

RC75



COPY

BISHOP OF THE ANGLICAN DIOCESE OF GRAFTON

2 June 2008

Mr Richard Campion

REDACTED

Dear Richard

Greetings in Christ.

As you are aware I am very hesitant to enter into a detailed dialogue with you concerning matters pertaining to the North Coast Children's Home. This is because the matters were extensively canvassed between the lawyers acting for you and CA and the Diocesan Solicitor. The outcome of that dialogue was that no claim for compensation could be initiated by your lawyer with any prospect of success. As a result of your lawyer's views, the Church offered a modest support package - not compensation as this was not payable.

In view of this I wonder what benefit there is in you and I (neither of us being lawyers) now discussing only one of the matters (control of the Home) which are relevant in this complex situation?

However, as you ask in good faith why I believe the Home to be a "community based facility," I respond in that same good faith so we may hear and understand each other. The views that I express are those of a non-lawyer looking at the facts as I understand them, they are not any form of legal rebuttal, but rather an outline of the view that I have come to from the material gathered and passed to your then solicitors two years ago.

1. A Preliminary Matter

Your correspondence regularly discloses a preliminary and fundamental difference between us as to the result or meaning of an Anglican Priest's involvement with another organisation. You quite properly point to the involvement of Anglican clergy in the running of the Home. You then follow this with your belief that this is proof of Church ownership or control.

With the greatest respect one does not follow the other. Anglican clergy and Parishes are involved in many different parts of our community. Anglican Chaplains are appointed to the Defence Force, the Anglican Church does not own the Defence Force. Anglican Clergy are appointed as Chaplains to state schools, we do not own those schools. Anglican Chaplains are employed in hospitals and prisons, we do not own those facilities.

Additionally, many Anglican Clergy are involved with organisations such as Rotary, Amnesty International, charities, or the conservation movement and their religious titles are used within the organisation, but there is no connection between the Church and these organisations.

The Right Reverend Keith Slater
Bishopsholme
35 Victoria Street
PO Box 4 (50 Victoria Street)
GRAFTON NSW 2460

Telephone: (Office) (02)66424122
(Home) (02)66422070
Facsimile: (02)66431814
Email: bishopgraffton@nor.com.au

2528

The consequence is that involvement or association does not prove control or management. We differ on this point. I willingly acknowledge an interest or association of Lismore Clergy and Parish with the Home, but not Church control or management.

2. Early Establishment

I enclose the material sent to your then solicitor some time ago, and which I had always assumed you had seen, but perhaps I am wrong in that?

In the first pages of the material you will see that there was an intention of the Lismore Rector to start a Church Home, but this did not occur. In the italics at the top of page three (3) is the ambiguity which has always been with the Home. The Church (Grafton Diocese) had not accepted any responsibility or funding, but the local people still trying to get it under the authority (and thus funding) of the Diocese were saying its is "a Diocesan institution controlled by a Committee (not a church, but a community committee), and under the guidance of the Church of England." This is clearly ambiguous - designed to show the association and involvement, but this does not show the Diocese being legally responsible. Association or interest does not equal any form of legal liability.

It is not necessary that I continue to show within the documentation the lack of church involvement as you can readily see the number of times when the Home sought "the confidence and support of the Diocese" or financial support. If it was already a Church facility, such pleas would not have been made.

3. Incorporation

As you are aware the present North Coast Children's Home (operating under the name of CASPA) is incorporated under the state *Associations Incorporation Act*.

This is an unheard of happening for a Church organisation because the Church can by a relatively simple process incorporate its own bodies. The *Anglican Church of Australia (Bodies Corporate) Act 1938*, provides for the incorporation of church organisations "for the purposes of managing, governing and controlling institutions and organisations of the Church of England and of holding, managing and dealing with Church Trust Property of the Church of England." This legislation has always been used by the Church to incorporate its bodies as there are no government fees or reporting requirements. If the North Coast Children's Home was an "institution or organisation of the Church of England" why was this legislation not used?

The Buttery at Binna Burra, the Lismore Kindergarten or Pre-School and Anglicare North Coast (with other organisations) are all incorporated under our Act. I know of no other Anglican organisation that was not incorporated using our legislation.

The only reasonable explanation is that the community based committee did not want it to be so incorporated as it would have put it under the control of the Diocese. If it was already properly church controlled it would have been made to use the legislation.

4. The Personal Relationship

On a personal level, one other matter gives me comfort as I look to see if the North Coast Children's Home was Church or community controlled. This is the anecdotes and stories of the ambiguous relationship which has long existed between the Home's Committee and the Church.

Long-term members of the Lismore Parish tell me of the deep desire of the Home's Committee to be close to the Church for funding, but the fierce independence exhibited and stated by the Committee members when matters of control or direction were raised by the Church speak to the contrary. I am told that some of the "discussions" were very heated and absolutely inconsistent with a Church owned or based committee.

This provides to me the practical reality that it was a community based organisation. If it had been Church owned or Church controlled in a real sense, it would not have had such dissent and distancing by the Committee.

5. Conclusion

The above and the attached documents provide the reasons for my understanding of the relationship between Church and Home.

That there was an involvement or association there can be no doubt. That there was no "ownership" is equally beyond doubt.

That the Church used its good offices to facilitate proper licensing for the Home is probably beyond doubt. That the Church has refused Diocesan recurrent funding (as against Parish donations) because it was not a Church owned facility is beyond doubt.

That Anglican Parishioners from Lismore were heavily involved is beyond question. As was the independence exhibited by individuals who fought always to maintain the absolute independence of the Home and its Committee.

I trust that I have answered your questions as to the basis of my views. I am not prepared to enter into continued conversation about these matters as it is likely to take a lot of our time (and of course this is only one of a number of elements in this legal maze).

Perhaps you could also give consideration to addressing the question of the Deed of Release? I notice in a recent letter you sent to the Australian Primate that you had certain concerns as to what my expectations would be. Perhaps when the lawyers are with me I have to have certain expectations, but at present I seek only a way forward and believe that a much modified form of words might be acceptable to both of us. (By way of explanation - the lawyers for both sides seemed to agree that undertaking legal proceedings was pointless because of the Statute of Limitations, delegated responsibility questions, lack of a clear defendant, evidential matters and the question of ownership, if this is so I may have room to move and consequently be able to accept something more akin to a receipt and an undertaking not to sue). Consequently if you are able to respond in some way I believe there might be a way for us to reach agreement.

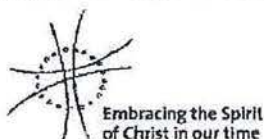
I sincerely hope that we may be able to reach agreement.

Blessings



The Right Reverend Keith Slater
Bishop of the Diocese of Grafton

The Right Reverend Keith Slater
Bishopsholme
35 Victoria Street
PO Box 4 (50 Victoria Street)
GRAFTON NSW 2460



Telephone: (Office) (02)66424122
(Home) (02)66422070
Facsimile: (02)66431814
Email: bishopgraffton@nor.com.au