told us that in 1998 he moved, as a private member, a canon requiring the disclosure of confessions of child sexual abuse. The motion was debated but not put to a vote. Instead, a committee was formed (of which Mr Blake SC was chair) which reported to the General Synod in 2001 that, under the *Canon Concerning Confessions 1989*:

if someone approached a member of the clergy to make a confession of child sexual abuse and indicated they were not prepared to go to the police, ... that would not be a valid confession and therefore the seal wouldn’t apply ... I was satisfied that a confession could not be used as a cover-up.¹²¹⁶

In 2006 and 2011, the bishops of the Anglican Church developed guidelines to provide clergy with information about hearing confessions relating to child sexual abuse.¹²¹⁷ These guidelines provide that absolution is to be withheld from ‘penitents’ who disclose child sexual abuse. Further, the guidelines make clear that confessions relating to child sexual abuse are heard by priests holding a special licence or authority. During the *Institutional review of Anglican Church institutions* public hearing, Archbishop Freier told us that referring someone to a priest who is authorised to hear confessions of child sexual abuse was possible because confession, when it occurred, would be ‘within a well-known pastoral context of individuals’.¹²¹⁸ As the person confessing would normally be known to the priest, referring them elsewhere was ‘very workable, rather than unworkable’.¹²¹⁹

As noted above, in 2014 the Doctrine Commission reported on private confession to the General Synod. The Doctrine Commission argued in favour of reforms to address this issue in the interest of the ‘the welfare of others’.¹²²⁰

The Doctrine Commission concluded that there are ‘clear deficiencies with the principle of absolute confidentiality’,¹²²¹ including that absolute confidentiality privileges the penitent confessing to serious crimes above victims and that the pastoral priority in all matters of abuse must lie with victims and potential victims.¹²²² The Doctrine Commission reaffirmed the importance of confidentiality as a general principle but recommended that:

Absolute confidentiality should not apply to confessions of serious crimes and other acts that have led or may lead to serious or irreparable harm, including domestic violence and sexual offences against children. In these cases, a minister should encourage the penitent to go to the police voluntarily, and accompany the person to ensure that this happens and to provide support. If this does not happen then the minister may reveal the contents of the communication to the appropriate civil or church authorities only.¹²²³

On 2 July 2014, the General Synod voted to amend the *Canon Concerning Confessions 1989* so that clergy would no longer be required to maintain the seal of confession in relation to information about serious crimes, as follows:

where a person confesses that he or she has committed a serious offence an ordained minister is only obliged to keep confidential the serious offence so confessed where the ordained minister is reasonably satisfied that the person has reported the serious offence to the police ...¹²²⁴

During the *Institutional review of Anglican Church institutions* public hearing, Mr Blake SC told us that there has subsequently been a procedural issue relating to the validity of this canon and that the matter would be revisited at the next General Synod in September 2017.¹²²⁵ Mr Blake SC told us that this initiative would abolish any confidentiality requirement in relation to confessions of child sexual abuse, child pornography or ‘a grave offence against a vulnerable person’.¹²²⁶

We note that the explanatory memorandum to the canons being proposed for the General Synod states that the exception is designed to be ‘permissive (‘may reveal’), not coercive (‘must reveal’).¹²²⁷ This means that the priest is able to reveal the contents of the confession to church and civil authorities, but there is no requirement.

We understand that the initiative to amend the canon had the broad support of the House of Bishops (as we noted in Section 12.1, ‘Structure and governance of the Anglican Church’, the General Synod of the Anglican Church is divided into the House of Bishops, the House of Clergy, and the House of Laity). At their annual Bishops Conference in 2017, the House of Bishops issued an updated protocol on private confession.¹²²⁸ Archbishop Freier, Bishop Dr Macneil and Bishop Geoffrey Smith, the Archbishop of Adelaide, told us that they would support that initiative at the General Synod.¹²²⁹

Archbishop Davies told us that the Diocese of Sydney would be unlikely to adopt the proposed canon as there was no legislation for confessions in the diocese.¹²³⁰ Archbishop Davies confirmed that their practice would be to report disclosures of child sexual abuse received during confession.¹²³¹

In 2017, following the *Institutional review of Anglican Church institutions* public hearing, the General Synod passed two amending canons relating to confession at its 17th Session.¹²³²

The explanatory memorandum accompanying these canons notes that ‘all dioceses are likely to support a modification to the [*Canon Concerning Confessions* 1989] to provide a limited exception to confidentiality in relation to a confession of child abuse’.¹²³³ However, it says most, but not all, dioceses are likely to support a further exception to confidentiality for ‘non-criminal conduct that puts “a vulnerable person at risk of significant harm”’.¹²³⁴ As a result dioceses are able to adopt either the:

- *Canon Concerning Confessions (Revision) Canon 2017* that creates the exception to confidentiality for a ‘grave offence’, defined as conduct that amounts to ‘child abuse’.¹²³⁵
- *Canon Concerning Confessions (Vulnerable Persons) Canon 2017* that expands the definition of ‘grave offence’ to ‘include abuse of a vulnerable person, and expands the exceptions to confidentiality to include non-criminal conduct that is reasonably believed to put a vulnerable person at risk of significant harm’.¹²³⁶

In Volume 7, *Improving institutional responding and reporting*, Chapter 2, ‘Reporting institutional child sexual abuse to external authorities’ and the *Criminal justice* report, we recommend that people in religious ministry should be subject to obligations to report under mandatory reporting laws and the proposed ‘failure to report’ offence, including when they have knowledge or suspicions of child sexual abuse formed on the basis of information received in connection with religious confession (Recommendation 35).¹²³⁷ These recommendations will help to ensure that risks to the safety of children are minimised, by requiring that disclosures of child sexual abuse in confession are reported to civil authorities.

The use of the seal of confession or confidentiality

During the *Church of England Boys’ Society* public hearing, we heard that the ‘seal of confession’ was used to silence a survivor, Mr David Gould. Mr Gould disclosed to Bishop Newell in 1997 that he had been sexually abused by Louis Daniels.¹²³⁸ Mr Gould told us that:

Daniels said he would hear my ‘confession’ and then I would be forgiven. He said to me, ‘we can fix the problem, God will absolve you. I am a priest and I can act for God in this way.’ Daniels explained to me the theology of confession and that he was bound as a priest to keep it in confidence between me, him and God. Daniels then heard my confession in his backyard.

Daniels’ tactic to silence me profoundly affected me. It put the moral responsibility on me. It meant the secret would stay with him and also guaranteed my silence as I felt bound to keep the contents of my confession confidential, just as he did. For many years I shouldered the entire blame for the abuse. I felt intense resentment for this abuse of his authority as a priest. This to me is more significant than any physical abuse I suffered.¹²³⁹

We are mindful that that use of the confessional described above, by a perpetrator to silence his victim, is different from the scenario where a priest receives a disclosure of child sexual abuse by a perpetrator in the course of his or her ministry. Nonetheless, it demonstrates the impact that the ‘seal’ or ‘confidentiality’ can have on a survivor. Mr Gould said, ‘I felt bound to keep the contents of my confession confidential, just as [Daniels] did’.¹²⁴⁰

While not directly related to the seal of the confessional, we also heard about other incidents relating to clergy keeping information about child sexual abuse under an oath or seal of confidentiality. In the *Church of England Boys’ Society* public hearing, we heard about BYG disclosing child sexual abuse by Daniels to Bishop Newell. BYG told us:

I told him that I did not want my parents to know due to the psychological problems they had, so I asked him not to tell them. Bishop Newell said our conversation would be under the Bishop’s Seal ...

Bishop Newell asked if I would be prepared for him to tell others about what we had discussed. Bishop Newell said he was going to Melbourne and would like to talk to senior colleagues. He asked if I would release him from his Seal in order to do so and I said yes ...¹²⁴¹

Likewise, during the same public hearing, BYD told us that in around 1989, around the time of Simon Jacobs’s committal hearing, New South Wales Police had told her that Reverend Jobbins had refused to speak to them about Jacobs, citing his ‘oath of confidentiality to the Church’.¹²⁴²

12.6.8 Selection, screening and supervision

Selection and screening

We heard in the *Institutional review of Anglican Church institutions* public hearing that, historically, selection and screening of potential candidates for ordination in the Anglican Church was inadequate. We heard that this contributed to the occurrence of child sexual abuse by members of clergy and lay people, and to poor institutional responses.

For example, Bishop Tim Harris then Administrator of the Diocese of Adelaide, now Assistant Bishop, Diocese of Adelaide, agreed that there had been ‘significant failures’ and ‘lack of accountabilities’ in this respect,¹²⁴³ and Bishop Bradly Billings, Assistant Bishop, Diocese of Melbourne, acknowledged that ‘there have been failures in the past in that respect’.¹²⁴⁴ Reverend Archie Poulos, Head of Ministry, Moore Theological College, Director of Moore College’s Centre for Ministry Development, in the Diocese of Sydney similarly observed, ‘you would have to say that those concerns about selection and training have had a significant impact, because why do we have offenders?’.¹²⁴⁵ He went on to stress the need to engage in ‘prophylactic support of people so before the events occur we actually need to be engaging with people to prevent it happening’ and ‘to develop clearer processes to help the clergy ensure that there is safe ministry everywhere’.¹²⁴⁶

Inadequate screening was also an issue for lay people. Archbishop Davies of the Diocese of Sydney told us that ‘inadequate screening of our laypeople in past years allowed people with corrupt motives to abuse young boys, in particular, but also girls’.¹²⁴⁷

In the *Church of England Boys’ Society* case study we found that there were no screening or background checks of CEBS leaders during the 1970s and 1980s, and no training for CEBS leaders on child protection.¹²⁴⁸

A particular example which arose in the *Anglican Diocese of Newcastle* case study related to St John’s Theological College, Morpeth (Morpeth College). Reverend Lance Johnston, whose two daughters were sexually abused by Robert Ellmore at Morpeth College, told us in that case study of ‘a serious problem with screening of candidates at Morpeth College’.¹²⁴⁹ He said there was an incorrect perception among Anglicans that students of Morpeth College had been screened by the college.¹²⁵⁰ Bishop Farran also said that ‘[Morpeth College’s] selection processes were very poor’.¹²⁵¹

In fact, students enrolled in Morpeth College were nominated or sponsored by the diocesan bishop (except in one or two cases where students self-nominated). Once students were nominated by the diocesan bishop, they were enrolled at Morpeth College as a matter of course. The nominating diocese would then pay the students’ college fees throughout their studies. Morpeth College itself did not undertake any interview or screening processes to determine the suitability of candidates for study or ordination. The college considered this to be the responsibility of the nominating diocese.¹²⁵²

In the *Institutional review of Anglican Church institutions* public hearing, Bishop Thompson told us that the high proportion of perpetrators recognised at St John’s College in Morpeth ‘may reflect on the selection process or the lack of selection process from other dioceses to go there, and the climate of mentoring which was afforded the students, sometimes by priests outside the college’.¹²⁵³

We heard that one of the reasons why there may have been poor screening practices was cultural attitudes towards issues like forgiveness and confessions. During the *Church of England Boys’ Society* public hearing, Dr Slaughter, who was a member of the Diocese of Brisbane’s selection panel for clergy, told us in a statement that:

I often felt that Church people were too trusting and naive, especially in their dealings with seriously troubled people who sought ordination. I believe this was due to the traditional belief that confession and forgiveness would lead to people changing their ways.¹²⁵⁴

During the *Institutional review of Anglican Church institutions* public hearing we heard that screening practices for candidates for theological colleges and ordination were ‘in line with’¹²⁵⁵ or informed by¹²⁵⁶ several models created by the Professional Standards Commission of the Anglican Church since 2004. These policies include the Safe Ministry Check – Ordination

Candidates, Clergy and Paid Church Worker Positions – Applicant and Referee’s Screening Questionnaire,¹²⁵⁷ and the Guidelines for Dioceses Undertaking Risk Assessments Relating to Sexual Abuse.¹²⁵⁸

The Professional Standards Commission also developed a document titled ‘A process for the comprehensive psychological assessment of candidates for ordination’ in November 2012, which included the recommendation that a diocese implement ‘some form of psychosexual assessment’, ‘together with additional questions about psychosexual maturity to be used during the interview.’¹²⁵⁹

Bishop Billings confirmed that the Diocese of Melbourne’s testing regime has been informed by that document.¹²⁶⁰ Bishop Harris told us that at the end of 2016 the Diocese of Adelaide reviewed this document and decided to shift from an organisational psychologist to a clinical psychologist because they ‘were not satisfied [the psychosexual dimension] was intentional enough’.¹²⁶¹

Conversely, in a statement provided in the lead-up to the *Institutional review of Anglican Church institutions* public hearing, Bishop Rob Gillion of the Diocese of Riverina told us that there were no policies or practices in the diocese in which psychological testing of candidates is required for training or ordination. Instead, a selection board comprising laity and clergy is used to assess suitability.¹²⁶²

Likewise, Bishop Greg Anderson of the Diocese of the Northern Territory told us that there has not been a practice of conducting psychological assessment of ordination trainees or candidates. He said:

there has not been a policy or practice of psychological assessment for theologically trained people who come to the Territory for ministry and are subsequently ordained. Because of the particular psychological pressures attached to ministry in the Northern Territory, such as remoteness, isolation, violence and cross-cultural dynamics, attention is being given to this gap. A package of Safe Ministry practices is being adopted, and implementation is beginning.¹²⁶³

As mentioned above, there are significant structural and cultural barriers that prevent consistency of practice across the Anglican Church of Australia. There is no national approach to the selection, screening and training of candidates for ordination.

During the *Institutional review of Anglican Church institutions* public hearing, there was discussion about how the various dioceses and theological colleges could work together to share best practices in respect of ‘formation’ in an Anglican context. For instance, Reverend Poulos told us that, while at the time of the hearing there were some informal discussions between people who work in this space, there was no formal process.¹²⁶⁴

Bishop Billings told us that, at the time of the public hearing, there was a national gathering planned for July 2017. The purpose of the gathering was for people working in the ‘formation’ field in a diocesan setting or a college setting to ‘come together and share best practice’.¹²⁶⁵

Bishop Harris told us that:

I think there is an unnecessary individualism amongst the culture that probably comes as a by-product of the wider political nature of the Anglican Church, but a level below that, I think there is a lot of common mind and a willingness to learn from and to benefit from interaction across the colleges from those who approach it less out of a political environment of perhaps General Synod but more out of common concern of mission and ministry and much has been shared.¹²⁶⁶

Bishop Harris told us that the best results for working collaboratively may occur outside the formalities of a General Synod direction, but around an agreement to adopt professional best practice and to be accountable to one another as colleagues.¹²⁶⁷

In Chapter 20 we consider and make recommendations to all religious institutions about the selection, screening and training of candidates for religious ministry. We recommend that, as part of a suit of screening mechanisms, all candidates for religious ministry should undergo external psychological testing, including psychosexual assessment, for the purposes of determining their suitability to be a person in religious ministry and to undertake work involving children (Recommendation 16.42). We also recommend that religious institutions should have targeted programs for the screening, initial training and professional supervision and development of people from overseas who come to work in their institution. These programs should include material covering professional responsibility and boundaries, ethics in ministry and child safety (Recommendation 16.46.)

We have discussed the *Disclosure of Information Canon 2017* in Section 12.3. This canon introduces a protocol for sharing ministry suitability information internationally between the provinces of the worldwide Anglican Communion. We discuss the *Safe ministry training benchmarks* developed by the Professional Standards Commission and the *Safe Ministry to Children Canon 2017* in Chapter 20. In that chapter we include discussion on training on child sexual abuse in the Anglican Church and note that training is also an area where there are divergent practices across the 23 dioceses.

Recommendation 16.4

The Anglican Church of Australia should develop a national approach to the selection, screening and training of candidates for ordination in the Anglican Church.

Supervision and support of clergy and others involved in ministry

Inadequate supervision and support of clergy and others involved in ministry may also have been a contributing factor to the risk of abuse.

In the *Institutional review of Anglican Church institutions* public hearing, we heard that both students for ordination and ordained clergy face pressures that in turn heighten the risk of abuse.

Mr Blake SC told us that, in his experience, there were generally two categories of offenders in the Anglican Church of Australia. He said:

There has been the predator, the one who has infiltrated the church with an intention of grooming children and abusing them, but I think there has been another category of abuser who has, through being unwell, really broken boundaries progressively and incrementally and often through stress and burnout and without adequate supports in their ministry have ultimately ended up abusing children.¹²⁶⁸

These pressures, and the potential nexus with the risk of abuse, were encapsulated by Reverend Poulos in the following terms:

The very position that clergy are in is one of trust, and we have to be very careful to not misuse that trust. And so we want to make sure that along with heightened trust comes heightened responsibility. That's one of the things that we work hard with our students in. And as Bishop Billings has just said, too, there are pressures like the loss of income, the loss of position in society, even, because of the former careers that they once had. That does cause people to live in extreme circumstances, which I am really glad happens during their theological college days, because it is in those days you can often see how people will respond under pressure, and so we are constantly looking for those times of pressure to see how people are responding, because often things like abuse will occur when you are under pressure. So I think that there are those sorts of things that do happen to them. Yes.¹²⁶⁹

On the pressures facing ordained clergy, Bishop Harris observed that:

There are significant pressures on clergy, and I believe growing pressures. One between the public and private life, and there is a disconnect between the way that people present themselves and have accountabilities publicly and what is happening in their own personal self. That is a significant pressure. That would be true of many other people in public life. But there is also a vulnerability that comes with fear of complaint and accusation, so that there is awareness of increasing requirements for compliance and so on that are stressful in case there are breaches within that, but I think that is also a question of balancing education and awareness together with provisions for further support.¹²⁷⁰

Likewise, Bishop Billings told us that the clergy is one of the few professions where the living space is often co-located with the work space. Additionally, parish-based clergy have high levels of discretionary time and do work which is exhausting and demanding.¹²⁷¹

In this context, we heard evidence that, in such circumstances, adequate support structures and supervision were very important.¹²⁷² Historically, the prevailing view may have been that clergy could carry out ministry without support. For example, Mr Blake SC noted that ‘the idea of mentoring or supervision was not something commonly promoted, or, if promoted, was taken up by clergy’, although he believes that this has changed.¹²⁷³

The need for professional supervision and support for clergy was raised at a national level in the 2004 report of the Child Protection Committee titled *Making our church safe: A programme for action*. The report stated, ‘We are concerned that the direct relationship between unhealthy ministry practices and the abuse of others by clergy is not widely understood. We would encourage dioceses to continue to promote healthy ministry practices by their clergy’.¹²⁷⁴

It also recommended that each diocese should have a system of ministry support for its clergy, and that this should include peer support, mentoring, professional supervision or consultation, and ministry review.¹²⁷⁵

The General Synod resolved that each diocese should adopt these processes.¹²⁷⁶ Although this approach was recommended by the General Synod in 2004, we heard that systems of ministry support which have these elements are still being developed by dioceses.

Reverend Poulos told us that the Diocese of Sydney has formed a diocesan committee to consider the development of a formal program for the supervision and development of clergy. Reverend Poulos told us that ‘the committee began meeting informally in about 2011, just because we perceived, back then, there was actually a need to have supervision’.¹²⁷⁷ He explained that:

We started exploring supervision, by which we mean somebody that is not your line manager, a supervisor to whom you go, with a threefold goal: that is, formative, that is, to help you to be a better practitioner; normative, to ensure that you are adhering to absolutely rigorous ways of operation; and the third one is restorative, so that if you do fall in a heap, to try and help you to make good progress.¹²⁷⁸

Bishop Billings told us that the Diocese of Melbourne, as of this year, has implemented a system of annual review as part of the Archbishop of Melbourne’s clergy wellbeing program. The program otherwise involves access to resources and an employee assistance program which is available to clergy and their families. Additionally, the program uses the ‘deaneries’ as a structure of running small groups which aim to ‘promote clergy wellbeing and mutual encouragement and accountability’.¹²⁷⁹

Bishop Harris gave evidence that he will be advocating that:

[There should be] a stronger requirement for required supervision, not in the ministry sense but in the professional sense, so there is a requirement to have someone who has permission and is tasked with really exploring the inner life and what might be some of the trigger points that are occurring, and especially to identify stress and burnout sooner rather than later.¹²⁸⁰

Similarly, Bishop Thompson said that in the Diocese of Newcastle a shift was occurring towards a supervisory model 'where priests are expected to account for how they are going and what is happening to them'. However, he stated that this had been 'hard to introduce because priests, who have been regarded as self-determining on many matters, question the idea that they need supervision'.¹²⁸¹ In Bishop Thompson's view, supervision will 'allow clergy to recognise and become self aware of their own boundary breaches, their own sense of why they need further work and understanding of their own needs'.¹²⁸²

Bishop Harris agreed, noting that the challenge in implementing supervision is to encourage clergy trained in earlier times to see it as an expectation and something that is in their 'best interests'.¹²⁸³ Bishop Harris told us that there was work to be done in this area.¹²⁸⁴

We note that the General Synod recommended in 2004 that the 23 Anglican Church dioceses implement a system of ministry support. In 2017, following the *Institutional review of Anglican Church institutions* hearing, the 17th Session of the General Synod passed a resolution in relation to professional supervision for people in pastoral ministry.¹²⁸⁵ The resolution recommended each diocese 'publish a list of appropriately qualified people as professional supervisors for those in pastoral ministry and promote the use of their services' and 'include a component for professional supervision in recommended financial packages for those in pastoral ministry'.¹²⁸⁶

In Chapter 20 we recommend that each religious institution should ensure that all people in religious ministry, including religious leaders, have professional supervision with a trained professional or pastoral supervisor who has a degree of independence from the institution within which the person is in ministry (Recommendation 16.45). People in religious or pastoral ministry should also be subject to effective management and oversight and undertake annual performance appraisals (Recommendation 16.44). In addition, we recommend that each religious or pastoral institution should require that all people in religious ministry, as well as any other religious leaders, undertake regular training on the institution's child safe policies and procedures, and be provided with opportunities for external training on best practice approaches to child safety (Recommendation 16.47).

We make the following recommendation specifically to the Anglican Church of Australia.

Recommendation 16.5

The Anglican Church of Australia should develop and each diocese should implement mandatory national standards to ensure that all people in religious or pastoral ministry (bishops, clergy, religious and lay personnel):

- a. undertake mandatory, regular professional development, compulsory components being professional responsibility and boundaries, ethics in ministry and child safety
- b. undertake mandatory professional/pastoral supervision
- c. undergo regular performance appraisals.

12.6.9 Conclusions about contributing factors in the Anglican Church

We considered a number of factors that contributed to the occurrence of child sexual abuse in the Anglican Church or affected institutional responses to this abuse.

We heard evidence that there is no consistent, national approach in the Anglican Church to responding to allegations of child sexual abuse. It is clear that there are structural and cultural barriers to achieving a consistent national approach. We heard that these barriers include dispersed and decentralised authority, diocesan autonomy, and theological and cultural differences between dioceses. We recommend that all religious institutions should adopt the Royal Commission's 10 Child Safe Standards as nationally mandated standards for each of their affiliated institutions and drive a consistent approach to the implementation of the standards (recommendations 16.32 and 16.33). Given these barriers, the Anglican Church should develop a mechanism to not only drive a consistent approach to child safety but also to monitor the adoption of this approach in the 23 dioceses and their affiliated institutions.

We conclude that a failure of leadership of diocesan bishops contributed to inadequate responses to allegations of child sexual abuse. In two of our case studies, alleged perpetrators remained in positions where they had access to children after a bishop had received a complaint of child sexual abuse, and there were subsequently further allegations of child sexual abuse. These failures occurred in a context where there was a lack of oversight and accountability of bishops, and no uniform complaints process for complaints against bishops. We recommend that the Anglican Church of Australia adopt a uniform episcopal standards framework to ensure that bishops and former bishops are accountable to an appropriate authority or body in relation to their response to complaints of child sexual abuse (Recommendation 16.1).

We found that in some instances conflicts of interest arose for diocesan bishops and senior diocesan office holders in their responses to individuals accused of child sexual abuse. Bishops have close relationships with clergy in their dioceses, which we found has at times impacted on their response to allegations. We also found that conflicts arose for senior office holders as a consequence of their personal and professional interests. We recommend that the Anglican Church should adopt a policy relating to the management of actual or perceived conflicts of interest that may arise in relation to allegations of child safety (Recommendation 16.2).

Lay people have a high level of involvement in the governance and operation of the Anglican Church. We found that, in some instances, responses to child sexual abuse have been impacted by particular lay cultures within a diocese. We recognise that these local cultures, when they do not prioritise the safety of children, can have a significant impact on the ability of a bishop to effectively lead a diocese, and can contribute to inadequate responses to allegations of child sexual abuse. In our view, these cultures can seek to reinforce the primacy and value of a particular church culture over the interests of both survivors and children. We recommend that the Anglican Church should amend *Being together*, or any other statement of expectations about the behaviour of members of Anglican Church communities, to expressly refer to the importance of child safety (Recommendation 16.3).

While it is a term more commonly used in the Catholic context, we heard that aspects of clericalism in the Anglican Church may have played a role both as a factor that contributed to the occurrence of child sexual abuse and as a factor that impeded appropriate responses to such abuse. Clericalism is a theological belief that the clergy are separate from the laity. We heard that clericalism is not just confined to Anglo-Catholic traditions within the Anglican Church but also present in evangelical traditions where the minister is seen as a qualified teacher and deferred to on that basis. We heard that a culture of clericalism may have discouraged survivors and others from reporting instances of child sexual abuse, including to the police; that, historically, the reputation of the Anglican Church has been placed above the welfare of survivors; and that consequently there was further abuse as complaints against perpetrators were not properly addressed. We heard that a number of measures could address the culture of clericalism within the Anglican Church, including greater transparency and a greater role of women in both ordained ministry and lay leadership positions in the Anglican Church. We heard that the increased involvement of women has had a significant impact on combating clericalism.

A culture of forgiveness may also have contributed to inadequate responses to child sexual abuse in the Anglican Church. We heard that in some cases there was a focus on extending forgiveness and compassion to perpetrators rather than properly considering the needs of the victim. One consequence of both a culture of forgiveness and a poor understanding of child sexual abuse was that survivors were encouraged to forgive their abuser. Similarly, third parties who raised complaints were encouraged to forgive the person who abused them.

In addition to these cultural factors we found that there were failures in respect of the selection and screening of people for ordination and that there is a need to provide clergy and church workers in the Anglican Church with professional supervision and support. We recommend that the Anglican Church should develop a national approach to the selection, screening and training of candidates for ordination (Recommendation 16.4). We further recommend that the Anglican Church should develop and implement mandatory national standards to ensure that all people in religious or pastoral ministry undertake regular professional development, undertake professional/pastoral supervision and undergo regular performance appraisals (Recommendation 16.5).

At its 17th session in September 2017, the General Synod passed a number of canons directed towards the goal of achieving national minimum standards in many of these areas. While these canons have been passed at a national level, it is up to the 23 dioceses to adopt uniform legislation to ensure that the Anglican Church has a consistent national approach to child safety. We discuss these initiatives in further detail in Part E, 'Creating child safe religious institutions'.