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Our Ref: PJR:REB 06-0030

13 December 2007

The Right Rev'd Keith Slater
Bishop of the Anglican Diocese of Grafton
Box 4 P.O.,
GRAFTON, N.S.W. 2460

Dear Bishop,

RE: NORTH COAST CHILDRENS HOME – RICHARD CAMPION

We refer to your letter dated 11 December 2007 in relation to additional materials received from Mr. Richard Campion.

As you are aware, Mr. Campion was formerly represented by Messrs. Nicol Robinson Halletts Solicitors of Brisbane in regard to a proposed group action against the Anglican Diocese of Grafton in relation to some 41 former residents of North Coast Children's home.

Following protracted negotiations between The General Manager, Rev'd Pat Comben and this firm on behalf of the Diocese and Nicol Robinson Halletts on behalf of the claimants, a settlement was reached in consequence of which approximately \$800,000.00 was paid by way of compensation to 39 of the 41 claimants. Mr. Campion and his sister CA declined to participate in the settlement.

The matters raised by Mr. Campion in his latest communications were extensively investigated and debated with Nicol Robinson Halletts during the course of negotiations.

Having perused all the relevant material, Mr. Garth Blake S.C. gave Advice in the following terms:-

1. In the relevant period (between 1942 and 1983) neither the Bishop of the Diocese of Grafton nor The Corporate Trustees of the Diocese of Grafton had any control or responsibility for the management of the North Coast Children's Home. The staff were employed by the Executive of the North Coast Children's Home. Clergy who occupied the office of Chaplain were not employed by The Bishop or The Corporate Trustees. The Corporate Trustees was a bare trustee of land upon which the Children's Home was erected.

The Right Rev'd Keith Slater

13 December 2007

2. There is authority that an Anglican Bishop in New South Wales is not liable for the acts or omissions of predecessors and that the Property Trust of the Anglican Diocese of New South Wales is not liable for the conduct on Church Trust property vested in it.

We would make the following comments in regard to specific allegations raised by Mr. Campion:-

- a. It is suggested by Mr. Tony Madden that in his mind the North Coast Children's Home was under the auspices of the Anglican Church. It was pointed out by Rev'd Geoff Foley in printed notes prepared in relation to the above matter that groups of people can operate under the aegis of the Church in two main ways.
 1. They are formally part of the Church structure and are ultimately controlled by the Church;
 2. They are members of the Church who see a task that needs performing in the tradition and ethos of the Church, who proceed to carry out that task but although using the Church are not controlled by it. The two main missionary bodies of the Anglican Church of Australia demonstrate these two modes of operation: The Australian Board of Missions was established by the Church and is responsible to general Synod; the Church Missionary Society was formed by Anglicans concerned with the missionary task of the Church, draws most of its support from Church members, but is not responsible to the Church authorities.

In the present case, it appears from historical records that concerned Anglicans under the leadership of the then Vicar of Lismore saw a need to care for homeless children and set about meeting that need by establishing a Children's Home at Lismore. As well as actively seeking Anglican support, the Committee also received support from the wider community. The original Committee was a group of concerned citizens operating under a constitution approved by their supporters. The Committee of the Home was independent of the Church, the Diocese and Parish, even though the majority of members were also active in Church administration at Diocese and Parish levels.

- b. It is conceded that the Home is constructed on property owned by The Corporate Trustees of the Diocese of Grafton. As referred to above The Corporate Trustees merely held the property as trustee and were not involved in the control or management of the home. The Home was not located on Church land originally but apparently was relocated to its present address in or about 1936 on what was previously occupied by the Police Department.
- c. Members of the Clergy acted as Chaplain at the Home from time to time but were not appointed by The Bishop.
- d. Clause 19 of the 1951 Constitution provides as follows:-
 "Subject to the provisions of "The Church of England trust Property Act 1917" and any amendment thereof, such Trustees shall hold the real estate of the home vested in them upon trust to permit the same to be used by or on behalf of or for the purposes or benefit of the Home."
- e. Contrary to what is asserted throughout the material, the Diocese has made generous offers of compensation and Pastoral care to the 41 claimants previously referred to. It was Mr. Campion and his sister who declined to participate in the final compensation settlement despite having been the principal protagonists in the matter.

The Right Rev'd Keith Slater

13 December 2007

- f. In regard to the suggestion in letter dated 4 September 2007 from Tony Madden, it is our understanding that the Board of Management of the Children's Home was not appointed by the Anglican Church as contended. In the 1951 Constitution it was declared as follows:-

"6(a) The Home shall be under the control and management of an executive, which shall consist of:-

i. The President, ex-officio

ii. Any number of members, not exceeding nine, who shall be elected by the subscribers in General Meeting. At least two thirds of the members so elected shall be members of the Church of England.

(b) To this Executive the Bishop may appoint four additional members."

We have not attempted to answer every specific allegation. Kindly advise if further assistance is required.

Yours faithfully,
FOOTT, LAW & CO.

Per: 

Peter Roland



The Partners and Staff wish you the compliments of the season and advise that this office will close 21 December 2007 at 1 pm and re-open 7 January 2008 at 8.45 am.