



Anglican Church of Australia DIOCESE OF TASMANIA

Mr David Gould

REDACTED

5 November 2003

Dear David

I am writing in response to your letter of 22 September 2003.

In answer to the questions submitted I make the following comments:

- 1. Is the payment of these costs (counselling costs) not an acknowledgement of the reality and factuality of the sexual abuse and trauma I went through in the eyes of the Diocese?*

Anyone who contacts the Diocese, either through the diocesan office or the Help Line with a complaint of sexual abuse or harassment within the Church is immediately offered a Support Person and the provision of professional counselling to be paid for by the Diocese.

This occurs as a pastoral response from the Anglican Church in Tasmania, before there are any inquiries about the veracity of the complaint. It is not an acknowledgement that the incident(s) actually took place.

- 2. Why should I need to provide information to yet another church process?*

Since you submitted your complaints in 1997, the response of the Anglican Church to complaints of sexual abuse within the Church has been a dynamic process that reflects changing attitudes (an educative process) and the need to address the issues in an open and accountable manner.

Prior to the implementation of the Pastoral Support and Assistance Scheme (PSAS) there was limited capacity for the Diocese of

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Tasmania to respond to allegations of sexual abuse by those who did not hold a Bishop's Licence or who were deceased.

After the 'Not The Way of Christ' Inquiry general allegations without identifying information in relation to those abused were put to the named respondents.

The PSAS is not meant to be 'yet another process' but rather an effort to respond more effectively and responsively to victims and to enable victims to apply for some financial support and assistance as a result of the abuse.

If you are happy for the written complaints you have already submitted to be investigated we can begin that process immediately with the appointment by the Bishop of two Assessors. The Assessors will need to give the respondents who are still alive the opportunity to respond to your complaints before making a final assessment as to the validity of your complaints. The Diocese will provide the Assessors with material already submitted by you and this may shorten the process. The Assessors may also need to seek further information from you during that process.

I am enclosing a letter to be signed and returned, indicating your wish for this to happen and releasing information held by the Diocese in this matter for the Assessors' consideration.

If your complaints are verified, you will be eligible to apply for a grant of financial assistance. I understand that you already have a copy of those application forms. Any relevant information that the Diocese already has will not need to be provided again.

3. Why did the Church not advise me of the need to go through this new process months ago?

Before May this year there was a process in place that allowed for written complaints, where the respondent(s) held a Bishop's licence, to be investigated. This was necessary for a number of reasons:

- ⇒ To provide for complainants a way to have their complaints addressed and achieve some form of closure.
- ⇒ To give respondents an opportunity to respond to the allegations in accordance with natural justice.
- ⇒ To ensure that respondents to complaints, who were currently licensed by or had authority from the Bishop and who were guilty of the allegations made, were no longer able to work in situations where similar abuse could be perpetrated.

The PSAS allows for written complaints, where the respondent is deceased or no longer holds a Bishop's Licence, to be investigated. It also introduces a further step for those complainants, where the guilt

of the respondent(s) has been established, to apply for a grant of financial support and assistance to facilitate the healing process for the victim.

My records show that an information package about the PSAS was mailed to you at the same time that an announcement was made at Synod and picked up by the media.

4. Is the Church about to force me to go through another internal process in order to allow me a claim for compensation?

Processes prior to the introduction of the PSAS allowed for limited investigation only. The new process now allows for a full investigation and to include those respondents not currently holding a Bishop's Licence.

The Diocese recognises that it is impossible to compensate for the effects of sexual abuse perpetrated by those in positions of trust and authority. This offer of a financial grant is made not as compensation, but in an attempt to assist and support victims to move through the healing process.

5. Why has the Church never appointed a Support Person as outlined in your letter or advised me of Options (1), (2) and (3)?

The Diocese understood that Michael Longbottom is your Support person.

If this is not the case, please let me know and I am very happy to look for a suitable Support Person for you in Sydney.

6. Why has the Diocese failed to investigate fully eight year old claims of serious sexual abuse?

Prior to the implementation of the Pastoral Support and Assistance Scheme (PSAS) there was limited capacity for the Diocese of Tasmania to respond to allegations of sexual abuse by those who did not hold a Bishop's Licence or who were deceased.

The introduction of the PSAS now allows a proper and full investigation to take place.

Once I have received your written permission I will commence that process.

7. *In regard to the PSAS please confirm that each claim against each priest can be dealt with as a separate claim? I expect to be able to apply for PSAS compensation for \$60,000 against all four priests who sexually abused me. Is this correct?*

The grant available in the PSAS is a maximum of \$60,000 for each complainant and the Independent Assessor will determine the amount offered. The increased effects caused by more than one perpetrator will be taken into account in his determination.

The Diocese recognises that it is impossible to compensate for the effects of sexual abuse perpetrated by those in positions of trust and authority. This offer of a financial grant is made not as compensation but rather to support and assist victims to move through the healing process.

8. *How many claims does the PSAS have by victims against multiple perpetrators like me?*

For privacy reasons this information is not publicly available, but I can tell you that the Diocese of Tasmania has received complaints where there is more than one respondent.

9. *Has the Diocese taken into account the circumstances of victims of multiple priest offenders, with the associated massive increase in trauma, suffering and loss?*

The Diocese acknowledges that in no way can victims be compensated for the lifelong effects suffered by victims in these circumstances.

The PSAS has never been considered as a process of compensation. It is an attempt to care for victims by acknowledging that these events happened and they were extremely damaging, that in no way are they condoned and that the Church is trying to help the victims achieve some sort of closure.

Victims are still able to take legal action against perpetrators or under State legislation for Victims of Crime, if their case comes under that legislation.

The Diocese has retained an Independent Assessor to make an assessment on the evidence presented of the amount of money paid and it will not appeal the decision made.

10. *What provision exists to facilitate the payment of legal costs associated with the preparation of and submission of claims to the PSAS process?*

The Independent Assessor has the authority to determine and authorise a special payment in relation to costs in preparing the submission.

(See the PSAS Information Package – Guidelines for Application for Pastoral Support and Assistance Scheme: Limits on Amount of Grants, no.3)

11. *I expect that my claim against each perpetrator priest be investigated individually and compensation adjudicated accordingly.*

As soon as I receive your permission to proceed, I will seek and recommend to the Bishop two Assessors in accordance with the protocol.

At the completion of the investigation of your complaints the Bishop will inform you in writing of the outcome and your eligibility to apply for a grant of money.

As previously stated, the Independent Assessor will determine a grant of money to a maximum of \$60,000, taking into account the degree of abuse, the number of perpetrators and the subsequent effects of the life of the victim.

12. *I am now formally requesting that the Diocese of Tasmania give me copies of all internal correspondence and investigations in relation to my allegations of sexual abuse by the previously mentioned priests including those not currently under police investigation.*

Relevant documentation relating to any prior limited investigation conducted by the Diocese will be made available to the Assessors.

Copies of documents supplied by you and held by the Diocese will be supplied to you.

13. *I would like information about the alleged return of the Rev'd. Fr. |BYT | to Tasmania from Belgium in the late 1990s. I would like to know when or if this visit occurred and why I was not informed. I am very concerned that my complaints against him were not conveyed to Tasmania Police.*

There is no diocesan record of any visit by the Reverend BYT
BYT in the late 1990s.

Complainants who are adults are encouraged to take their complaints to the Police if they require a police investigation. Many persons do not wish this to occur.

It is in relation to children under 18 years that the Bishop has a responsibility to inform the Police.

14. *Why did Bishop Newell not inform me about the application for a License to Officiate in Tasmania of BYT a priest that I had alleged to the Diocese was a pedophile?*

There is no stated obligation that a Bishop has to inform a complainant about a matter that is related to Church Law.

15. *Bishop Harrower has stated that the Church's internal processes mandate allegations of sexual assault against minors be submitted to Tasmania Police. Why were allegations of crimes against a minor not submitted to the police? Has this happened to other survivors?*

This mandate is in relation to children and young people under the age of 18 years and relates to current State legislation. If the allegations are made by an adult and refer back to a time when he/she was a minor, it is the choice of the adult as to whether the allegations are reported to the police.

You will notice that in the current process this is given as one of the options and the Support Person will assist the complainant in doing this.

Alternatively the complainant may give the Church written permission to pass the information on to the police.

16. *Is Bishop Harrower's apology to me as given previously personal or on behalf of the Diocese?*

Bishop Harrower's apology was made in his official capacity as Bishop of Tasmania and as leader of the Anglican Church in the Diocese of Tasmania.

17. *Is without prejudice to my claims of abuse and claim for compensation from the Diocese of Tasmania?*

The grant available in the PSAS is a maximum of \$60,000 for each complainant and the Independent Assessor will determine the amount offered. The increased effects caused by more than one perpetrator will be taken into account in his determination.

The Diocese recognises that it is impossible to compensate for the effects of sexual abuse perpetrated by those in positions of trust and authority. This offer of a financial grant is made not as compensation but rather to support and assist victims to move through the healing process.

18. *The Bishop stated " I write to acknowledge the sexual abuse that you suffered by Anglican priests in the Diocese of Tasmania...extend to you an unreserved apology for the sexual abuse you suffered." (27/02/02)*

In the light of this admission by the Bishop, surely I do not need to go through yet another process of internal inquiry?

By acknowledging the complaints of past sexual abuse against children by Anglican clergy and offering an apology it was the Bishop's intention to show care and concern towards those who were coming forward and to indicate that the Diocese of Tasmania took the complaints seriously.

Rather than an internal inquiry, the process offers the options of taking the complaint to the police or an investigation by the Church using two Assessors, one of whom is independent of the Anglican Church and has experience and expertise in the area of sexual abuse and harassment.

19. *By saying that I have to go through another inquiry process, the Church is saying that I do not satisfy their criteria of being a recognised victim of clergy sexual abuse. This is secondary abuse; in its own way incredibly painful and damaging.*

Is the Church prepared to acknowledge that its own internal processes in the eight years that I have been seeking justice have caused emotional and psychological harm and been a form of secondary abuse?

With the introduction of the PSAS the Church now has a process of determining whether the abuse occurred through a proper investigation of the written complaint, even where the respondents fall outside the Bishop's authority.

If you believe that the process has caused you further harm, this can be included in your application for a grant.

20. *Is the Church willing to acknowledge to me that its failure to have inadequate systems to respond to victims of clergy sexual abuse have hugely added to my pain and suffering in the years 1997 to the present day?*

The Church's response to victims of clergy sexual abuse since 1997 has been a changing process.

It is acknowledged that prior to 1997 there was no formal process in place.

Following the 'Not the Way of Christ' Inquiry significant steps were taken to ensure that counselling and support were offered to complainants and a process has been developed to facilitate the investigation of complaints, culminating in the appointment in May this year of an Independent Assessor to determine an appropriate grant for applicants whose complaint has been investigated and verified.

21. *Is the Church willing to concede that Bishop Newell treated my complaints as if an allegation against Daniels or any other priest was unheard of?*

I understand that this was not the case.

22. *Justice Slicer in R v Daniels in 1999 stated that 'Following the investigation and involvement of church authorities, Mr Daniels resigned his parish position and left the priesthood.'*

If the Church investigated these allegations in 1994 prior to Daniel's leaving Tasmania, what bearings do these findings have on my case? Is the Church prepared to give me access to its findings concerning the serial behaviour of Daniels?

Lou Daniels was convicted in relation to charges laid by the police for offences against another person who cannot be named. I understand that he was not charged with any offences against you.

For privacy reasons the names of or details of anyone else naming Lou Daniels as respondent cannot be released.

23. *Have allegations been made to the Diocese against any of the other priests I have alleged have abused me?*

For privacy reasons I cannot release this information to you.

24. *The current Missions to Seafarers' chaplain advised me last year that that it would take another generation for the fishing community to have anything to do with the Missions to Seafarers – the legacy of the prolific child abuse by Alexander Ralston.*

Why in the light of this knowledge have my claims against REDACTED not been investigated?

It is noted that REDACTED is deceased.

There is now a process with the introduction of the PSAS for this to occur if that is your wish.

25. *I would also like to know the legal relationship of the Missions to Seaman to the Diocese. Are the Missions to Seaman an independent legal entity?*

Mission to Seafarers is an incorporated body.

26. *What is the legal relationship of the chaplain to the Diocese?*

The chaplain must hold the Bishop's Licence but is not an employee..

27. *Is the chaplain of the Missions to Seafarers (formerly Missions to Seamen) in law an employee of the Diocese of Tasmania? Was the Rev'd Fr REDACTED a diocesan employee?*

The Reverend REDACTED relationship with the Diocese was as an office holder licensed by the Bishop not as an employee.

28. *Was the chaplain of the Royal Hobart Hospital, the Rev'd Fr BYS a diocesan employee in law or an employee of the Royal Hobart Hospital?*

The Reverend. BYS was an office holder, licensed by the Bishop, but not an employee of the Diocese.

29. *Was Lou Daniels a direct employee of the Diocese of Tasmania via the Department of Mission at the time of my sexual abuse or was he a parish priest or assistant priest?*

Lou Daniels was an office holder but not an employee.

30. *The Archbishop of Brisbane the Most Reverend Phillip Aspinall stated in The Australian that he was aware of allegations of child abuse against Daniels in the 1980s.*

Given that as a consequence the Diocese was aware of allegations, what bearing did that knowledge have in the handling of my case by the Diocese?

Given that the Diocese was aware of allegations against Daniels, why after some twenty years since the Church had knowledge of allegations via Aspinall, now is the Church telling me that its investigations of my claims must commence or be proven by Tasmania Police?

Archbishop Phillip Aspinall has advised Bishop Harrower that he was misquoted in The Australian. The early 1980s was not mentioned. He stated that it should have read:
'Archbishop Aspinall has denied knowledge of paedophilia activity by Louis Daniels.'

31. *What has the Church done with my allegations over the years?*

Given that this process was not in place until this year, why in the years 1997-2002 have I not been dealt with by whatever process was current at he time?

Previously the Diocese of Tasmania had limited capacity to deal with those respondents who were dead or not currently holders of the Bishop's Licence.

With the advent of the PSAS the way is now clear for those allegations to be dealt with.

32. *Does the Church understand that keeping victims in isolation of the existence of fellow survivors is form of secondary abuse?*

The Church is bound by confidentiality in relation to complainants and respondents.

Questions about the confidentiality of information provided is often one of the first questions asked by complainants making contact with the Help Line or the diocesan office.

Maintaining confidentiality is not meant to be a form of abuse but rather treating those involved in the process with dignity and respect.

I am aware that there are support groups for victims/survivors of sexual abuse in the church and this is a way of addressing the isolation you mention.

33. *Why has the Church not voluntarily handed over every allegation of criminal sexual assault of children – and specifically of me to Tasmania Police?*

Why did it require a search warrant for the Diocese to supply my file information to the Police Service?

If the complainant is under 18 years when the complaint is received the allegation is handed to the police immediately.

When the complainant is an adult, alleging past abuse, it is important that the individual takes the complaint to the police or provides written authority for the Church to do so. There is no written request from you on your file to provide your complaint to the police.

Because of confidentiality issues and the fact they have not told anyone about the abuse, complainants sometimes refuse to go to the police. For these reasons it is important that adults have the opportunity to make up their own minds about this step.

As in your case, sometimes it is taken out of the Church's hands and a file is subpoenaed, because of information provided by another complainant.

34. *Is the Diocese willing to concede that it utterly failed in its duty of care to protect me from these pedophile priests?*

Does the Diocese deny that it has a responsibility in the eyes of the Church faithful, in the eyes of the wider community and in the eyes of God – as well in law to fully protect the children entrusted to the ministry of Anglican diocesan clergy?

The Church has put in place a number of strategies in recent years to address its duty of care to fully protect the children entrusted to the ministry of Anglican diocesan clergy:

- ⇒ The implementation of the 'Safe Ministry with Children and Young People' Program.
- ⇒ The development of 'A Code of Practice for the Protection of Children Within Our Churches' in 1999 and is even now under revision.
- ⇒ The implementation of the 'Ministry and Tribunal Ordinance 1998' and subsequent amendments to ensure its responsive to the current situation.
- ⇒ The development of a code of ethics for clergy.
- ⇒ The formation of the Sexual Misconduct Response Committee to advise the Bishop on these matters.
- ⇒ The implementation of the PSAS.
- ⇒ The maintenance of an awareness of these issues at Synod meetings that also serves as a continuing educative process for these and related matters.

I acknowledge that these strategies are too late for your protection as a child and that the imperfect nature of the Church's response to sexual misconduct in the Church in the past has caused you further distress and trauma.

I apologise for your perceived abuse through the lack of the Church's management to address your complaints over a long period of time.

I urge you to participate in the current process.

Yours sincerely

Anne Foot
Facilitator