Not the Way of Christ

Independent Pastoral Inquiry into Sexual Misconduct
by Clergy or Officers of the Anglican Diocese of Tasmania
with particular reference to paedophilia
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The Report of the Independent Pastoral Inquiry into Sexual Misconduct by Clergy or Officers of the Anglican Diocese of Tasmania with particular reference to Paedophilia

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Context of the Independent Pastoral Inquiry
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into Sexual Misconduct by Clergy or Officers
of the Anglican Diocese of Tasmania
with particular reference to Paedophilia

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 with the release of the findings of Justice James Woods' Royal Commission into paedophilia in N.S.W. in August 1997.

Considerable prominence has also been given to the large numbers of clergy, priests and religious brothers who have faced allegations or charges of sexual abuse in recent years. The Catholic Church has recently responded with a document entitled "Towards healing: Principles and procedures in responding to complaints of sexual abuse against personnel of the Catholic Church in Australia" and a more recent draft document "Integrity in Ministry" which seeks to prescribe to Catholic Clergy a minimal set of ethical standards with which they should comply.

A Code of Ethics for clergy and pastoral care workers (Appendix 5) has recently been accepted by the Anglican Church in Tasmania and a Sexual Harassment Response Group has been established with a clear statement on Principles and Procedures for dealing with Sexual Harassment (Appendix 6). A draft document entitled "A code of practice for the protection of children within our churches" (Appendix 8) has also been circulated throughout parishes, institutions and organisations of the Diocese of Tasmania.

In Tasmania, on 30 August 1997, The “Mercury” newspaper featured the story of “Simon”, who told of the abuse and betrayal of trust he said he had experienced at the hands of a number of Anglican priests in Tasmania. The Anglican Bishop of Tasmania, Right Reverend Phillip Newell, in replying to that article said that the Anglican Church sought to secure a commitment to the highest moral and ethical standards from its clergy.

Out of concern for the continued integrity of the Church in Tasmania and to establish a forum for victims of sexual abuse and misconduct to be heard, Bishop Newell commissioned the present Inquiry.

The Inquiry was established as a pastoral inquiry in that its function was not investigative or quasi-judicial. Survivors of sexual abuse who wished to bring allegations to the attention of the Police would be expected to take that action independently of any submission they may make to the present Inquiry.
Those conducting the Inquiry were also to be clearly independent of any involvement or relationship with the Anglican Church.

On 30 October 1997, Bishop Newell announced to the Media that Ms. Tonia Kohl, Barrister, and Dr. Michael Crowley, Clinical Psychologist, had accepted the Bishop's invitation to conduct the Inquiry, with the expectation that their report would be complete within about three months.

Terms of Reference

The terms of reference of the Inquiry were as follows:

The Inquiry is charged with the responsibility to:

- Receive oral and/or written submissions from any person who alleges paedophilia or sexual misconduct by a member of the Clergy or Officer of the Anglican Church.

- Receive oral and/or written submissions from Clergy or Officers of the Anglican Church relevant to the issues of paedophilia or sexual misconduct.

- Receive oral and/or written submissions from any person with professional expertise in responding to allegations of paedophilia or sexual misconduct.

- Present a report to the Bishop in relation to paedophilia or sexual misconduct within the life of the Anglican Church in Tasmania together with any recommendations on the life, structure, policy and practice of the Church.

- Liaise closely with the Diocesan Sexual Harassment response group who shall be responsible for arranging post-submission counselling for any person and be the reference point for any person who wishes to have their allegation considered further by the Church.

- Liaise with the Bishop on any matter.

To facilitate the community's ability to make immediate contact with the Inquiry, a post office box, P.O. Box 40 - Lower Longley, and a toll-free telephone number, 1800 629 209, both of which were independent of the Anglican Church administration were established for the duration of the Inquiry.

As well as wide coverage in the media, prominent advertisements were placed in each of the major
regional newspapers in Tasmania to announce the formation of the Inquiry and details of how to make contact with those conducting the Inquiry. Further, more than 300 letters were sent in early November to all Anglican Clergy, registered psychologists, psychiatrists, and sexual assault support services in Tasmania (see Appendices 1 & 2) informing them that the inquiry had been established and that in the context of the terms of reference their submissions would be welcomed.

By early January 1998, the Inquiry had received very little contact from young people in the Anglican Church, and it was felt that youth may not have been aware of the existence of the Inquiry. Therefore the Church administration was requested to provide the names and addresses of all young people who had been involved in Church activities in the past six years or thereabouts.

About 500 letters were sent in mid-January 1998 to the parents of those young people, with an invitation to parents to pass on to their children an enclosed letter which informed the young people of the purpose of the Inquiry. Parents were also invited to discuss the issues dealt with by the Inquiry with their children, provided they felt sufficiently comfortable to do so (refer to Appendix 3).

A network of support persons was also linked in to the Inquiry through the Anglican Church’s Sexual Harassment Response Group. This was very soon augmented by a list of qualified psychologists, social workers and counsellors in all regions of Tasmania who were experienced in dealing with survivors of sexual abuse and who were willing and available to take on referrals for continuing post-submission counselling if required.

The recommendations set down by the Inquiry are designed to not only set the Church towards new directions but to facilitate the expansion of initiatives already undertaken. The objectives are to build into the Anglican Church in Tasmania two essential preventative elements, which are characterised by Ray Wyre, an English expert in the area of sexual abuse and the treatment of offenders, as:

a) a “culture of awareness” which involves increased education and understanding for both clergy and laity, so that the code of silence or “head in the sand” mentality, which has often allowed sexual misconduct to continue, is broken down. In a culture of awareness, knowledge of any inappropriate sexual behaviour is acted upon expeditiously and not covered up, and suspicions of inappropriate sexual behaviour are not ignored.

b) an “arena of safety” wherein all possible safeguards are employed to ensure that children and young people can engage in Youth activities in the Church, or interact with Clergy or Officers of the Church, in safety, and any situations which are not safe are recognised, defined and proscribed.
However, as well as encouraging the Church towards becoming a "culture of awareness" and an "arena of safety", the Inquiry's recommendations are broader in that they address Bishop Newell's vision of a clergy committed to the highest moral and ethical standards. Ultimately, this is the best protection against sexual misconduct or any abuse of clerical power.

The Inquiry's recommendations encompass a number of aspects of personal and professional development for clergy, all of which would help to make Bishop Newell's aspirations for his clergy a reality throughout the Anglican Church in Tasmania.
The nature of sexual misconduct and sexual abuse
and the characteristics of paedophiles
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What constitutes sexual misconduct by clergy?

The literature, in the area of sexual abuse and the churches, presents varying opinions on what constitutes sexual misconduct by clergy. On the basis of submissions received and from our own reading of the literature and our understanding of legal definitions, there appear to be three areas relevant to a consideration of the term “sexual misconduct”.

Sexual misconduct with another adult

1). Some form of sexualised behaviour by the clergy, which may or may not have involved genital or oral penetration, conducted with a person above the age of consent, but where there was substantial reason to believe that the involvement was not one of mutual consent but that the person’s trust had been abused by the member of the clergy in question.

Hebephilia

2). Some form of sexualised behaviour by the clergy, which may or may not have involved genital, anal, or oral penetration, conducted with a person who is post-pubescent but less than the age of consent, and which may therefore have satisfied the legal definition of indecent behaviour or aggravated sexual assault, or sexual intercourse with a young person. Such behaviour may constitute a criminal offence but, diagnostically, is not considered Paedophilia, as this term only applies to sexual activity with a pre-pubescent child or children.

Paedophilia

3). Some form of sexualised behaviour by the clergy, which may or may not have involved genital, anal, or oral penetration, conducted with a pre-pubescent person, and which therefore satisfied the legal definition of indecent behaviour, or aggravated sexual assault, or sexual intercourse with a young person, and also met the Diagnostic and Statistical Manual of the American Psychiatric Association (DSM-IV, 1994) diagnostic criteria of Paedophilia (and/or another paraphilia such as exhibitionism), thus making the behaviour both a criminal offence and a sexual disorder.
Sexual misconduct with another adult

The Inquiry took this form of sexual misconduct to be any situation where a member of the clergy or officer of the Anglican diocese abused the trust that a person had placed in him by virtue of his position, in that the minister or officer sexualised the involvement with that person.

The Inquiry accepted that it was possible for a minister to enter into a sexual relationship based on genuinely mutual consent, and which would not be considered sexual misconduct. Clearly, Neil and Thea Ormerod (1995) support a more conservative position. They contend that because of the structural power inherent in the minister’s position, there is always a power differential and they question even the ethical propriety of a young unmarried minister seeking to find a suitable marriage partner from within one of his first congregations. The Ormerods maintain that “given it is in the public arena and there is a commitment on the part of the minister to equalize power in the relationship it may be acceptable.” (p.83) (our italics)

For the Inquiry, the particular element which defined sexual misconduct was the priest’s use of his personal and structural power to exploit the person’s trust. The pertinent question appears to be not simply, “Has this minister entered into a sexual relationship?”, but rather “Has this minister abused his position of power, betrayed the person’s trust and exploited the person’s vulnerability by sexualising or seeking to sexualise the interaction?”

An example of this came from a witness who was a young married woman when she was involved sexually with a minister. She felt that her trust had been betrayed because her vulnerability was exploited rather than being recognised and respected. She said that the minister had not engaged in any act of penile penetration with her but in a variety of sexualised behaviours, and had sought to involve her increasingly in purportedly therapeutic groups in which disrobing, touching and often intimate sexual relations were part of the group process.

A number of those who made submissions said that they initially approached their minister for guidance, support or counsel during a difficult period of their lives, and the minister had gradually moved across proper boundaries and had sexualised the nature of that relationship.

A later chapter of this report deals with the need for appropriate training in pastoral counselling for all clergy, but at this point one of the conclusions reached by Christiansen (1963) after an extensive series of studies of personality disorder and psychological dysfunction in the clergy is apposite. Christiansen found that those ministers who engaged in pastoral counselling, but who lacked proper training in counselling, were more likely to engage in boundary violations and sexual acting out for their personal emotional gratification.
Paedophilia and Hebephilia

Paedophilia is possibly the best known of the group of sexual disorders called Paraphilias. The essential features of a paraphilia are recurrent intense sexually arousing fantasies, sexual urges, or behaviours generally involving:

1) non-human objects (e.g., Fetishism and Transvestic Fetishism), or

2) the suffering or humiliation of oneself or one’s partner (e.g., Sexual Sadism and Sexual Masochism), or

3) the use of children or other non-consenting adults (e.g., Exhibitionism, Frotteurism, (which is sexually touching a non-consenting person), Voyeurism, and Paedophilia).

Those with Paraphilia commonly suffer from several varieties; in clinical settings people with these disorders have an average of three to four different Paraphilias.

Those with Paraphilias may also have other mental disorders, especially Personality Disorders, such as Narcissistic Personality Disorder, or Dr. Robert Hare’s (1993) category of Psychopathic Personality Disorder (also known as “sociopathic personality disorder”)

The diagnostic criteria for Paedophilia in the Diagnostic and Statistical Manual of the American Psychiatric Association (DSM-Fourth Edition, 1994) are as follows:

A. Over a period of at least 6 months, recurrent, intense sexually arousing fantasies, sexual urges, or behaviours involving sexual activity with a pre-pubescent child or children (generally age 13 years or younger).

B. The fantasies, sexual urges, or behaviours cause clinically significant distress or impairment in social, occupational, or other important areas of functioning.

C. The person is at least age 16 years and at least 5 years older than the child or children in Criterion A.

On the basis of submissions received by this Inquiry, it appears that Anglican clergy in Tasmania may have been more inclined to target post-pubescent than pre-pubescent children, which may be related less to sexual preference than to the opportunities for availability of the targeted child.
As mentioned, in diagnostic terms, such behaviour is not paedophilia, but is termed hebephilia.

Parkinson (197) notes that “while this may be a significant distinction for some diagnostic purposes, there are dangers in drawing the implication that in some way hebephiles in positions of responsibility with children represent less of a danger than paedophiles. The patterns of predatory behaviour may well be the same whether the child is nine or fourteen, as may be the deleterious consequences for the child.” (p. 82-83)

The common and most damaging feature, whether the child is pre- or post-pubescent, is the betrayal of trust. Often, the targeted child is a young teenager who already feels isolated or marginalised either because of family circumstances or because of intellectual or physical disabilities or a psychiatric disorder. These are teenagers who are likely to be particularly influenced by the apparent acceptance, attention and kindness shown by the minister, as they so desperately need to experience those positive forces in their lives. It is a grave abuse of trust and power to confuse the child by sexualising that relationship, by turning that attention into sexual attention.

Some women who gave submissions to the Inquiry spoke of how a priest had told them as teenagers of 13 or 14 years that they were meeting the priest’s emotional, physical and psychological needs in a way that their wives were no longer fulfilling or had never fulfilled, and these expressions were frequently accompanied by sentiments of romantic love.

Such behaviour creates great confusion for a young teenage girl. As Parkinson notes, “people who believe that there is nothing wrong with sex between adults and adolescents fail to understand that such relationships involve more than physical intimacy. The emotional dynamics of the relationship are very difficult for young teenagers to handle.” (p. 83)

**Typology of those who sexually abuse children**

One of the dominant typologies in this area has been the distinction made by Groth, Hobson and Gary (1982) between fixated and regressed types.

Characteristics of the fixated paedophile include:
- primary sexual orientation is to children; paedophilic interests develop at adolescence; engages in premeditated, planned offences; takes time to form relationships with children; may adopt a pseudo-parental role to the victim; male victims are primary targets; usually single or in a marriage of convenience; offences are usually not alcohol or drug-related; may be precise and well-ordered; considers status important and uses authority to seduce; persistent interest and compulsive behaviour but no indications of stress precipitating the abusive behaviour.
Characteristics of the regressed paedophile include:
primary sexual arousal is to agemates; paedophilic interests emerge in adulthood; initial offence may be impulsive and not premeditated; stress is usually a precipitating factor; involvements may vary with stress; victim is a pseudo-adult substitute; female victims are primary targets; offender is usually married or in a de facto relationship; offence is more likely to be alcohol-related.

While there has been some degree of contention about the validity of this dichotomy, these distinctions are nevertheless widely accepted as the basis of working categories. In writing about the "regressed" type, Wyre (1997) warns that "it is easy to accept that the 'type' exists, whereas further questioning of the offender may reveal that arousal to children has been a problem for many years. He may have controlled such desires but we cannot assume that he has not previously offended. It might be better to consider this category in the context of a man reverting back to a time that he was fixated".

The rationalisations of paedophiles and hebephiles

One of the clearest expositions of the cognitive distortions and rationalisations used by those who sexually abuse children is contained in Pollock and Hashmall's (1991) paper "The Excuses of Child Molesters". After examining over 250 justificatory statements from paedophiles, the authors were able to construct a hierarchical model which encompassed all the rationalisations given by offenders as explanations of their behaviour with children.

Pollock and Hashmall explain that "the model is a decision tree with five dichotomous choice-points representing the various alternatives available by child molesters in constructing excuses ... the end-points of each branch describe qualitatively different levels of denial." (1991, p. 57). The authors suggest that the level of denial is related to the degree of responsibility the offender accepts for his actions, a salient factor in assessing the prognosis for change.

- Denial of fact: "Nothing happened"
- Denial of responsibility: "Something happened but it wasn't my idea"
- Denial of sexual intent: "Something happened and it was my idea but it wasn't sexual"
- Denial of wrongfulness: "Something happened and it was my idea and it was sexual, but it wasn't wrong"
- Denial of self-determination: "Something happened - it was my idea - it was sexual and it was wrong, but there were extenuating factors"
Pollock & Hashmall’s excuse syntax model

WHY DID YOU SEXUALLY ASSAULT THE VICTIM?

NOTHING HAPPENED.

"I never laid a finger on her."
"The boy’s lying."
"The cops are out to get me."

SOMETHING HAPPENED...

IT WASN’T MY IDEA.

"The kid came on to me."
"She was all over me."

BUT AND

IT WAS MY IDEA...

"The kid came on to me."
"She was all over me."

SOMETHING HAPPENED...

IT WASN’T SEXUAL.

"I was just being affectionate."
"I was angry at my wife."
"I was teaching her to be careful.

BUT AND

IT WAS SEXUAL... IT WASN’T SEXUAL.

"There’s nothing wrong with it."
"She liked it."

BUT AND

IT WAS WRONG... IT WASN’T WRONG.

"There’s nothing wrong with it."
"She liked it."

BUT

THERE WERE EXTENUATING

SITUATIONAL FACTORS.

"I was having money problems."
"I was drinking too much."
"My wife wouldn’t sleep with me."

BUT

THERE WERE EXTENUATING

PSYCHOLOGICAL FACTORS.

"I don’t know what got into me."
"I am sexually charged as a child."
"Women scare me."

Rationalisations about children’s sexuality

Over time even quite contradictory ideas about children’s sexuality have nonetheless served as the bases of paedophilic rationalisations. Brown (1985) states that “during the time that the Bible and Talmud came into being .... a concept concerning sexual validity stated that children were totally innocent of all notions of pleasure and pain. This concept thus allowed those who were molesting children to use this as a defence against admitting their abuse was harming the child”. In our own times, the Freudian idea of the child as a highly sexual being, or “polymorphous perverse”, has led some authors and writers to suggest that the child desires, albeit unconsciously, sexual involvement.

As Parkinson (1997) writes: “such beliefs feed the paedophile’s rationalisations for acting upon his own sexual desires. He is simply showing love to the child”. Parkinson then quotes this excerpt from a medical practitioner with an extensive paedophilic history who concludes his autobiography with the defence that everything he has done for children has been in their best interests:

“I have never interfered with, injured or thwarted the growth and development of another human being. I have never hurt a child. On the contrary, I have loved children in a way that covered every aspect of the human-love spectrum .. it is remarkable in my opinion that an individual can be imprisoned for such a long period .. and looted of life simply for trying to add to its fullness”
The argument from history

One of the major rationalisations of paedophiles is the argument from history. They may cite how pederasty, or anal intercourse, was a central aspect of boys' upbringing in ancient Greece. It had a religious significance and was regarded as a normal precursor to marriage. It was typical for an older male to take on the role of mentor and assume responsibility for the behaviour and upbringing of a young noble. Such a bond was acknowledged and accepted by the parents, the states and religious institutions.

The Greeks believed that through anal intercourse the youth became empowered or imbued with the mentor's masculine qualities by "taking in" the older male's essence. Similarly, in ancient Rome, sexual relationships between older males and youths were accepted practice.

Taking on the role of mentor/guide/guardian to male youths appears to be a characteristic of P1, the minister most prominently named in submissions to this Inquiry. He was described by one witness as "always having a young man living with him", and appeared to conceal the sexualised nature of the relationship with these young men by presenting to the community the public face of someone acting as a mentor with altruistic motivation.

The special nature of their priestly commitment

There is the suggestion that some of the clergy mentioned in submissions to this Inquiry held the belief that they had committed themselves to God somehow more fully and more nobly than their married colleagues and were at pains to show the community, sometimes in relatively ostentatious ways through their apparent devotion to ritual and ceremony, that they were so committed.

In this regard it is of some interest that those who were most frequently mentioned in submissions were all from the Anglo-Catholic (High Church) stream rather than the Evangelical (Low Church) stream and were noted as not only showing a likeness for the ritual, garb and ceremony of the liturgy, but also espoused belief in the indelibility of ordination. Without first-hand accounts from the alleged perpetrators, one can only speculate but perhaps they may have rationalised to themselves the "acceptability" of their own unacceptable behaviour with the distorted belief that, as they were doing God's work so well and so nobly, God would understand their need at those times when the flesh was weak and in need of some human comfort and intimacy.

Given the elaborately constructed and closely defended set of cognitive distortions used by paedophiles, Church administrators should not believe that sexual abuse of children is some form of temporary aberration. In fact, it is a very serious, intractable problem with a poor prognosis for change and high rates of recidivism, especially where the offender's preference is for male victims.
Some actions which Churches have taken which are not appropriate, adequate or authentic are:

- to ignore it and hope the problem will go away
- to simply move the offender on to another parish
- to offer some form of counselling which is less than a long-term intensive program with very qualified personnel
- to pray over the offender
- to render an admonishment
- to accept expressions of remorse and the offender's articulation of his commitment to change as sufficient
- to accept offenders' own explanations for their behaviour
- to minimise the nature of the offence.

Later chapters of this report examine, in greater detail, the fundamental pastoral principles which should inform the Church's authentic response to allegations and disclosures of sexual abuse or misconduct perpetrated by the clergy or officers of the Church.
The findings of the Inquiry
on the basis of the submissions received
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on the basis of the submissions received

After the Inquiry was announced and the 1800 phone number was established, approximately 160 phone calls were received. Some of these calls were found after discussion to relate to sexual abuse by clergy who were not Anglican clergy. Other calls were outside the terms of reference in that they alleged misconduct by Anglican ministers but not of a sexual nature. Complaints against Anglican clergy or employees or officers of the Anglican Church accounted for slightly in excess of 50% of the complaints received.

Phone calls received

Approximately 80 of the phone calls received related to Anglican clergy, staff, teachers or volunteers. Matter disclosed in phone calls varied considerably. Some people merely stated the name of a person whom they alleged had behaved improperly towards them. More frequently people talked about behaviour to which they had been subjected. Child abuse ranged from once-off genital touching to relationships of approximately three years. Two males disclosed that they were raped while children. One woman disclosed child rape. One male indicated that he and his sister had both been sexually abused by the same minister over a period of approximately five years. Eight women discussed relationships which they had entered into with their ministers as adults.

Eleven people indicated that they had suffered sexual abuse whilst boarders at Anglican schools. One woman telephoned and said that she was aware that her husband (now deceased) had sexually abused minors and she was concerned that his name not be released as it would damage their adult children.

Some calls were abusive in nature. Most callers indicated that they thought the Church should be congratulated on establishing the Inquiry and being prepared to listen to what had happened. Other callers expressed concern as to the Inquiry's confidentiality, whether the Inquiry would result in a "whitewash", and whether the Inquiry would forward information to the Police.

During the phone calls, the complainants were asked to outline the behaviour of which they complained, when such behaviour had occurred, and whether they were prepared to attend and have a personal interview with the Inquiry panel. It was explained to them that face to face contact was preferable. Whenever a person declined this invitation to make face-to-face contact, the information has not been disclosed other than in this section of the report. It follows that the
only names attached to this report are those disclosed in face-to-face submissions. Those people who did accept the invitation to talk directly to the Inquiry were then asked if they were prepared to give their name and a contact number. Subsequently people were interviewed in detail at various locations throughout Tasmania. These interviews resulted in further persons making allegations against a number of Anglican Clergy or officials.

**Face-to-face submissions**

Every face-to-face submission received by the Inquiry is detailed in Appendix 4. To protect the confidentiality of witnesses, the specific details of times and places of alleged offences and sexual misconduct are not shown.

A number of incidents were reported to us where parents and/or church ministers or staff raised concerns about what appeared to them to be a complete "lack of action" after they had made complaints or raised concerns with the church hierarchy. There is no reason to disbelieve those accounts.

One woman said she had approached Bishop Newell after her son had returned from a Camp with a report of having been sexually interfered with. She expressed very considerable concern that the Bishop's focus was on forgiveness for the perpetrator rather than on what she and her son were suffering.

From the submissions received the Inquiry concluded that it is possible that there have been significant breakdowns in communication up and down the line with regard to what occurred after a report of sexual misconduct or abuse was made to the Church. However, if the recommendations in the report are adopted such systemic breakdowns should not occur in the future.

Information was put before the inquiry which enabled us to conclude that at times action was taken, albeit behind the scenes. The perpetrator was cautioned, required to undergo counselling and other steps were taken. On other occasions matters were not dealt with at all. It is clear that at some times concerns were ignored by those to whom they were presented or alternatively the prime emphasis was placed on the harmed person being prepared to forgive the perpetrator, and no, or inadequate, concern or support appears to have been given to the victim or his or her family.

Incidents described by parents of unrelated children clearly shows that the system had failed. Some parents on raising concerns were told that the matter would be forwarded to Bishop Newell for action. When they heard nothing and observed no changes to the situation they believed that Bishop Newell had taken no action and had ignored their concerns. From material put before the Inquiry the ministers to whom the concerns were taken profess to have little if any recollection of the incidents referred to. They do not maintain that they took any action nor do they state that
they referred the matter to Bishop Newell. In our opinion this may well represent cases of selective and convenient memory but it does show the need for a clear policy and implementation of such a policy. The policy needs to be readily accessible to all parishioners in all parishes. It should be available without the need to request it from church staff.

What occurred in these incidents was potentially harmful for all concerned. The church may have become legally liable for negligence had children been harmed in the interim and a claim for exemplary damages may well have succeeded. In pastoral terms the incidents were unfortunate and led to families leaving the Church because they felt devalued and believed their concerns had been effectively ignored and brushed under the carpet.

All adults who had formerly been child victims and who spoke to the Inquiry expressed a view that people within the church and the church community “knew” what was happening but chose to ignore what had been heard. To some extent this was substantiated by other people (not victims) who told the inquiry of behaviour they had observed on earlier dates which they felt uncomfortable about, but about which they did nothing because absent proof, it was merely a conclusion they had drawn as a result of circumstantial evidence. They recognised that to make this allegation was serious and had no idea what to do with their suspicions.

It was also stated on numerous occasions that people did not voice their concerns as they believed that the matter had already been referred to the Bishop at the relevant time by other persons. When they saw no sign of any investigation taking place they concluded that the matter had been ignored by the Bishop and believed it was pointless for them to raise their concerns.

Those who had been child victims stated that they had been told by the perpetrator that this was a secret and that if they told anyone what had occurred they would be punished and furthermore they would not in any event be believed. Some children accepted the "secret" and did not disclose until much later in life. For some when they spoke to the Inquiry it was the first time they had discussed the abuse with anyone.

Other child victims broke the secret almost immediately to their parents either explicitly or told their parents that they did not wish to have anything to do with the perpetrator again as they did not like him. These victims reported that after they broke the silence their parents in most cases did not force them to spend any time with the perpetrator and consequently they were not abused by him on any other occasions. Many of the persons who were harmed in this way reported that although they were not a victim they saw signs that another child was. They stated that many parents did not tell authorities what their child had alleged. There are no doubt a variety of reasons as to why parents took the matter no further.

Some people reported that they felt unable to disclose to their parents precisely what had
happened but nevertheless indicated they did not wish to be alone with the perpetrator again. They stated they were punished by their parents for being rude and or ungrateful to the minister and were forced to spend time alone with him. The sexual assaults then continued and the conduct to which they were subjected became worse. People reported feelings of helplessness and despair and said they then had no idea how to prevent the abuse. After a period of two to three years they reported that the offender moved on to a new child. On at least one occasion a person speaking to the Inquiry expressed his deep regret that when an 11-year-old tried to talk to him about what was happening he refused to take part in the conversation because of his own relief that the minister had moved on and that he himself was no longer a victim. He stated that for a period of approximately eighteen years he has felt guilt that he took no steps to assist the younger child.

The Inquiry was also told about guilt experienced by other persons who were told whilst still children by other children of what a minister was doing to them. These people as adults feel they should have done something to help but as children of those times they probably did not have any idea where to turn for help or to whom they could tell their story. The church must recognise that it takes courage and conviction for anyone whether they be an adult parent or child to voice anxiety about the behaviour of a church employee particularly one who is a minister of the church. Anyone who wants to raise concerns must have not only the relevant information about how, where and to whom these concerns should be made but also know that the matters they raise will be viewed seriously, treated confidentially, and investigated adequately.

It was clear from the submissions that the phrase "sexual abuse" or "sexual misconduct" is seen to cover a wide variety of behaviour. It includes physical contact from the person in the ministerial role, such as sexual touch and apparent accidental touching or brushing up against sexual areas of the body; tickling and playful aggression which is uncomfortable to the parishioner. Examples of this include a variety of sexual contacts ranging from the giving of inappropriate gifts, a prolonged hug, pressing up against the parishioner's body when hugging, kissing on the lips, and sexual intercourse. The conduct encompasses verbal behaviour initiated by a minister, examples of which include, sexual talk or innuendo, suggestive comments, tales of sexual exploits or experiences, questions about the parishioner's sexual relationship and the seeking of sympathy for problems occurring in the minister's own relationship with spouse or partner.

If submissions to the Inquiry give an accurate picture of not just historical events but also current events, then it seems reasonable to draw the conclusion that, while there have been a number of accounts of paedophilic and hebephilic activity historically and in recent years, there was no witness who submitted that there were any indications of current paedophilic abuse or hebephilic abuse within the Anglican Church in Tasmania.

The Inquiry feels that a similar conclusion cannot be drawn with regard to clergy sexual misconduct with adult parishioners. While it is clear that all submissions which were made to the Inquiry
were historical, it should be noted that in the final days before the Inquiry was completed a psychologist approached Dr. Crowley and said that one of his clients was giving serious consideration to making a submission but was concerned about the Inquiry's independence. The psychologist said that his client had been the recipient of sexually inappropriate behaviour from an Anglican clergyman who, the psychologist understands, has some status in the Church, and that she was just one of a number who had received such attention from this man.

The psychologist was given assurances to relay back to his client, but when the client did not make contact with the Inquiry, further communication indicated that the woman was too anxious about telling her story, and none of the other women involved were prepared to talk. This reticence to tell their stories, even when assurances of independence from the Church are sought and given, is an indication of the difficulties that must be confronted in the process of creating a culture of awareness within the Church.

The Church's constant message must be one which encourages potential complainants to move past their anxieties and fears. The Church should not cease from providing prominent and consistent assurances that complainants will be heard fully, honestly and compassionately and that complainants need not approach the Church administration but can make contact directly with the Sexual Harassment Response group.

Of particular concern also is the submission from one minister who spoke of his conversations with a colleague who had been part of a group of clergy with sexual proclivities towards young males. The minister involved in that group had attempted to extricate himself from the group but found it difficult because, in the words of the witness the minister designated P1 had "never let up" trying to get the reluctant minister back into that clique. The minister who was endeavouring to break away had referred to the group, in conversations with our witness, as "that grubby little circle".

It is imperative that some process be put in place so that never again in Tasmania will any minister of the Anglican Church, no matter how much status, charisma or persuasiveness he may have, be able to preside over and protect the activities of a group of that nature.

It is also vitally important that any minister who is struggling with any aspects of his sexuality feel that he can have access to appropriate counselling. Evidently, when the minister mentioned above sought psychiatric treatment for his feelings of being trapped in a "sham marriage" and for the confusion and distress that he was experiencing, the advice he was given from the psychiatrist was to "go and take a lover".
Structure of the Anglican Church in Tasmania
and the limitations on the Bishop's powers
to deal with misconduct by clergy.
Structure of the Anglican Church in Tasmania
and the limitations on the Bishop’s powers
to deal with misconduct by clergy.

Anglican priests function in their parish by virtue of the licence granted by the Bishop of the Diocese. Any licence which is granted is specific to that Diocese. Parish Clergy constitute the preponderance of ministry in Tasmania, but other clergy are involved in Anglican schools, and are contracted to the school independently through agreements with School Boards of Management. Hospital Chaplains come within the ambit of the Division of Pastoral Services within the Church, and clergy may also be employed within Anglicare which is a separate incorporated body with its own Board of Management.

With regard to parish clergy, all licences state that they may be terminated at the Bishop’s will and pleasure, but, in practice, matters may not be that clear or straightforward.

Retired persons or those who wish to function on a part-time basis may be granted an authority. If the person has retired to Tasmania from another State and wishes to practise as a member of the clergy in Tasmania a testimonial from the Bishop of the previous Diocese is required.

Two levels of clergy

Basically, there are two levels of clergy: assistant curates and rectors (incumbents). Assistant curates are appointed to a parish for approximately two to three years by the Bishop but are responsible to the incumbent. This is a period of testing and formation for the curate and there are usually two curacies before one takes up an incumbent position. It is, of course, the hope that all clergy will exercise their ministry with regard to the highest ethical and professional standards, but this is not always the case. At the curate level there is considerably more opportunity to monitor and deal with any indications of professional or ethical deficiencies. The process of dismissing a curate is considerably less complex than it is for an incumbent. Generally, incumbents have unlimited tenure within a parish until retirement age. This is the traditional “Parson’s Freehold”, that is, once inducted into a parish, one can assume one is there for as long as one desires.

Thus, clergy are office holders, not employees, and while the role of Bishop of a Diocese is to give direction on, for example, matters pertaining to liturgy, it is also the case that his power to direct is limited in other areas. For example, the Bishop has no rights of suspension or removal of a rector. He can only seek to obtain a voluntary agreement from the rector concerning suspension. The Powers of the Bishop are to be seen in relation to the development of Diocesan Synods, which are Legislative bodies comprising three Houses: Bishop, Clergy, Laity. Any new measure which is proposed may have to pass all three Houses if such a request is made.
A third level of clergy: the Archdeacons.

An archdeacon is a priest who has oversight of a territory or group of organisations. Territorial archdeacons have rights of visitation. All Archdeacons are appointed by the Bishop and therefore a new Bishop, in theory, has the right to appoint a new team of Archdeacons, if he so desires.

Terminating an incumbent's appointment

There are two options for terminating an incumbent's appointment:

1) The Removal of Incumbents Ordinance (1947) allows for an investigation into the breakdown of a parish. However, even if the incumbent is subsequently removed this action does not prevent such a person applying for another parish.

2) Establishment of a tribunal under the General Synod Act. The tribunal is a quasi-judicial process requiring the taking of evidence regarding some area or areas of alleged professional misconduct or ethical concerns, such as substance use, sexual misconduct etc. There are indications that the tribunal process is inefficient and costly, especially since a judicial finding is not considered sufficient evidence. All the evidence from say a criminal case at law would have to be heard again by the tribunal.

The possibility of moving geographic locations after a judgement or indicators of misconduct

Each Diocese within Australia is autonomous and therefore the Bishop within each Diocese is free to act within the spirit of that independence. However, if a minister were to move interstate after a finding of misconduct against him, it is customary for the Bishop to write to all other Dioceses alerting them to contact him if such a person applies for a licence.

Within any Diocese, if an allegation of misconduct is made that is brought directly to the Bishop or comes to his attention, then the Bishop has full responsibilities to act. However, while the Bishop may admonish the person concerned, there is no public dimension to such admonishment and therefore there may be a hiatus between any action taken and what action is seen by the community generally to be taken.
The effect of limitations on the Bishop's powers to deal with misconduct by clergy.

It hardly needed the Inquiry to make the point manifest that there are those in ministry in Tasmania, as in all areas of the world, who are not in possession of the requisite psychological foundations for sound ministry, nor are they ever likely to be. Some mental disorders and psychological problems are amenable to significant amelioration or eradication. However, the personality disorders are considered much more resistant to change. The essential features of Personality disorders are defined as "enduring patterns" of inner experience and behaviour which are "inflexible and pervasive" (Diagnostic and Statistic Manual of the American Psychiatric Association, 1994). In a study of 140 ministers who attended a U.S. clinic for the treatment of significant psychological problems, Bradshaw (1977) found that a substantial proportion of those ministers exhibited the characteristics of narcissistic and borderline personality disorders.

Characteristics such as instability, impulsivity, identity disturbance, propensity to interpersonal exploitation, a sense of personal entitlement and a grandiose sense of self importance are antithetical to a sound ministry and incompatible with the mission of service in humility and love which is the basis of authentic ministry. Whether these traits are associated with sexual offences or sexual misconduct, as in the cases brought to the notice of the Inquiry, or not, they are nevertheless undesirable attributes for ministry.

Currently, the process of removing such unsuitable ministers from their posts is difficult and protracted. A system which affords a rector "parson's freehold", that is, unlimited tenure until retirement, may be appropriate in some Utopian universe where all ministers are dedicated, humble and responsible. However, Bishops have to deal with the real world where some degree of crippling psychopathology in some ministers is inevitable and the consequent damage to community perceptions of the Church may be severe.

The Inquiry recommends that the matter of the powers of the Bishop be raised at the next Diocesan Synod with a view to putting in place whatever Ordinance is required to allow the Bishop the power to suspend or terminate a minister's licence, whenever he feels, after prayer, reflection and expert advice, that such action is appropriate.

The Inquiry further recommends that the next Diocesan Synod adopt the current practice of the Diocese of Melbourne where appointments to a parish are made on a basis of limited tenure, of five or ten years duration.

The trend in all professions is towards greater levels of accountability and ministers of the Anglican Church should not be exempt. Rather, it would seem that a vital part of exercising a Christ-like ministry is to be in the vanguard of accountability to one's Bishop, one's parishioners, one's colleagues and to oneself.
Principles informing appropriate responses
by the Church to paedophilia and sexual misconduct
- the pastoral perspective
Principles informing appropriate responses by the Church to paedophilia and sexual misconduct - the pastoral perspective

In his book, "Child Sexual Abuse and the Churches", Parkinson (1997) asks: "Why is it that churches find it so difficult to deal with the problem of child sexual abuse?"

He then suggests that "until we face up to the reasons why we do not act protectively towards children, when everything in our faith and doctrine suggests we should, we will make little progress in developing suitable child protection policies and procedures".

The legal liability concern

As an Associate Professor of Law, Parkinson is well placed to advise in this area and his advice is clear. Rather than adopting an adversarial approach to abuse survivors in the hope of limiting liability, he suggests that Bishops should do what they do best and that is to respond with pastoral concern, since the Church is unlikely to be held responsible for sexually abusive behaviour by a member of the clergy if the Bishop or other Church authorities neither knew about nor suspected that such behaviour was occurring.

He advises that "the most likely situation in which the Church as an institution will be liable is if it knew about the propensity of one of its members for abusive behaviour, or ought to have known, and did not act to protect children, by removing the person from a position where he had ready access to children". (Parkinson, p.178)

The legal perspective is discussed in depth in the following chapter of this report.

Confusion about forgiveness

Among other points addressed by Parkinson is the potential confusion between forgiveness on the one hand and other actions or attitudes, such as forgetting, trust and repentance.

Saint Paul (Colossians 3:13) instructed Christians to “forgive as the Lord forgave you”. However, while God’s forgiveness may not have been deserved by mankind, it is not unconditional. God’s forgiveness is conditional upon the repentance of the offender. Luke (17:3) writes of Jesus as saying, ‘If your brother sins, rebuke him, and if he repents, forgive him’. As Parkinson notes, “repentance involves fully acknowledging one’s wrongdoing and making a commitment to turn from it ..... Forgiveness which is pronounced without repentance is not an act of love to the offender. Rather it glosses over his sin.” (p. 158-159)
Parkinson also suggests that, for their own purposes and consistent with their propensities to exploit what appear to be the Christian responses, clergy who are exposed as perpetrators of abuse often bring forward “forgiveness” as a prominent issue and theme.

Parkinson writes:

“For forgiveness, in the eyes of the offender, may mean that the victim who has forgiven should not press charges, or that the Church which has forgiven should not take disciplinary action. Forgiveness becomes a spiritual argument for avoiding the consequences of his crimes, and for negating the need to deal with his offending behaviour. If everyone can just forgive him, he can put the past behind him, and achieve a quick resolution of the ‘problem’ without facing up to all its implications.”

Perhaps, the question should not be “What is the Christian response to sexual abuse of a child?”, but rather “How might Christ have responded to the sexual abuse of a child?”. Nothing in the Bible suggests that Christ ever responded foolishly, naively, or with ignorance. There is ample evidence that he was able to discern deceptive and hypocritical behaviour and denounce it for what it was.

The necessary conditions for forgiveness

Parkinson suggests that forgiveness should be conditional upon three ethical conditions being met by the offender: recognition, repentance and reparation.

Recognition
This involves a full acknowledgement of the wrongfulness of the offence. However, Parkinson notes that offenders may have difficulty with this, because, “when first confronted they will minimise the seriousness of the offending by, for example, acknowledging only the offences which they think the questioner already knows about, or admitting to less serious criminal offences as a way of trying to avoid responsibility for the more serious ones .... It is only as the offender begins to face up to the magnitude of his problem in a counselling programme that he will confess or acknowledge the scale of his offending.”

“Another means of minimising is to shift the blame on to the victim by claiming that she wanted it. Still another way is to deny that the abuse has had harmful effects. Most offenders lack empathy for the victim and rationalise their behaviour by regarding it as harmless.” (P. 161)

Recognition also involves expressing an apology which genuinely acknowledges the extent of the damage done to the abuse victim and which does not seek to minimise the seriousness of the offence(s).
Repentance
Parkinson’s second ethical condition for forgiveness is repentance, by which he means actions which validate the offender’s commitment to enduring change. This is quite different to the expression of remorse and shame and self-pity that may occur when the abuse is disclosed and confirmed. Repentance means acknowledging to authorities that he has done wrong and that he deserves whatever punishment is to be meted out.

Reparation
An apology has no substance unless it comes with an offer of reparation. Parkinson maintains that “reparation, which compensates the victim in some way for what he or she has lost, is a sign of true repentance. It is repentance that hurts, repentance that acknowledges the extent of the harm caused, repentance that declares that the offender is entirely responsible for the harm.” Parkinson refers to the story of Zacchaeus in Luke’s gospel (19:8) wherein “Zacchaeus, amazed to have been accepted by Jesus despite all that he had done wrong, promised to pay back to anyone he had cheated four times the amount that he had taken from them.”

To illustrate the danger of any manner of forgiveness without the pre-conditions of recognition, repentance and reparation, Parkinson refers to Rev. Marie Fortune’s interviews with 27 sexual abuse offenders in a treatment programme.

“Of the twenty-five active Christians among them, every one told her that, once the abuse was discovered, their minister had immediately pronounced forgiveness and prayed for them before sending them on their way. They said that the Church had failed them by immediately declaring their sins ‘forgiven’. It was only the secular treatment programme that was confronting their wrongdoing and holding them accountable for what they had done. Their message was that the churches should not forgive them so quickly. Cheap grace is not grace at all if it leaves no incentive for the offender to take responsibility for his offending and to turn away from sin.” (p. 170)

Neil and Thea Ormerod (1995) suggest that the greatest difficulty which church leaders need to face in dealing with sexual abuse is in themselves. “The person who stands accused before them is a minister like themselves, often personally known to them, someone with whom they have shared experiences and a common culture. It is to be expected that church leaders will experience a spontaneous identification with the perpetrator, to feel sorry for him, to appreciate the pressures he has been under and so on.” (p. 82) They suggest that neither identification with the alleged perpetrator nor insensitivity to his situation is appropriate and that, just as survivors of sexual abuse need pastoral care, so also do those ministers accused of abusive behaviour for the processes of recognition, repentance and reparation require changes at the deepest level of one’s being.
Fundamental principles for authentic response

The fundamental principles for an authentic pastoral response to sexually abusive behaviour are listed by Neil & Thea Ormerod as:

**Preferential option for the poor,** by which they mean that the Church’s prime concern should be for the victims of abuse;

**Commitment to truth and integrity,** requiring that church leaders particularly, and indeed, all clergy, should “become educated about the issue ... and to acknowledge publicly the seriousness and extent of the sexual abuse problem. This principle also calls for the establishment of “thorough and independent investigative processes .. The findings and disciplinary determinations of an independent panel of investigation should not be open to modification by church leaders”;  

**Compassion for survivors,** that is, in the first instance, having complaints received by someone able to respond with sensitivity, concern and support, and then keeping the complainant informed of the progress of the case. Survivors should also deal with someone who acknowledges the pain they have suffered and treat their disclosures and the courage they’ve shown to make such disclosures with respect;

**Recognising the needs of accused ministers,** which means respecting the presumption of innocence and their right to be heard and to confidentiality throughout the handling of the case. The Ormerods write that “they also need good pastoral care and the option of counselling support for the period in which they are removed from ministry and investigations are in progress”;

**Justice for survivors,** which means having an advocate to represent their interests, and ensuring adequate and appropriate restitution, the form of which could be chosen by the survivor;

**Restitution before forgiveness,** which encompasses all the previous points concerning the need for recognition, repentance and reparation by the perpetrator;

**Healing the community,** by which is meant a response which attends to the needs of secondary victims who feel that their trust has been betrayed. The Ormerods suggest that “the community deserves a formal response from church authorities. This could include an apology and an opportunity to work through feelings with the assistance of someone with expertise”;

**Protecting the church,** by which they mean putting in place structures “which serve to protect the vulnerable from exploitation” and allow the laity “to be more confident their ministers will act with integrity. To this end, some procedures they recommend are: “all clergy should sign a code of
ethics which precludes sexualized contact with those in their care ... all clergy ought to be bound to pass on complaints or concerns they have about other ministers' behaviour. Failure to do so should lead to serious disciplinary action. Senior clergy ought to be bound to follow a comprehensive protocol when dealing with complaints”.

The final point made by the Ormerods and reiterated by Parkinson and by numerous authors is that the culture which needs to develop within the church is neither that of tolerance of abuse on the one hand nor that of moral panic on the other, but rather a culture of awareness and discernment; a church community which is able to recognise that most ministers are committed to serving their parish with integrity and with accountability, but that signs or indicators that are suggestive of sexually abusive behaviours or that a minister may be creating or seeking to create opportunities for such behaviour should never be ignored.

A culture of awareness also means developing a church community which is able to discern the differences between substance and style, especially when that style incorporates charisma, talent, and a powerful presence because these are some of the means by which the educated, articulate sociopath beguiles his victims, his community, his peers and those in positions of authority.

A wolf among the shepherds: The problem presented by the sociopath in ministry

On the evidence presented in submissions, the Inquiry would maintain that the worst offenders in the Church who consistently abuse the trust of children, youth and adults satisfy many of the defining features of the “sociopath”.

Lebacqz and Barton (1991) write about ministers who have sexual relations with adults in their pastoral care at three different levels of engagement. Their first category is the “normal neurotic minister”, a minister who is attracted to someone within his parish but continues to maintain a sense of moral responsibility even while attempting to come to terms with a difficult relationship, and generally breaks off the relationship or marries the woman if the latter is a feasible option.

Their second category is the “wanderer” who goes from one failed relationship to another out of a sense of emotional immaturity.

Lebacqz and Barton’s third category is the “offender” whom they see as a predator of vulnerable women. These are men who are manipulative, emotionally controlling and act without conscience. Marie Fortune (1989) sees such offenders as sociopaths. She suggests that offenders can be:
manipulative, coercive, controlling, predatory and sometimes violent. He may also be charming, bright, competent and charismatic. He is attracted to powerlessness and vulnerability. He is not psychotic, but is usually sociopathic; that is, he has little or no sense of conscience about his offending behaviors. He usually will minimise, lie, and deny when confronted. For these offenders, the ministry presents an ideal opportunity for access to possible victims of all ages.

The term “sociopath” is synonymous with “psychopath” and usage generally reflects the user’s view of the etiological factors involved. Those who believe the syndrome is entirely forged by social forces and early experiences generally prefer the term “sociopath, while those who believe that psychological and bio-genetic factors are causative factors opt for “psychopath”. Hare (1993) puts particular emphasis on the emotional and interpersonal traits as key symptoms of the disorder:

- glibness and superficial charm
- egocentricity
- lack of remorse or guilt
- lack of empathy
- pathological lying
- deceit and manipulativeness
- shallow affect

In his chapter on “white-collar psychopaths” Hare (1993) offers his observations on

“the coldly calculated violations of power and trust committed by a small number of professionals ...whose very job it is to help the vulnerable .... The most frightening use of trust to satisfy one's own needs involves the most vulnerable members of society. The number of children who are sexually abused by parents, other relatives, childcare workers, clergymen and teachers is truly staggering. The most terrifying of the abusers are psychopaths, who think nothing of inflicting physical and emotional damage on the children in their care.” (pp. 109-110)

The major difficulty in attempting to create any form of a “culture of awareness” is that, as Hare puts it, “we are all too vulnerable. Few people are such sophisticated and perceptive judges of human nature that they cannot be taken in by the machinations of a skilled and determined psychopath”. (p.124)

Those in a Church community, whether they be clergy or laity, may be especially vulnerable because they share the Christian orientation of seeking the good in those with whom they interact. They may also be loath to make judgements about others on the basis of Christ’s admonition “Judge not, lest you be judged” (Matthew 7:1). However, as Scott Peck (1983) writes, there are clear
situations where moral judgements must be made about atrocities or immoral acts: "There is such a thing as an excess of sympathy, an excess of tolerance." (Peck, p. 293).

Peck suggests that "the sentence 'Judge not, that ye be not judged' is usually quoted out of context. Christ did not enjoin us to refrain from ever judging. What he went on to say in the next four verses is that we should judge ourselves before we judge others - not that we shouldn't judge at all ... Recognizing the potential for evil in moral judgements, he instructed us not to always avoid making them but to purify ourselves before doing so." (Peck, p. 294)

Developing a "culture of awareness" in the Church community means commitment to both spiritual growth and mental health, the latter being "an ongoing process of dedication to reality at all costs" (Peck, 1978). In the process of the Inquiry, the minister most frequently mentioned for his sexual abuse of youth, P 1, was a case study in how skilful impression management could be used to overwhelm and conceal reality. He was variously described by peers as "talented", "intelligent", "charming", "a brilliant priest", possessing a "depth of spirituality", and more. Dedication to reality means recognising and applying the more apt term - sociopathic.
Principles informing appropriate responses
by the Church to paedophilia and sexual misconduct
- the legal perspective
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Historically the Anglican Church does not appear to have taken a proactive role in policing clergy members who engage in sexual misconduct or paedophilia. Both before and since this inquiry the church has taken steps to show that it is concerned to prevent harm within its community and to prevent sexual misconduct by its introduction of a sexual harassment policy and the preparation of draft code for the protection of children, a draft code of ethics for clergy and the introduction of a camping policy.

While it is commendable that the Anglican Church has taken these steps, a policy is of little effect unless it is implemented. Furthermore any policy must be user friendly, readily accessible possess independence, and any decisions made as a consequence thereof be recognised. It is clear from what has been put before this inquiry that even in recent years (during the 1990's) when complaints were raised they were not adequately dealt with.

In all areas where the church has developed codes there needs to be clear steps in place as to what shall occur when there has been an alleged breach of the code. The minimum standards that would be acceptable are as follows.

INVESTIGATIVE PHASE.
The minimum procedures need to state
1. To whom an allegation of misconduct should be reported.
2. Who is to be responsible for investigating the allegation.
3. How and to whom and within what time frame is the investigator’s report to be made
4. There must be measures put in place to ensure procedural fairness and natural justice are accorded during any investigation.

DETERMINATION OF MISCONDUCT.
If the investigator has concluded that a prima facie case has been established there must be procedures in place which will immediately be activated. Those procedures must allow for a fair and expeditious determination of the matter.

SANCTIONS
Procedures for the imposition of sanctions need to be developed if the church approach to dealing with problems of this type is to be seen as credible.
In some situations the damage which has occurred is far wider than the damage to the harmed person, the alleged perpetrator, and their families. The integrity of the church has also suffered. The phrase "justice must not only be done it must be seen to be done" is apposite. As indicated earlier in this report there are a number of people within the community who believe that the church must have known that children were being abused and cannot understand why no steps were taken to prevent further abuse. This allegation is frequently put when abuse is discovered within a family environment. It is understandable that parishioners, members of Anglican congregations, parents and others may think that the church hierarchy and school officials were passively accepting what was happening.

The church has a responsibility to seek to heal victims of abuse. In some situations whole parishes will be hurting. The research seems to suggest that where abuse has been found it may be necessary to convene a meeting to inform the relevant church community of what has occurred. This should only be a very brief outline of the nature of the allegations. This will hopefully reassure the community that the matter is being adequately investigated and that both parties are being treated fairly. The rights of all involved in the process must be protected. It may be that there is division within the community as a result of the allegations particularly if the alleged perpetrator is popular and respected but that division is susceptible to healing if correct procedures are followed. If the allegations are not discussed rumours circulate and the division in the community may become extreme. When no-one knows how to react, here is often a sense of futility.

This report also acknowledges that if there is one instance of abuse there may be other persons within the group who have also been abused but have not raised their situation with authority. The church community must also understand that other clergy may well be deeply affected by the allegations against their colleague. They may have had a friendship with this person so they may experience personal feelings of loss and betrayal whilst trying to help others through this difficult process. Other clergy may be distressed that they will all be tarred with the same brush and that people may think that they personally have been involved in sexual misconduct.

Many of the complaints which the Inquiry received were historical in that they occurred between fifteen and forty five years ago. Often, a number of complaints were received against each of the ministers who were named.

The evidence provided to this inquiry shows that the majority of Anglican ministers behave in a commendable fashion and that they in turn are concerned that some colleagues and former colleagues have caused harm to parishioners. The same can be said for other aspects of church, such as youth groups, camps, etc. The vast majority of people working in these areas are good committed people who have done good rather than harm.
Most people accept that there is a need to implement a system which will stamp out abuse and unsafe practices. There may be some members of the Church hierarchy or the church community who do not accept that there is a problem or any need for change. The evidence provided to the Inquiry shows that such beliefs are erroneous.

There can be no doubt on the basis of the submissions received by the Inquiry that historically some members of the clergy or others employed or placed in positions of trust by the church breached their position of trust. It is true that much of what was presented to the Inquiry was historical material and many of the ministers referred to are dead, retired or practice in other areas (that is outside the Diocese of Tasmania). Sadly, however, that was not the whole picture. It is possible that recent abuse has occurred and the fact that few complaints were received about recent times does not mean that we can conclude that abuse has not occurred.

It is imperative that the church respond in a manner which takes all possible steps to prevent sexual abuse and misconduct in order to restore the integrity of the Church. In part this can be achieved by careful selection of all candidates, on going education for both the community and clergy staff and volunteers.

There is a public perception that in the past if a minister offended the minister was given a slap on the wrist and moved to a new parish or a new school. The evidence suggests that, on occasion, this did occur and that the process enabled an offender to exploit members of a new congregation.

The issue of education concerning the unequal power relationship existing between a minister and a parishioner needs to be addressed as a matter of urgency. Adult parishioners who had become sexually involved with their ministers (and were not prepared to name them) expressed feelings of anger that they turned to their ministers when they were confused and needed guidance and their trust was abused. The issue of power and how it affects consent is a pervasive theme in this report.

Not only should the changes that we are suggesting (or like changes) be taken for moral reasons but because of the possible legal consequences if the church does not address these issues. If the church fails to address these issues an action in negligence may succeed against them. The issue is whether a duty of care was owed to the category of persons that the victim represented, whether there is a breach of that duty and whether this breach caused damage to the victim.

Whether the Anglican Church owes a duty of care for the sexual abuse perpetrated by one of its members on a child or adult whilst that person is taking part in church related activities varies from case to case. It may be arguable that persons representing the church who either knew or ought to have known that a particular member had paedophilic tendencies cause the church to bear legal responsibility. If it was established that these people knew, then there would be a duty on the church to make disclosure and warn those who may be affected or at risk.
It is arguable that there may also be a duty on the institution to put in place a scheme to detect the danger, isolate it and take steps to remove it. The failure to take appropriate measures in devising a safe system may leave the church liable for compensation to the victims of sexual abuse. It will also have a bearing on the extent of any award for damages.

Foreseeability Test

The question to be answered is whether it was foreseeable that the victim was a member of a class of persons to which the institution owed a duty. That is would a reasonable person in that situation have foreseen assuming, that he had directed his mind to all of the circumstances, the likelihood of injury. For example was there a real risk that psychological damage to the victim would occur in the mind of a reasonable man in the position of the church which would not be far fetched. It is only necessary to foresee the type of injury not the particular illness, nor is it necessary to foresee the extent of any psychological damage.

In the High Court case of JAENSCH (1984) 155 CLR 549, Deane J. said that there was an additional requirement of proximity. Proximity involves the idea of nearness, or closeness. The notion of proximity was further developed by Deane J. in Sutherland Shire Council where he identified three important factors; these were, physical proximity, circumstantial and a causal connection in the sense of a relation between the particular act and the course of conduct and the loss or injury sustained.

The concept of a breach of duty involves answering the questions: "Would a reasonable person in the church’s position have acted as the church did in this case. Did the church take reasonable precautions to prevent the kind of offence committed? Did the institution of the Church possess knowledge about the perpetrators of paedophilia or sexual misconduct and if so what steps had been taken to prevent this type of contact and give notice of possible danger?"

If the court were satisfied that the above had been met it would then consider whether the victim had suffered damage for which he or she should be compensated. The damage to a victim can include such features as the loss of enjoyment of life, economic loss, pain and suffering. The age of the victim and the severity of sexual abuse. In some circumstances an award of exemplary damages may be made which will affect the amount of any award for damages. Psychiatric evidence will also affect the amount of any award.

Exemplary damages are awarded in circumstances where the court considers it is appropriate to punish the defendant for its outrageous or scandalous behaviour. If church authorities were aware of the existence of paedophile activity in either a particular or systemic circumstance then the law
permits an award of damages both for the harm occasioned and as a statement of punishment or condemnation.

However a balance must be achieved with the requirements of the law of defamation. An allegation may be defamatory and a finding that a particular finding may give rise to legal action. In Tasmania there exists the defence of qualified privilege which protects reports and enquiry made in the public interest. The Defamation Act 1957 provides for the protection of the publication of truth in the public benefit, publications made in good faith to redress public or private grievances and in areas concerning the legitimate use of lawful authority. Properly constituted and conducted proceedings intended, in good faith, to consider and, if necessary, redress allegations of sexual impropriety are protected by legislation. Rumours, innuendo and private calumny are not so protected.

Other legislation (Child Protection Act 1974) requires the reporting of information concerning the infliction of harm to young persons. That legislation prescribes classes of persons (teachers, medical practitioners and the like) who are required by law to make a report. Certain groups or categories of persons within the Anglican Church are subject to this legislation.

Should the Police be contacted in all cases of sexual abuse?

If dealing with current child sexual abuse the answer to this question is always "Yes". If, however, the allegation is being made by an adult complainant then the decision to involve/or not involve the Police must be made by that complainant. Ultimately, he or she must live with their choice and it remains their personal decision.

In the event that the Police are contacted it is important to remember that there are various outcomes which may occur:

1. Police do not lay charges

   This may occur for a variety of reasons;

   a). there is no evidence against the respondent

   b). there is not sufficient evidence to enable the matter to proceed to Court for a number of reasons including the following:

   i) the case will amount to the word of one person against the word of another with no corroborative evidence available
ii) there has been a long time-delay between the date of the alleged offences and the date of reporting

iii) a child witness may be reluctant to talk to strangers (Police and Prosecutors) about the incident(s)

iv) parents may not be prepared to allow their child to give evidence because of perceived stress which the child may suffer

v) the age of the child, i.e. very young children cannot normally give evidence

vi) the child is not able to provide sufficient detail about each alleged incident.

2. Charges are laid and the matter proceeds to Court

There are two possibilities:

a) the accused person is found guilty and is punished according to Criminal Justice

b) the accused person is found not guilty. This may be for any of the reasons outlined in para 1 (above).

Our Criminal Law system is weighted in favour of an accused person. The Prosecution must be able to prove their case beyond reasonable doubt. Our system is prefaced on the belief that it is better for a guilty person to go free than for an innocent person to be found guilty. A person may be acquitted of criminal charges (or the Police may decide not to lay charges), and yet still be found to be liable for damages for the same incident in a Civil Court. In the latter, a judge or jury need only be satisfied on the balance of probabilities that the acts complained of did occur.

The distinction between the criminal and civil onus of proof is extremely important. There is sometimes a tendency for lay people to assume that because a person has been found not guilty they are innocent and should therefore be allowed to continue working with children. Sometimes they should, at other times they ought not. The rights of children must be balanced against the rights of the alleged offender. Children have a right under International Law to be protected from abuse. Any balancing of children’s rights against the rights of someone who it is believed has a propensity for sexual abuse of children ought to be weighted in favour of children.

The High Court in M. v M. (1988) 166 CLR 69 developed a test called the “unacceptable risk test”.

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In essence, the Court said that "a Court will not grant custody or access to a parent if that custody or access would expose the child to an unacceptable risk of sexual abuse." If, as a society, we are prepared to impose that test on parents, then surely it is appropriate that no less stringent test be imposed on all adults.

Currently, mediation or alternative dispute resolution is often used to resolve disputes. It is well recognised that mediation is only appropriate when all parties involved in the process have equal power. Mediation is never appropriate where there has been child sexual abuse. The child is not equal to the perpetrator in terms of power. Nor is it appropriate for the Church to reach a private accommodation with the perpetrator and the victim's family in the case of child sexual abuse. The Church has a responsibility to other children. In certain situations, mediation may be appropriate when dealing with sexual abuse or misconduct of an adult. In this situation, the decision as to whether or not mediation is appropriate should be made by the complainant and/or the respondent. If either of them expresses reservations then mediation ought not to be used.

**Industrial Law considerations**

The other issue which must always be taken into account are the implications which may flow pursuant to the provisions of Industrial Law. If the alleged perpetrator is a paid employee or minister of the Church, he or she should not be dismissed or forced to resign without being given a fair hearing. To deprive a person of their employment without affording them natural justice would entitle the person to bring an action for unfair dismissal and may result in an award for compensation.

An appropriate way to deal with such circumstances is to suspend the person on full pay pending a full investigation or alternatively it may be possible to allocate the person to a different type of ministry (pending a comprehensive investigation) depending on the nature of the allegation(s).
Creating a "culture of awareness"
around sexual abuse and misconduct
- the sexual harassment policy and response group
Creating a “culture of awareness” around sexual abuse and misconduct issues
- the sexual harassment policy and response group

The Anglican Church in Tasmania has adopted a policy document, dated December 1996, entitled “Principles and procedures for dealing with sexual harassment”.

The document sets out these principles:

1. Everyone who suffers sexual harassment may be assured that every complaint will be taken seriously and carefully examined and that the Church will seek to see that justice is done.

2. Everyone must be assumed innocent unless and until guilt is demonstrated.

3. Confidentiality of the parties is to be respected throughout except as required otherwise by the law and in notification of the Bishop. However, complaints will only be dealt with when the identity of the complainant is revealed to the person whose behaviour is the subject of the complaint.

The document sets out the procedures that the Diocesan Sexual Harassment Response group Committee will follow on receipt of any complaint.

The document in its written form appears to be adequate save for the following:

1) The first page of the document indicates that copies of the document are available from the Bishop’s secretary, who is also the contact person designated to supply the names of the current members of the Sexual Harassment Response Group. A person who has suffered some form of sexual harassment may be in a vulnerable state and may believe that if contact is to be made through the Bishop’s office then the Committee is not independent. They may also have a genuine concern about confidentiality especially in a relatively small geographical area.

The Inquiry recommends that the document be updated to include the 1800 number that has been used by the Inquiry. That number could then be diverted to the current chairperson of the Committee. This would enable people to make contact without the same level of concern about confidentiality. It is also necessary that the document be available from a variety of sources preferably including Church notice boards and Anglican bookshops.
2) The other aspect of the Sexual Harassment policy which might be improved is the addition of a procedure which ensures that the complainant and the respondent be kept informed of the progress of the assessment. This would include being advised and receiving a copy of the recommendations the Committee makes to the Bishop. The Committee should be given a time frame within which they would receive notification from the Bishop’s office as to whether he has adopted the recommendations and, if so, when they are to be implemented.

Everyone involved in this process must be aware that it will be difficult for both the complainant and the respondent. For this reason it is important that the process is undertaken as quickly as possible and it is also important to give the parties some idea of the likely time frame. In the event that the time frame cannot be met parties should be advised of any delay as early as possible.

*Care for the communities where abuse or misconduct has occurred*

It is stated in the Diocesan Sexual Harassment Principles and Procedures document that “the Church requires that ministry in every form will be offered free of sexual harassment. The community at large expects, and has a right to expect, the same.” However, the document, having acknowledged these community expectations and the adverse impact that any form of sexual harassment has on the Church community, then makes no mention of responsibility for support and care for these communities. The Inquiry feels that the Principles and Procedures document should be expanded to include guidelines as to the actions to be taken by the Sexual Harassment Response Group to ensure that the congregation, including the victim’s family, are adequately supported.

Bisbing et al. (1995) list the damage to institutional integrity that the Church may suffer in these circumstances. They note that “commonly reported responses by family and congregations to sexual exploitation by a clergy member include:

1. denial;
2. attempts to maintain normality at all costs;
3. attempts to avoid confrontation of the behavior;
4. efforts to maintain a good family image by not talking to outsiders about the family or congregational needs and inadequacies, including the sexual exploitation;
5. fear of disintegration of the family or congregation;
6. feelings of helplessness, inadequacy, or unacceptability;
7. shocked disbelief, anger and rage;
8. inability to deal with the conflict and anger in constructive ways;
9. feelings of betrayal and abandonment;
10. blaming the victim;
11. faith and spiritual crises.
Steven Bisbing and his colleagues also write that:

"In addition, the church hierarchy may be torn between its duty to the clergy member as an employee and/or church official and its duty to parishioners and the victim. The effects of this conflict can linger in the environment of the church for a long time, especially when the church responds with denial and inaction instead of honesty and aggressive investigation of the claims of abuse. When the abuse is not openly confronted, gossip and misinformation can become widespread, leaving the congregation fragmented, dispirited and spiritually rudderless. As a consequence, the church as a religious community may cease to be a spiritual sanctuary".
Creating a "culture of awareness" among the Clergy:
A Code of ethical standards 
&
Continuing pastoral education and accountability
A Code of ethical standards and continuing pastoral education on ethical issues

Largely in response to the frequency of allegations of sexual misconduct within Churches, there have been an upsurge in the Codes of Ethics which have been drafted by a number of denominations. The most recent is entitled “Integrity in Ministry”, a draft of ethical standards for Catholic clergy and religious in Australia. The code not only sets out ethical standards for clergy and religious but for each standard there is a list of behaviours, either mandatory or indicative, which spell out how compliance with the standards may be maintained.

Primarily through the work of Dr. Christopher Newell, the Bishop’s Advisor on Ethics, and his colleagues, the Anglican Church in Tasmania now has a “Code of Clergy Ethics”, produced in 1997. The Tasmanian Anglican Church Code of Ethics is less detailed than the “Integrity in Ministry” document in that it largely omits behavioural indicators of compliance, but it is clearly the intention of the writers that the Code should serve as the basis for discussion of issues, at which time pertinent behavioural indicators would be brought forward within the group participating in such discussion.

The Code of Ethics covers many areas in a thorough manner. The difficulty that the Inquiry can foresee is that the document does not include any provision as to what will occur or what should occur if there is any perceived or actual breach of the Code of Ethics. It would be fair to say that the document is excellent as far as it goes. However, if the document is to achieve its desired outcome a clear and effective procedure must be put in place to deal with clergy misconduct. Any proposed system would need to cover the following areas:

1. Investigation of alleged misconduct
2. Determination of misconduct
3. Sanctions

Recommendations as to these affect all codes and have been referred to in depth in the previous chapter on the legal perspective.

Pastoral Care and Ethics Course

The Anglican Church Code of Ethics has been integrated into the professional education of clergy and pastoral care workers through a pilot course on “Pastoral Care and Ethics”, jointly supervised by Dr. Newell and Canon Eric Cave.
The objectives of the course are:

1. to assist pastoral care workers to gain further opportunity for continuing professional education and reflective learning amongst peers.

2. to expose pastoral care workers with experience to concepts, language and resources in the area of pastoral care and ethics.

3. to foster the recognition, naming and discussion of ethical issues pertaining to pastoral care encounters.

4. to integrate ethical and pastoral care factors for the ongoing practice of pastoral care workers.

The course consist of 17 contact hours over a period of several months and further contact with supervisors outside those sessions. Currently, while there is some funding for continuing pastoral education on more traditional forms of theology and aspects of the ministry, professional education on ethical matters lacks funding. Presently, there is a process of continuing Ministry Formation for the first five years after one becomes a minister and also an oversight Committee which meets about twice a year and which has the responsibility for monitoring the progress of newly ordained or recently ordained clergy. However, Dr. Newell urges greater emphasis on opportunities for continuing professional education, including education on ethical issues for more experienced clergy, over and above the regular Area Deanery meetings and the annual Clergy Conference. He would also like to see more resources devoted to continuing professional education and greater involvement of the laity in discussion of ethical issues. He writes:

"Codes of clergy ethics must also be seen as realistic by all those involved, not only clergy but laity. While clergy have dominated the agenda setting with regard to the introduction of codes of ethics in this country, many of the reasons for the introduction of such codes in the first place are found in inappropriate actions and attitudes towards, and relationships with, lay people. Lay people must surely be an integral part of the process of discovering and discussing appropriate clergy ethics." (Newell, 1996)

In his submission to this Inquiry, Dr. Newell has urged consideration of these points:

1. that the Code of Clergy Ethics should be applied to lay people and discussion on the Code should involve laity and clergy together.

2. that the process of the Code is as important as the content, that is that the Code be
not seen as just a list of rules but “a matter of covenant entered into by members of the clergy in community” (Newell, 1996), and

3. that for those clergy who wish to gain formal qualifications that continuing professional education may be regarded as credit for specified graduate certificates or diplomas, thus giving due recognition to the importance of broader professional development.

The Inquiry endorses those points, and further recommends that the present Pastoral Care and Ethics Course be extended beyond the present 17 contact hours, and that there be a continuation and expansion of the focus on personal development, respect for self, recognising and acknowledging one’s own strengths and weaknesses, and related issues.

It is further recommended that there be an examination of the current funding and resources for the Pastoral Care and Ethics Program with a view to ensuring that the program is adequately funded and resourced.

The Inquiry would also like to see addressed Rev. Newell’s concerns about linking a Code of Ethics to disciplinary procedures (Newell, 1996). The following paragraphs are relevant to that issue.

**Linking principles of justice and care**

Those clergy who are sensitive to the needs of their parishioners and have a genuine concern for the empowerment and welfare of others will probably have little hesitation about committing to a Code of Ethics as it is likely to recognise and articulate what they are already doing. For such ministers, care and justice are already central aspects of their moral values. “Orientations towards justice and care are complementary. Integration of both these perspectives characterizes not only morally mature and responsible individuals but also morally sensitive policies.” (Gilgun, 1995)

Therefore, such ministers, having already linked justice and care in their everyday dealings with parishioners are not likely to have difficulty endorsing disciplinary procedures where a wilful breach of the Code calls for such a response.

In her study of predatory paedophilic behaviour, Gilgun (1995) found that it was precisely the discourses around justice and care that were co-opted and corrupted in the narratives of perpetrators of sexual abuse of the young. Gilgun was investigating incest perpetrators but the accounts reflect the remarkable justificatory processes used by perpetrators generally, such as the corruption of the principle of care to support the idea that sexual abuse is promoting the child’s welfare with the use of words like “teaching her”, “comforting him”, “consoling her” etc.
Not only do perpetrators develop cognitions and beliefs that support their behaviours, they can also be viewed as shaping language to fit their behaviours. With post-pubescent victims, the language and cognitions may be shaped accordingly. In the course of the Inquiry, one witness who spoke of being pressured into undesired sexual activities when a young man, stated that the priest had said to him that he had a “special role” to be a comfort to priests such as himself who “were committed to God, but lonely”.

A perpetrator may have engaged in an elaborate process to convince himself that what he is doing is not “abuse” at all, that he is not taking advantage of a child’s or youth’s vulnerability, that he is in a mutual relationship, and he is being fair because he has not used any physical force. In these circumstances, such a minister may not see that he has breached the Code of Ethics, or alternatively may have convinced himself that those who drew up the Code did not understand the “special” nature of his relationship with young people, which puts him, as it were, above the Code.

Thus, it is important that the Code of Ethics be not merely presented to clergy for their edification, but that it be explored and discussed at length to facilitate the creation of an “aware culture” within the Anglican Church of Tasmania, a culture which is fully aware that a priest who may be so charismatic and adept at impression management as to engender considerable respect and affection from parishioners may also be a priest who has privately constructed an elaborate set of cognitive distortions of the principles of care and justice.

The Inquiry heard from clergy, some of whom were in positions of authority, and who would regard themselves as having considerable discernment in most aspects of their lives, yet found that they had been deceived by the energy, charm and charisma of a colleague whom they believed they could trust. A culture of awareness understands, sadly, that for some people the trust of young people, the trust of parishioners, the trust of peers and the trust of those in authority mean little more than opportunities for exploitation and the means of externally propping-up self-evaluations which have little or no internal substance.

Therefore, the Inquiry recommends that the “culture of awareness” within the Church be enhanced, as far as possible, by using current Church structures with some modifications. Currently, there are four territorial Archdeacons who relate directly to parish clergy in the areas designated Hobart, Clarence, Launceston and Burnie. Each Archdeacon has two area Deans, each of whom is responsible for up to 12 clergy. Each Area Dean meets with their clergy regularly. The Inquiry recommends the continuation of these meetings between each Dean and his clergy but also proposes an expansion of opportunities for small group discussion and spiritual support and formation.
Peer Review and Support Groups

The Inquiry recommends that within each Archdeaconry, two or three Peer Review & Support Groups should be formed, comprising about four to five clergy in each group. Each Peer Review & Support Group should have a Convenor responsible for taking very brief minutes, ensuring attendance is maintained, and co-ordinating with their Archdeacon as required. Optimally, each Peer Review and Support Group would meet about once every three weeks, and would comprise a mix of clergy from both the High and Low Church streams. The Inquiry recommends that at each meeting there should be two standing items on the agenda:

1) The first item would involve informal discussion on their roles and functions in parish work and any difficulties encountered in their ministry. Hopefully, the degree of trust evolving within the group over time would be such as to allow each minister to feel increasingly free to discuss personal issues, especially around physical and emotional health, and spiritual growth.

2) The second item would be derived from a more formal agenda of specific matters relating to their work, such as ethical issues and the ways in which ethics are manifested in one's everyday ministry. At other times, matters related to professional standards of practice in ministry could be the focus of discussion, (see 2.1 under “The Clergy and the Church” in the Anglican Code of Ethics). Having the second part of each Peer Review meeting as a focused group discussion would enable ministers, in a small group context, to reflect on answers to questions raised by the Code of Clergy Ethics such as:

“What does it mean to pattern my ministry on the example of Jesus Christ - Does it mean, for example, challenging my flock with radical ideas and new ways of thinking, as Christ did?”

“How can we best ensure that we do not exploit those in our care for any reason?” (Code of Clergy Ethics 1.5)

“What are some contracts or situations that might diminish our ability to maintain our professional integrity and independence?” (Code of Clergy Ethics 3.8)

Peer Review & Support Group Convenors would be expected to keep in regular contact with the Archdeacon to keep him informed regarding matters of process, that is, the manner in which their group is functioning. Details of the content of matters discussed at group meetings should remain within the group and not be taken down in minutes. If a Peer Review group is not functioning well and harmoniously, it may be appropriate for the Archdeacon to see what changes may be required in terms of the composition of the group or in any other regard to facilitate the group’s process.
The Bishop and Archdeacons of the Diocese should also participate in the Peer Review and Support process by meeting together with the same frequency as the other groups. It is recommended that Dr. Jim Young be requested to take on the role of Convenor of this group. As well as setting a model for the rest of the Diocese, this also allows the Bishop and Archdeacons similar opportunities for personal, professional and spiritual growth as are afforded in the other clergy groups.

Continuing Professional Education of Clergy

The Inquiry also recommends that part of the “continuing education to improve professional standards of care” mentioned in item 1.2 in the Code of Ethics should be concentrated on the development of counselling skills through a course on Counselling Theory and Practice. While pastoral counselling will always have a spiritual focus, there is increasing pressure for ministers to be skilled in the use of counselling methods which assist individuals, couples and families to handle their personal crises and problems constructively.

Bisbing, Jorgenson and Sutherland (1995) describe pastoral counselling as drawing on “insights from contemporary understanding of human personality, therapeutic methods from current counselling approaches, and scriptural and theological resources”. Pastoral counselling has been called the “oldest form of psychotherapy”. Even Freud directly acknowledged the essential similarity between psychodynamic therapy and pastoral counselling by describing psychoanalysis as “pastoral work in the best sense of the words”.

Ministers should be aware that good counselling involves considerably more than being genuine, empathic and accepting. Good counselling requires an understanding of how processes like transference and countertransference operate in the counselling relationship and much more. Bisbing, Jorgenson, and Sutherland (1995) maintain that “like psychotherapists in other disciplines, the minister who has not taken special training is poorly prepared to handle the hazards of the transference and counter-transference process in the pastoral counseling situation”.

There is an additional risk when clergy are involved in their pastoral counselling work in that the power differential is often experienced as greater than in the normal counsellor-client relationship. Bisbing, Jorgenson and Sutherland (1995) quote from the 1989 report of the Minnesota Interfaith Committee on Sexual Exploitation by Clergy, which states:

“All clergy need to be aware of the power that their office carries. The authority of their leadership is unquestioned by many. Clergy persons need to realise that the power differential normally present in a counseling setting is intensified by the increased trust and respect many people have for clergy”.
The Inquiry recommends that Dr. Jim Young, psychologist, and member of the Diocesan Sexual Harassment Response Group, be approached to investigate all aspects of how a Counselling Course, with particular reference to the exigencies of pastoral counselling, could be formulated and delivered to clergy throughout Tasmania.
Creating an "arena of safety"

for youth in the Church
Creating an "arena of safety"
for youth in the Church

Comments on the Diocese of Tasmania's Draft Document
“A code of practice for the protection of children within our churches”

The Anglican Church has recently prepared a draft code of practice for the protection of children. While the Inquiry commends the Anglican Church in Tasmania for the preparation of this document, it is nevertheless felt that improvements can be made to some areas. These include:

1. TIMETABLE

There must be a time frame in place within which the child or other person reporting will be notified of what steps have been taken to that point. Two important reasons for such are: firstly, it prevents the issue being placed in the too hard basket, and secondly, it keeps the person reporting aware that something is happening and the Church has not ignored the problem.

2. ADDITIONAL PROVISIONS.

The draft code should in our view include provision for

a) Educating children as to who they can contact if they have a problem which involves a member of the Anglican Church. It may be useful for them to have access to a 1800 phone number provided by the church or alternatively to a "kids help-line" which is government funded.

b) Educating children that it is acceptable for them to report if they or another child are being harmed.

c) Educating children as to whom and how they make such a report.

d) Education generally to help people recognise symptoms of abuse.

e) The code should include provision for information to be given to parishes, schools, youth groups, camps etc on how to maintain an atmosphere that minimises the dangers of child abuse whilst not becoming paranoid. Prevention is after all the best cure.
3. Changes to the Section entitled "PROCEDURES TO RECEIVE AND DEAL WITH COMPLAINTS / REPORTS OF UNSAFE PRACTICES" (para 1-3) and the following sections (paras 1-4, 1-5, 1-6).

In any situation where a child is believed to have suffered harm a parent is entitled to receive early notification, and the possibility of legal repercussions cannot negate this responsibility. Parents have entrusted their child to the Church because they believe it is a safe environment. They have a moral right to be told if concerns about their child are raised. The only reason for not advising them immediately would be if there is a genuine concern that this would jeopardise any investigation. Even in that situation it is necessary to carefully consider the moral implications of such a decision.

An example was provided by a parent who attended the inquiry with her son. After the son had told us of a sexual assault by a group leader at a church activity occurring when he was ten years of age the mother described how angry she still felt after four years because she had not been notified when the matter was brought to the attention of those in authority some hours after the assault. A week went by before the child's mother was advised by a member of staff. The mother had already observed changes in her son's behaviour prior to being advised as to what had occurred. The mother was told the delay was because the Bishop had to decide whether the matter could be disclosed because of possible legal consequences. It is not clear why staff believed this to be the case. It may be that authorities wanted to check with legal advisers as to what their legal obligations were. Alternatively it may be a result of human error and confusion. Whatever the reason, it is readily apparent that that type of situation should not be allowed to ever re-occur.

As presently drafted the document does not seem to cover what procedure should be followed where there is no disclosure of abuse or evidence of abuse but merely suspicion that something inappropriate is occurring. It may be that the appropriate course to adopt is to record the information in writing and forward a copy to a secure central Church register. If this course is adopted there is a duty on those aware of the situation to be vigilant and alert to the future conduct of the person whose behaviour has caused concern. The register should be checked to ascertain whether this person is already on the register and if so whether the behaviour causing concern is the same type of behaviour as that in the earlier report. If clear evaluation is not possible consideration should be given, after consultation, to whether there should be a monitoring of the situation and if so who should be responsible for the monitoring, and the duration of such monitoring.

If the organisation is satisfied that no actual abuse has occurred but nevertheless feels it is necessary to counsel the person in the terms of paragraph 1-5-1 it would be appropriate for a brief outline of what has occurred to be placed on the register. If a matter is to be referred to the Police in accordance with para 1-5-5 those involved must be careful not to interfere with the Police
investigation by warning the alleged perpetrator of their intention to take the matter to the Police as this may jeopardise the police inquiry. It can also cause harm to the credibility of the Church in the eyes of those aware of the situation.

Notes should be taken of all contact with the child other witnesses and the alleged perpetrator. These notes should be kept in a secure place for a period of at least ten years at which time they could be replaced by a summary. During any investigation the suspected perpetrator should not have access to the child who is the subject of the complaint or the child's family as this may allow that person to apply emotional pressure to the victim or the victims family.

Activities and organisations for Youth within the Anglican Church in Tasmania

Submissions made to the Inquiry indicate that activities involving young people in the Anglican Church have come under the headings of:

1). Youth Synod

2) Anglican Children's Organisations
    - Church of England Boys' Society (C.E.B.S.)
    - Girls' Friendly Society (G.F.S.)

3) Camping excursions

Youth Synod

The Youth Synod for those aged 16 to 21 years meets annually in the second half of the year. In previous years the number of young people attending has been more than one hundred, but in recent years attendance has been down to about forty. Youth Synods have typically involved very substantial input, organisation and involvement by young people. Some years ago, those attending Youth Synod were billetted as required but in recent years this has changed to a fully residential program.

Youth Synods were established by Rev. Lou Daniels in the 1970’s at the time that Rev. Daniels was the Anglican Church’s Youth and Education Officer in Tasmania.

Anglican Children’s Organisations
    - Church of England Boys’ Society (C.E.B.S.)
    - Girls’ Friendly Society (G.F.S.)
The Church of England Boys’ Society (C.E.B.S.) enjoyed its peak attendance in the 1970's, and the Rev. Lou Daniels was prominently involved in the C.E.B.S. program. When the program was flourishing, there were, for example, in the parish of Moonah about a hundred boys actively involved in C.E.B.S. activities. As recently as 1990, there were a large number of C.E.B.S. groups in Tasmania. It is a sad commentary that today there is very little C.E.B.S. activity anywhere in the Diocese of Tasmania.

Similarly, the activities of the Girls’ Friendly Society (G.F.S.) throughout Tasmania have declined considerably over the past decade.

Camping program

In contrast to the C.E.B.S. and G.F.S., the Anglican Church Camping Program thrives. The program is organised and monitored by the Anglican Camping Tasmania (ACT) Committee, a sub-committee of the Christian Formation Committee (formerly the Diocesan Board of Education). For most of the life of the camping program there has also been active involvement from the Diocesan Youth Officer, but the position has remained unfilled since the end of 1996. The first Diocesan Youth Officer was Rev. Lou Daniels in 1976 followed by Rev. Phillip Aspinall, then David Blyth, Peter Francis and most recently Rev. Chris Thiele.

The Camping Program is administered through the Anglican Mission Tasmania which has the responsibility of collecting payments made by participants and sending out information.

Camping Policy

The ACT Committee has a current camping policy (Appendix 7), a comprehensive document, dated May 1997, which states the aims of the Camping Program as:

To help people know Christ and grow in Him through Christian Community, Bible study, prayer, worship, fun and an experience of God's creation, and

To assist them to discover their vocation and ministry as members of Christ’s body and be further equipped for ministry in their parish and daily life.

Camp staff

Each camp has a Camp Director and an Assistant Director. The current policy recommends that a gender balance in these positions be maintained “when having a co-ed camp”. Currently, all camps are mixed gender camps, a departure from previous practice. In earlier years, Rev. Lou Daniels was the Camp Director for the Primary School Boys’ Camp.
Group leaders, who are often College or University students, are also involved with the camps. Any leader under the age of 18 years is designated a “trainee leader” and the policy specifies that trainees are to be supervised and trained by senior leaders.

The Camping Policy states that the Director is responsible for the selection of staff including group leaders and that this should be done in conjunction with the ACT Committee. The Inquiry recommends that this be changed so that the responsibility for staff selection be placed with the ACT Committee with the Director’s input being advice regarding his/her preferred staff.

Camp participants

Currently the Summer Camping Program comprises:
- two camps for those in, or going into, grades 3 to 6;
- a camp for grades 7 to 9,
- a camp for grades 9 to 12,
- a camp for grades 8 to 11.

There is also a Primary grades camp and a Secondary grades camp during the winter holiday period.

The Camping Policy Code of Practice

The Camping Policy includes a Code of Practice which is sent out to those applying to be staff members on camps. In the Code, under the sub-heading “Physical contact”, there is considerable material concerning appropriate and inappropriate physical contact and a warning that “physical conduct between leaders and campers may be misconstrued.”

The Code of Practice also states that:
- children should determine the degree of physical contact they have with others
- other than in exceptional circumstances, directors and leaders should not initiate close physical contact
- consistent contact with the same person should be avoided
- situations offering privacy or secrecy should be avoided
- when engaging in private conversations, the leader and camper should be visible to others.

While the Inquiry endorses these aspects of the Code of Practice, there is the concern that nothing in the Code spells out what action should be taken where any staff member at camp appears to be acting in breach of the Code. The Inquiry recommends that the Code be amended to read that when
any staff member at camp (including the Camp Director) has reasonable grounds for suspecting that another staff member may be engaging in inappropriate sexualised behaviour then he or she should ask for an explanation of the behaviour.

If the explanation provided is considered less than satisfactory or where there is a further indication of continuing inappropriate behaviour, then the staff member should inform the Director and also contact the Diocesan Sexual Harassment Group through the 1800 hotline. If it is the Director who appears to be engaging in inappropriate behaviour the staff member should directly report the matter to the Diocesan Sexual Harassment group.

**Young people’s reluctance to disclose sexual abuse**

The literature on child sexual abuse makes it clear that particular types of children are often selected or targeted as potential abuse victims. They are generally children with more than one of these attributes or traits:

* vulnerable and isolated
* a perceived lack of approval from significant others
* lacking affection in their lives
* those who are least likely to tell
* trusting and friendly
* trained to obey authority without question
* who are experiencing strains in their relations with their parents or guardians
* who are known to have been previously sexually abused.

The perpetrator usually engages in a carefully planned and pre-mediated process of grooming the child wherein the targeted child is gradually prepared for the time when the perpetrator first engages in some form of sexual molestation. A week-long camp may be perceived as an extraordinary opportunity for initiating or furthering the grooming process but more particularly as a situation in which a previously initiated grooming process may be taken to the level of sexual behaviour which the offender desires and about which he has frequently fantasised. It is also affords a protracted period in which the offender can use guile, threats, persuasion, rewards or any other psychologically or emotionally manipulative strategies to try to ensure the child’s silence.

Children generally are often reticent about disclosing instances of inappropriate sexual behaviour because they feel they are protecting others or themselves. They may feel a sense of guilt or shame or they may believe that their word could not possibly be taken against the word of such a powerful and apparently respected person as the minister. Young victims of sexual abuse often perceive the individual offending against them as all-powerful and immune to outside intervention (Browne, 1991).
Cashmore & Bussey (1987) write about the inherent power of the adult’s position, notwithstanding the quantum leap of structural power involved in a clergyman’s position:

Because of the powerful position adults hold in relation to children they are able to assume many liberties in their interactions with children that they would not even contemplate with other adults. For example, children are commonly subjected, without their consent, to physical contact with adults. It is a common occurrence for adults to take liberties in touching them, such as ruffling their hair as a form of greeting and hugging with little concern about the child’s reaction to the invasion of their physical space.

With regard to sexual abuse, Cashmore and Bussey (1987) write:

Because children are often powerless to stop the abuse, acceptance of the situation becomes a means of survival. It is threatening to their view of the world to believe that a trusted adult is not well-intentioned, and consequently abused children often accept responsibility for the abuse and believe that they are to blame.

The reluctance of children to reveal that they have suffered abuse is highlighted in Sorenson and Snow’s (1991) study of the disclosure process in more than 100 confirmed cases of child sexual abuse. It was relatively rare for a child to tell any or all of the story immediately. The norm was denial, tentative disclosure and frequently retraction.

Creating an environment which facilitates the empowerment of children

Part of the Church’s pastoral care for children requires that an environment is created and maintained in which children and teenagers feel safe enough to tell someone what troubles them. This means that part of the preparatory work with camp participants should involve discussion about the sorts of behaviours adults use to “groom” children, the signs and indicators of inappropriate sexual behaviour, and clear and simple guidelines about action to be taken when a child feels they have observed or experienced such behaviour. This discussion should take place before camp, as it may be that a vulnerable child may recognise and be prepared to talk about certain behaviours before being placed in what may be a difficult and more isolated position once the camp gets underway.

Children should also be clearly informed about the procedures to follow if they do see or experience any inappropriate behaviour. Those procedures should be as clear and uncomplicated as:

a) telling another adult at camp, and

b) using the 1800 hot-line number to alert the Contact Person on the Diocesan Sexual Harassment Support Group.
The child may want the adult, so informed, to ring the 1800 number on his or her behalf. If that is so, the child needs to be assured that this has been done and that his or her concerns have not been shelved or ignored.

The Inquiry recommends that these procedures regarding conduct before and during camps be implemented and that at all camps the 1800 number is prominently displayed with a clear message which reassures young people that the right and proper procedure is to report inappropriate sexualised behaviour to the Contact person on that number.

Creating the arena of safety for disclosure

In his book “Out of the darkness: Growing up with the Christian Brothers” (1997), Ivor Knight recalls his experience of abuse from age 5 and his feelings of dejection, isolation and defeat. As he reflects on those times, the decades of the 40's and 50's, he poses the question “To whom would I address my complaint, had I dared to complain?”

Fortunately, the level of awareness of issues concerning sexual abuse is very different in the 1990’s, and the Church should do all that it can to ensure that no child today would ask the question which Knight poses. Therefore, the Inquiry recommends that any who work in any aspect of the Church’s youth ministry; whether that be through youth groups, camping, Synod or other interaction with young people should have some training in fundamental issues concerning sexual abuse, especially the process of victimisation and factors associated with vulnerability.

Youth workers should particularly understand that young people are often hesitant and if they do tell an adult about what they have seen or experienced they may do so just once to see what response they get. If children think that they are not believed or see that nothing happens to halt the abuse or deal with the offender, they may retreat into silence. If the adult to whom the child discloses responds with anything less than a sensitive and empathic response, the child may draw back.

Parkinson (1997) writes: “As we create a safe place for children, they may come to trust us enough to tell us about what is happening. Understanding the process of victimisation may help us to read the signals, and may help children to trust us sufficiently for them to tell us their secret.” (p. 70)

Conclusion

Earlier in this report we indicated that it is important that Church congregations, communities and the public at large are able to move towards the prevention of sexual abuse and sexual misconduct. It is vital that as we move forward the steps we take are healthy and balanced and that we do not allow ourselves to become caught up in an atmosphere of panic or paranoia.
As an example of how such fears may impact, we cite the case of a parent who contacted the phone hot-line and indicated that she was concerned that the Camping program may be stopped because of allegations of sexual abuse. She spoke of the many benefits the program offered to children from diverse backgrounds and how important the program had been for ongoing generations of Anglican children. The Inquiry recommends that the Camping program be maintained and expanded. It is important that the Church shows that it will not be daunted by the abusive behaviour of some clergy and others involved in youth leadership over recent years. The community needs good models of how youth activities can be properly and safely conducted, and the Church is well placed to provide those models now that procedures associated with youth ministry and staff selection for Camping trips have been improved.

It is necessary to educate, be vigilant, and use appropriate screening devices. It will not help in the long term if as a society we become over-protective towards our members, nor will it help if those working with vulnerable people become afraid to engage in innocent activities due to a fear of unfounded allegations.

The future is not as bleak as it may seem. When incidents have occurred in recent years and the complainant has spoken to other people they have been more likely to get support. Hopefully, complainants will now be able to access procedures which the Church has established for the benefit of all.

While adherence to the code of silence may look good in the short term, the reality is it never works in the longer term. Of course, we can be sure it never worked in the eyes of God, and it's increasingly clear that it not longer works in the secular sphere.

The Church needs ministers who are prepared to stand up and say “If you demean the body of Christ and Christ’s people, you are also demeaning me, your colleague, and this is not the way of Christ.”
Recommendations for changes in the life, structure, policy and practice of the Anglican Church in Tasmania
Recommendations for changes in the life, structure, policy and practice of the Anglican Church in Tasmania

The Inquiry was impressed by the positive directions already taken by the Anglican Church in Tasmania over recent years towards building a culture of awareness among the clergy and an arena of safety for youth.

Some of the positive initiatives already completed or implemented include:

1) The establishment of this Pastoral Inquiry into sexual misconduct by clergy or officers of the Church,

2) The formation of the Diocesan Sexual Harassment Response Group,

3) The formulation of the “Principles and Procedures for dealing with Sexual Harassment”, which puts in place a response strategy for dealing with complaints of sexual misconduct,

4) The drafting of a “Code of Practice for the Protection of Children within our Churches”, which details a complaint procedure for dealing with disclosures of child abuse,

5) The creation of a Code of Clergy Ethics, which rests on the four basic principles of Dignity of the Human Person; Justice and Integrity; Service in Humility and Love; and Shared Responsibility,

6) The preparation of a Course on Pastoral Care and Ethics and the trialling of that course which has already taken place with an evaluation to come.

7) The revised Camping Policy adopted by Anglican Camping Tasmania, and particularly the Code of Practice which deals with potential problems associated with physical contact.

8) The tightening of the selection procedures for camp leadership and camp ministry generally. A memorandum from the Current Camping Program Co-ordinator, dated September 1997, makes it clear that the modified procedures now in place were “designed to meet community expectations regarding the screening of leaders who are involved in ministry with children and young people”.

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The Inquiry has made a number of recommendations which are interspersed throughout the body of this Report, but all recommendations in the Report are listed here for convenience.

**Recommendations with regard to the Bishop’s powers**

1. That the powers of the Bishop to deal with misconduct by clergy, including sexual misconduct, be broadened considerably

2. That the matter of the powers of the Bishop be placed on the agenda at the next Diocesan Synod with a view to putting in place whatever Ordinance is required to allow the Bishop the power to suspend or terminate a minister’s licence, when such action is manifestly appropriate.

3. That the next Diocesan Synod should consider adopting the current practice of the Diocese of Melbourne, where appointments are made on a basis of limited tenure, of five or ten years duration.

**Recommendations regarding the Sexual Harassment policy and Sexual Harassment response group**

4. That the process of contacting the Sexual Harassment Response group be seen to be more independent of the Church administration than it is currently.

5. That the 1800 number used by the Inquiry be retained so that people can make direct contact with the Sexual Harassment Response group, and not have to go through the Bishop’s secretary.

6. That additional material be written into the document on Principles and Procedures for dealing with sexual harassment, specifically the addition of a procedure which ensures that the complainant and the respondent be kept informed of the progress of the assessment following the making of a complaint. This would include the complainant being advised of the recommendations which the Committee makes to the Bishop.

7. That Principles and Procedures for dealing with sexual harassment be expanded to include guidelines as to what will be done by the Sexual Harassment Response Group to ensure that the parish community, including the victim’s family, are adequately supported whenever a matter of sexual exploitation by the minister or other officers of the Church in that parish comes to light.
Recommendations regarding ethical, professional and personal development for clergy.

8. That discussion on the Code of Clergy Ethics should involve substantial input from the laity and opportunities should be created for clergy and laity together to discuss the Code.

9. That the present Pastoral Care and Ethics Course be extended beyond the present 17 contact hours with the focus on personal development and respect for self.

10. That the current level of funding and resources for the Pastoral Care and Ethics program be examined with a view to ensuring that the program is adequately funded and resourced.

11. That Clergy Peer Review and Support Groups be established throughout the Diocese with meetings to be about every three weeks. Each group should comprise about four or five ministers and have representation from both High and Low Church streams.

12. That the standing agenda for the Peer Review and Support groups include time for discussion of salient personal and professional issues, and also time for matters related to ethics and professional standards.

13. That the Convenors of Peer Review and Support groups take very brief minutes at meetings so that group members can feel free to discuss issues without feeling that their words are to be noted down.

14. That the Convenors of each Peer review and Support group keep in regular contact with their Archdeacon who has overall responsibility for ensuring that groups function harmoniously.

15. That, as part of their continuing professional education, all clergy should develop their counselling skills through a course on Counselling Theory and Practice, with particular reference to boundary violations, power differentials and the like.

16. That Dr. Jim Young, psychologist, be requested to investigate all aspects of how a Counselling Course, with particular reference to pastoral counselling, could be formulated and delivered to clergy throughout Tasmania.
Recommendations regarding youth activities within the Diocese

17. That activities for youth within the Diocese be maintained and expanded. It is important that the Church shows that it will not be daunted by the abusive behaviour of some clergy and others involved in youth leadership over recent years. The community needs good models of beneficial youth activities and the Church is well placed to provide those models now that procedures associated with youth ministry have been improved.

18. That the Camping Code of Practice details what action should be taken where there are concerns that any staff member at camp may be acting in breach of the Code.

19. That children involved in any youth activities within the Church should be clearly educated as to the procedures to be followed if they see or experience any inappropriate behaviour, that is, to tell an adult whom they feel they can trust, and to use the 1800 number to make direct contact with the Sexual Harassment Response group.

20. That at any venue or camp where there is a Church Youth activity, the 1800 number be prominently displayed with a clear message that the right and proper procedure is to report inappropriate sexualised behaviour to the Contact person on that number.

21. That the Camping Policy be amended to show that the final responsibility for staff selection lies with the ACT Committee. This would mean that the Camp Director rather than having responsibility for staff selection, as at present, would merely have some input regarding preferred staff.

22. That any who work in any aspect of the Church’s Youth Ministry should have training in understanding fundamental issues concerning sexual abuse, especially the process of victimisation and factors associated with vulnerability. Their training should also include how to respond appropriately if a child discloses.

Recommendations regarding changes to the Code of Practice for the Protection of Children

23. That the Code make mention of the time frame within which the child or other person reporting will be notified of what steps have been taken to that point.

24. That the Code include the provisions for education of children mentioned in Chapter 9 of this report.
25 That the Code include a passage which states that where there is no evidence of abuse but there is a suspicion that something inappropriate has occurred such information should be recorded in a secure central Church register, and that the register should be checked in relevant situations such as staff selection.

Recommendations regarding the legal perspective

26. Earlier in this report recommendations have been put concerning changes to each of the policies referred to. The changes proposed relate to the investigative phase, determination of misconduct, and sanctions. As apart of those proposals it is recommended that a register be maintained by the Chair of the Sexual Harassment Response Group Committee in which any conduct which has been the subject of a complaint is noted and kept for a period of ten years.

27. In all cases of current child sexual abuse there is a moral obligation on the contact person to notify the Police. In cases of adult sexual abuse or misconduct it is a question for the complainant, but they should not be actively discouraged if this is the course they wish to pursue.

28. In the event that Church authorities become aware of sexual abuse or misconduct they must remember the legal principle of negligence and the duty of care which they owe to other members of their congregation, youth group etc.

Recommendations regarding the named minister who is still active in this Diocese.

29. This man did not appear to express any remorse. At this stage he clearly did not understand the differential in his position as a married minister and that of a girl in her late teens. He will suffer no financial penalty if he is not able to practice as a minister. The right to minister is not an automatic right - it is a privilege. It is the recommendation of the Inquiry that serious consideration be given to either:

   a) suspending his licence until he has completed a course in clerical ethics with particular regard to boundary violations. He should also undertake an extended period of counselling and close supervision of his work in ministry. On satisfactory completion of these conditions his licence could be reinstated, with the provision that he is not to be involved in any ministry with children or teenagers. or
b) in the event that (a) is not a feasible option, for whatever reasons, the Inquiry recommends that the following matters be considered, in accordance with the Principles & Procedures for dealing with Sexual Harassment.

The substance of the complaint was admitted by the respondent.
The complaint clearly involved sexual misconduct and abuse of power,
particularly when one takes the variation in age into account.
The complainant is receiving both supportive and therapeutic counselling.
The complainant indicated that she finds it distressing when attending church to see or hear that the perpetrator is still active in ministry.
The complainant is considering whether she will institute legal proceedings.
The respondent’s version has been outlined elsewhere in this report.
Any recommendation should:
   a) meet the needs of the complainant,
   b) ensure the cessation of any harassing behaviour,
   c) provide any necessary help for the alleged respondent.

At the same time, a message of deterrence must be sent and the Church community must know that breaches of this nature are being taken seriously and will not be tolerated.

Recommendations regarding the named ministers who are in other Dioceses.

30. It is the recommendation of the Inquiry that serious consideration be given to writing a letter to the Bishops of the relevant Dioceses, advising that an Inquiry has been conducted, that the panel are satisfied that there is prima facie evidence of a case to answer, and pending the allegations being put to the person’s named they would not be considered suitable candidates for ministry involving children.

Recommendations regarding the named ministers who are deceased

31. It is the recommendation of the Inquiry that there is no benefit to be served by publicly naming these persons, especially when one considers that it is not possible to give them the opportunity to answer allegations.
References


