Royal Commission
into Institutional Responses
to Child Sexual Abuse

Statement

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Occupation: Archbishop of Sydney

Date: 18 January 2016

BACKGROUND

1. This statement made by me accurately sets out the evidence that I am prepared to give to the Royal Commission into Institutional Responses to Child Sexual Abuse. The statement is true and correct to the best of my knowledge and belief.

2. I understand that the Royal Commission into Institutional Responses to Child Abuse is examining the responses of several dioceses of the Anglican Church to allegations of child abuse, and more generally the development of professional standards at the national and diocesan level since 1990. I have prepared this statement in response to a request from the Solicitor Assisting the Royal Commission, by letter dated 2 November 2015, for a statement addressing various matters relating to the Royal Commission’s consideration of these issues.

3. In addition to addressing the specific questions I have been asked by that letter to address, I also provide some background information relevant to those issues.

4. I have been the Archbishop of Sydney since August 2013. I started my career as a schoolteacher, before being a parish minister and then a lecturer in Biblical Studies at Moore Theological College Sydney. After gaining a PhD from Sheffield University I returned to Moore College as a lecturer and later also as Registrar of the College. From there I returned to parish ministry, before being consecrated as the Bishop of North Sydney in 2001. I remained in that position until my election as Archbishop by the Sydney Synod of the Anglican Church in 2013.

5. As Archbishop, I am responsible for providing spiritual leadership to the Diocese of Sydney. I am the episcopal head of the Diocese but the Diocese is governed by the Synod of the Diocese of Sydney. My functions include teaching, providing pastoral care, appointing and licensing clergy to ministry positions and authorising lay ministers. As Archbishop, I am also the President of the Sydney Synod and of the Synod’s Standing Committee (both of which are described in more detail below) and a member of a number of diocesan organisations. I am
also involved with, and very committed to, assisting those facing social and economic hardship, mental health problems and requiring refugee settlement assistance, and promoting local and overseas community development.

6. There are three sources for the information contained in my statement. The first is my own personal knowledge, based on my experience. The second is information that has been obtained on my behalf, including from staff in the Sydney Diocesan Secretariat, the Professional Standards Unit and the Sydney Registry of the Diocese, which I believe to be true. The third is records held by the Sydney Diocesan Secretariat, including those in its archives.

7. Exhibited to me at the time of signing this statement are documents to which I refer in my statement. These documents have been drawn from documents produced to the Royal Commission by the Diocese of Sydney. When I refer to a document in this statement, I do so by reference to the document identification number allocated to the document by the Royal Commission.

APOLOGY

8. Sometimes I have the privilege of meeting with survivors of abuse within the Anglican Church, to listen to their stories and to say how sorry I am. It is an honour to be trusted to listen to their retelling of past events. I would well understand if survivors of abuse in our Church never trusted a minister again, given their account of the abuse they suffered from those who should have been protecting them from harm, rather than inflicting harm.

9. When I listen to the stories of survivors, I am deeply saddened at the betrayal of trust by those who were in positions of power and who should have been trustworthy. I am deeply saddened at the anguish and pain that abuse in all its terrible forms causes. I am also deeply saddened at the often life-long effects of abuse on survivors, with lasting effects upon their families and other relationships. Their sense of safety and ability to trust, their mental, emotional and physical health, and their career prospects and faith, are often damaged beyond human repair.

10. I acknowledge the devastating effects of child abuse within the Anglican Church and sadly within the Diocese of Sydney. I acknowledge that the impact of the evil of child abuse is deep and lasting. I offer an unreserved apology to survivors of abuse where the abuse has occurred in our Diocese. I also apologise unreservedly for the terrible impacts of the abuse, upon the
family and friends of survivors who have also suffered from the effects of the abuse. At the conclusion of my meetings with survivors, I ask the survivor if I may pray for them and even though some are people of no faith, the offer has been welcomed and well received on every occasion.

11. As at the date of signing this statement, the brief of evidence for the Royal Commission's Case Study 36 (concerning the response of the Church of England Boys' Society and the Anglican Dioceses of Tasmania, Adelaide, Sydney and Brisbane to allegations of child sexual abuse) has not been served. When the brief is served, I will read and carefully reflect on individual survivors' stories.

STRUCTURE, LEADERSHIP AND GOVERNMENT

12. Before turning to the specific questions that I am asked to address, I outline below in general terms the structure of the Anglican Church in Australia (including in New South Wales) and how the Diocese of Sydney operates, in terms of leadership and governance. This information provides important context to the questions I am asked to address by the Royal Commission.

A. The Structure of the Anglican Church

13. In New South Wales, the Anglican Church of Australia is constituted under the *Anglican Church of Australia Constitutions Act 1902 (NSW)* ("the 1902 Constitutions"), a true copy of which is identified by '[STAT.0819.001.0051]'. Other legislation was passed in the following years, to deal with such things as the administration of trusts on which property is held for the purposes of each diocese in New South Wales (Anglican Church of Australia Trust Property Act 1917 (NSW)) ("the 1917 Act") and the creation of bodies corporate (Anglican Church of Australia (Bodies Corporate) Act 1938 (NSW)) ("the 1938 Act"), a true copy of which is identified by '[STAT.0819.001.0378]'.

14. A national constitution for the Anglican Church of Australia was agreed in 1961. It came into effect in 1962 through enabling legislation in similar, but not identical, terms passed in various jurisdictions that annexes the Constitution as a schedule. In New South Wales, the enabling legislation was the *Anglican Church of Australia Constitution Act 1961 (NSW)* ("the 1961 Constitution"), a copy of which is identified by '[ANG.0180.001.0003]'. These constitutions provided for a General Synod for the Anglican Church of Australia.
15. The 1961 Constitution provides in s. 7 that the diocese continues to be the unit of organisation of the Church. In this respect, and pursuant to s. 30, canons of the General Synod which affect “order and good government” in a diocese or the property of a diocese do not have effect in that diocese unless they are adopted by an ordinance of that diocese. The Constitution also expressly recognises in s. 51 that diocesan synods may make ordinances for the order and good government of the Church within the diocese subject to the constitution of such diocese. Resolutions of the General Synod are not binding on a diocese.

16. The Anglican Church of Australia is also divided into provinces, each of which has a Synod called a Provincial Synod. The Province of New South Wales covers the area of the State of New South Wales and also includes the Australian Capital Territory. The Province of New South Wales consists of the dioceses of Sydney, Newcastle, Grafton, Armidale, Canberra & Goulburn, Bathurst and the Riverina.

17. The Archbishop of Sydney is the Metropolitan of the Province of New South Wales and presides at sessions of the Provincial Synod of New South Wales. (The term “Metropolitan” is used to describe the head of a province. Metropolitans are generally referred to by the designation “Archbishop”).

B. Leadership and Government of the Diocese of Sydney

18. As the Archbishop, I am the episcopal head of the Diocese of Sydney and have the primary leadership role for the Diocese. I am assisted by five Assistant Bishops, who are each responsible for one of the five geographical regions of the Diocese. The Assistant Bishops also have other particular responsibilities depending on their knowledge and skills.

19. The Synod is the parliamentary body of the Diocese and meets annually or at such other times as it may determine. The Synod makes ordinances for the order and good government of the Diocese, which are binding on members of the Church in so far as they affect property. An ordinance will only come into effect if it receives the assent of the Archbishop, and the Archbishop can withhold assent to an ordinance (but otherwise has no law-making power). The Synod also passes resolutions to express its mind on matters of policy. The Standing Committee of Synod generally exercises the powers and functions of the Synod when it is in recess (subject to some exclusions).
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20. In terms of leadership and government, it is often said within the Diocese that it is “episcopally led and synodically governed”; that is, leadership within the Diocese comes from the Bishops, in particular the Archbishop, and government within the Diocese comes from the Synod, the Diocesan parliamentary body.

21. In terms of administration, the central administration of the Diocese is the joint responsibility of the Archbishop’s Office, the Diocesan Registry, the Anglican Church Property Trust Diocese of Sydney, the Sydney Diocesan Secretariat and the Glebe Administration Board. The Sydney Diocesan Secretariat provides accounting, legal, financial and secretarial services to the Synod and Standing Committee, and to various other bodies of the Diocese.

22. Having set out this background, I turn now to the specific questions I am asked to address. Unless indicated otherwise by the headings below, I have followed the structure of the detailed questions set out in Schedule A to the letter from the Solicitor Assisting the Royal Commission dated 2 November 2015. For ease of reference a true copy of that letter is identified by [STAT.0819.001.0001].

OVERVIEW OF THE DIOCESE OF SYDNEY

23. The Diocese of Sydney was established by Letters Patent on 25 June 1847, with effect from 1 January 1848. The predecessor of the Diocese of Sydney was the Diocese of Australia, which was established by Letters Patent on 18 January 1836.

24. The Diocese of Sydney is located in the Province of New South Wales. The other dioceses in the Province are the Diocese of Canberra and Goulburn, the Diocese of Riverina, the Diocese of Bathurst, the Diocese of Newcastle, the Diocese of Armidale and the Diocese of Grafton.

25. As at 4 November 2015, there were 271 parishes in the Diocese of Sydney.

26. Records are not kept of the number of church members in the Diocese of Sydney. However, during the 2014 calendar year, the weekly average service attendance that was reported by churches in the Diocese was 47,806. Because not all church members attend church each weekend, the actual number of members of the Church in the Diocese of Sydney would be greater than this.

27. As at 4 November 2015 there were 960 clergy holding a licence from the Archbishop of Sydney.
28. All property of the Anglican Church in the Diocese of Sydney is held on trust by a body corporate or private trustees on trust for the general or specific purposes of the Church in the Diocese.

29. The Glebe Administration Board, a body corporate created under the 1938 Act, is the trustee of the Diocesan Endowment Trust ("DET") which is a fund held on trust for the purposes of the Anglican Church in the Diocese of Sydney. The property of the DET is invested in a range of different asset classes, and the Glebe Administration Board advises the Standing Committee of the amount that may be prudently distributed from the fund each year, to be applied for such purposes of the Church as the Synod determines by ordinance.

30. As at 31 December 2014 (that is, the last day of the financial year to which the most recent audited accounts relate), the gross assets of the DET were $262.7 million. The DET had liabilities of $119.4 million, consisting primarily of deposits taken from other diocesan organisations, parishes and supporters of the Church. Accordingly, as at 31 December 2014, the net assets of the DET were $143.3 million.

31. Of the net assets of the DET, as at 31 December 2014 the net cash position was negative $1.845 million (made up of total cash, short term deposits and short term loans minus total deposit liabilities). However, in addition, a total of $59.9 million was held by the DET in assets which could be readily converted to cash (made up of holdings in managed funds which invest in shares and debt securities).

32. I have been asked to describe the general relationship between the Diocese and parish asset holdings. The answer is that property held for the purposes of a parish is generally held, as recorded in the various property ordinances referable to each parish, by the corporate trustee of the Diocese, the Anglican Church Property Trust Diocese of Sydney (a body corporate created by the 1917 Act), a true copy of which is identified by "[STAT.0819.001.00017]". Parish property does not form part of the property of the DET. Similarly, property held for the purposes of an incorporated diocesan organisation is generally held by that organisation, and does not form part of the property of the DET.
GOVERNANCE OF THE ANGLICAN CHURCH, DIOCESE OF SYDNEY

A. Office-holders from 1 January 1990

33. I am next asked to set out the names, employment status, and periods of appointment of the people occupying specified positions in the Diocese between 1 January 1990 and 2 November 2015. I address each position in turn.

34. The Bishop of the Diocese of Sydney is called the Archbishop. The Archbishop of Sydney is an officeholder and receives a stipend and allowances. The Archbishop is elected by the Synod of the Diocese and generally remains in office until a retirement age that is determined by ordinance. The Archbishops of the Diocese of Sydney since 1 January 1990 and their periods of service (in chronological order from their dates of election), are:

(a) The Most Rev Donald William Bradley Robinson AO: from 24 April 1982 to 31 January 1993;
(b) The Most Rev Richard Henry (Harry) Goodhew AO: from 29 April 1993 to 19 March 2001;
(c) The Most Rev Dr Peter Frederick Jensen: from 29 June 2001 to 11 July 2013; and
(d) I was inaugurated Archbishop on 23 August 2013, and continue to hold that office.

35. Assistant Bishops in the Diocese of Sydney are officeholders and receive a stipend and allowances. They are appointed by the Archbishop with the consent of the Standing Committee, and hold office for the period specified in the authority issued by the Archbishop or, if no period is specified, for an indefinite term, subject to a retirement age determined by ordinance. The Assistant Bishops in the Diocese of Sydney since 1 January 1990 and their periods of service (in chronological order from their dates of consecration), are:

(a) The Right Rev Kenneth Herbert Short AO: from 2 May 1982 to 31 January 1989 and from 1 June 1993 to 20 September 1993 (deceased);
(b) The Right Rev Richard Henry (Harry) Goodhew AO: from 29 June 1982 to 28 April 1993;
(c) The Right Rev Ewan Donald Cameron: from 1 January 1983 to 31 March 1990;
(d) The Right Rev John Robert Reid: from 1 January 1983 to 15 July 1993 (deceased);
(e) The Right Rev Dr Paul William Barnett: from 1 May 1990 to 31 December 2001;
(f) The Right Rev Brian Franklin Vernon King: from 21 September 1993 to 31 January 2003 (deceased);
(h) The Right Rev Peter Robert Watson: from 21 September 1993 to 13 May 2000;
(i) The Right Rev Raymond George Smith: from 1 November 1993 to 31 December 2001;
(j) The Right Rev Robert Charles Forsyth: from 13 June 2000 to 31 December 2015;
(k) The Right Rev Peter John Tasker: from 1 January 2002 to 7 June 2009;
(l) The Right Rev Ivan Yin Lee: from 1 February 2003 to date;
(m) The Right Rev Alan James Stewart: from 30 March 2007 to 31 January 2010;
(n) The Right Rev Peter Lindsay Hayward: from 13 April 2010 to date;
(o) The Right Rev Christopher Edwards: from 5 May 2014 to date;
(p) The Right Rev Peter Robert Lin: from 20 July 2015 to date; and

I also held the position of Assistant Bishop for North Sydney, from 1 January 2002 to 4 May 2014.

36. The Chancellor is appointed by the Archbishop and holds office at the pleasure of the Archbishop. The Chancellor, whose role is voluntary, is the Archbishop's principal advisor in legal and related matters. From time to time, the Chancellor may also provide advice to Synod, Standing Committee and other Diocesan agencies as required.

37. The Chancellors of the Diocese of Sydney since 1 January 1990 (in chronological order from the date of appointment), are:

(a) The Hon Kenneth Robert Handley AO QC: from 31 March 1980 to 9 December 2003;
(b) Mr Christopher Michael Orpwood QC: from 9 December 2003 to 15 December 2005 (deceased);
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(c) The Hon Peter Rex Grogan (Acting Chancellor): from 21 December 2005 to 21 March 2006 (deceased);

(d) The Hon Peter Rex Grogan: from 27 March 2006 to 12 June 2008 (deceased);

(e) Dr Robert Tong AM (Acting Chancellor): from 13 June 2008 to 26 October 2008;

(f) Mr Peter Johns: from 27 October 2008 to 31 October 2011 and from 9 November 2011 to 11 July 2013; and

(g) Mr Michael Kingsley Meek SC: from 23 August 2013 to date.

38. Deputy Chancellors are appointed by the Archbishop and hold office at the pleasure of the Archbishop. Like the Chancellor, this is a voluntary role. The Deputy Chancellor acts in the absence of the Chancellor, and otherwise assists the Chancellor in fulfilling their duties. The Deputy Chancellors of the Diocese of Sydney since 1 January 1990 (in chronological order from the date of appointment), are:

(a) Dr Robert Tong AM: from 31 March 2009 to date (Dr Tong was the inaugural Deputy Chancellor);

(b) Mr Michael Kingsley Meek SC: from 18 December 2012 to 22 August 2013; and

(c) Mr Michael Easton: from 23 August 2013 to date.

39. The role of Registrar/General Manager in the Diocese of Sydney is fulfilled by three positions: the Registrar, the Diocesan Secretary and the Chief Executive Officer of the Sydney Diocesan Secretariat. Details of each position follow:

(a) The Registrar is appointed by the Archbishop. Generally the Registrar is also an employee of Sydney Diocesan Secretariat. The Registrars of the Diocese of Sydney since 1 January 1990, in chronological order from their dates of appointment, are:

   (i) The Right Rev Ewan Donald Cameron: from 1 April 1990 to 31 July 1993;

   (ii) The Venerable Walter Stanley Skillicorn: from 1 August 1993 to 1 February 1997;
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(iii) The Venerable Peter James Robert Smart: 1 February 1997 to 31 December 2001;

(iv) Dr Philip Ashton Selden: from 1 January 2002 to 31 October 2013; and

(v) Mr Douglas Stewart Marr: from 1 November 2013 to date.

(b) The Diocesan Secretary is appointed by Standing Committee, and is responsible for the administration of Synod, Standing Committee (being the Diocesan Council of the Anglican Diocese of Sydney) and their various sub-committees. Generally the Diocesan Secretary is an employee of the Sydney Diocesan Secretariat. Diocesan Secretaries of the Diocese of Sydney since 1 January 1990, in chronological order from their dates of appointment, are:

(i) Mr Warren George Stafford Gatley: from 1973 to 17 November 1997 (deceased);

(ii) Mr Mark Andrew Payne: from 17 November 1997 to 13 December 2004; and

(iii) Mr Robert James Wicks: from 13 December 2004 to date.

(c) The Chief Executive Officer of the Sydney Diocesan Secretariat is an employee of, and is subject to employment arrangements determined by, the Secretariat. The Sydney Diocesan Secretariat is a body corporate that operates the central administration of the Anglican Church, Diocese of Sydney. The Chief Executive Officers of the Secretariat since 1 January 1990, in chronological order from their dates of appointment, are:

(i) Mr David John Fairfull: from May 1991 to July 2001;

(ii) Mr Rodney Stuart Dredge: from August 2001 to July 2007;

(iii) Mr Steven George McKerihan: from July 2007 to April 2010 (deceased); and

(iv) Mr Mark Andrew Payne: Acting CEO from February 2010 to November 2010 and substantively appointed from November 2010 to date.

40. The Director of Professional Standards is appointed by the Archbishop. The Director has responsibility for the maintenance of professional standards of clergy and church workers, and is the Chief Executive Officer of the Safe Ministry Board (which is tasked with ensuring that
safe ministry, child protection and child abuse issues are properly dealt with throughout the Diocese through the development and review of practices and policies in these areas). The Director also has overall responsibility for the Professional Standards Unit and is responsible for the day-to-day administration of the complaints and discipline process for clergy and church workers.

41. The Directors of Professional Standards since 1 January 1990, in chronological order from their dates of appointment, are:

(a) Mr Philip Charles Gerber: from 22 May 2000 to 3 July 2009;

(b) Mr Glenn Robert Murray: from 19 August 2009 to 13 September 2011; and

(c) Mr Lachlan Charles Bryant: from 16 January 2012 to date.

42. The Chair of the Professional Standards Committee is appointed by the Archbishop-in-Council (the term used when the Archbishop takes advice from the Standing Committee), and holds office at the pleasure of the Archbishop-in-Council. This role is voluntary. The Chairs of the Professional Standards Committee since 1 January 1990, in chronological order from their dates of appointment, are:

(a) The Venerable Deryck Howell: from 26 March 2007 to 27 March 2011;

(b) Mr Alan Lucas: from 28 March 2011 to 7 December 2014; and

(c) Mrs Jacqueline Dawson: from 8 December 2014 to date.

43. There is no position of “Diocesan Solicitor” in the Diocese of Sydney. From time to time, various firms are appointed to advise the Diocese on legal matters relating to child sexual abuse.

44. Since 2006, the Diocese of Sydney no longer appoints a Diocesan Advocate. This is because the Synod abolished the position by repealing the Tribunal Ordinance 1962 (and at the same time, enacted the Discipline Ordinance 2006, a true copy of which is exhibited below under the heading “National Approaches: Professional Standards and Inter-Diocesan Cooperation”). The abolition of the position permits more flexibility in appointing suitable counsel for specific cases. When the Diocese did have a Diocesan Advocate, the officeholder represented the Diocese in disciplinary proceedings for clergy and other church workers (a role that is now
fulfilled by various barristers, appointed from time to time). The Diocesan Advocates since 1 January 1990 were:

(a) Dr Neil Matheson Cameron: from 1980 to 1995; and

(b) Mr Garth Owen Blake SC: from 1996 to 2004.

The position was vacant from 2004 until its abolition in 2006.

45. The Deputy President of the Diocesan Tribunal and Disciplinary Tribunal is appointed by the Archbishop and holds office at the pleasure of the Archbishop. This is a voluntary role. The Presidents and Deputy Presidents of both Tribunals since 1 January 1990, in chronological order, are:

(a) The President: the Archbishop of Sydney (as set out above, from time to time);

(b) The Deputy President:
   (i) The Hon Peter Rex Grogan: dates to be advised (now deceased);
   (ii) Mr Andrew Philip Frank: from 4 September 2008 to 22 April 2014; and
   (iii) The Hon Peter Wolstenholme Young AO QC: from 22 April 2014 to date.

46. The trust established to manage the real property of the Diocese of Sydney is the Anglican Church Property Trust. Members of that trust are appointed pursuant to the 1917 Act and are elected by the Synod of the Diocese of Sydney. All members of the trust, except the Archbishop (who is an ex officio member), serve in a voluntary capacity. Members of the trust since 1 January 1990, in chronological order from their dates of appointment, are:

(a) The Archbishop (as set out above, from time to time);

(b) Mr Neville Malone: from before 1 January 1990 to 25 February 1991 (deceased);

(c) The Right Rev Ewen Donald Cameron: from before 1 January 1990 to 31 May 1993;

(d) The Rev Graham Leslie Harrison: from before 1 January 1990 to 11 October 1993;

(e) Mr Ian Briggs: from before 1 January 1990 to 9 October 1995;

(f) The Rev David Graham Davis: from before 1 January 1990 to 18 October 1996;
(g) Mr Graeme L Herring: from before 1 January 1990 to 10 September 2001;
(h) Mr Warwick J Lewarne: from before 1 January 1990 to 26 October 2001;
(i) Mr Glynn N Evans: from before 1 January 1990 to date;
(j) Dr Robert Tong AM: from before 1 January 1990 to date;
(k) Mr David John Fairfull: from 27 May 1991 to 7 March 2002;
(l) The Venerable Walter Stanley Skillicorn: from 28 June 1993 to 20 March 2001;
(m) Dr Lindsay Malcolm Stoddart: from 11 October 1993 to 17 February 2006;
(n) Mr Peter Edward John Rusbourne: from 20 November 1995 to date;
(o) The Venerable Peter James Robert Smart: from 14 October 1996 to 30 April 2009;
(p) The Rev Dr Grant Melville Bell: from 28 May 2001 to 17 December 2002;
(q) Mr Gregory J Bridge: from 26 October 2001 to 31 May 2011;
(r) Mr Richard John Neal: from 26 October 2001 to date;
(s) Mr David John Nelson: from 18 February 2002 to date;
(t) Mr Rodney Stuart Dredge: from 29 April 2002 to 15 June 2007;
(u) The Rev Christopher James Moroney: from 24 March 2003 to 5 August 2004;
(v) The Rev Craig Walter Roberts: from 13 December 2004 to 27 February 2015;
(w) The Rev Phillip James Colgan: from 1 May 2006 to 18 March 2010;
(x) Mr Ian William Pike: from 23 July 2007 to 31 August 2010;
(z) The Rev Canon Christopher Anthony Allan: from 3 May 2010 to date;
(aa) Mrs Melinda Gai West: from 28 March 2011 to date.
(bb) The Rev Andrew Robert Bruce: from 2 May 2011 to date;
(cc) Mr Roger Zachary Albert Collison: from 25 July 2011 to date; and
(dd) The Rev David Ould: from 20 April 2015 to date.

B. The Function, Composition and Legal Status of Specified Groups

47. I am next asked to address the function, composition and legal status of the Bishop-in-Council or the Diocesan Council, the Board of Trustees established to manage the real property of the Diocese and the Synod of the Diocese of Sydney. I address each in turn below.

B1. The Diocesan Council

48. In the Diocese of Sydney, the Diocesan Council is the Standing Committee of the Synod of the Diocese. When the Archbishop takes advice from the Standing Committee, they are together referred to as the “Archbishop-in-Council”. The Standing Committee is an unincorporated body constituted by the Standing Committee Ordinance 1897 (“the 1897 Ordinance”), a true copy of which is identified by ‘[STAT.0819.001.0033]’. During Synod’s recess, the Standing Committee has delegated authority to perform certain functions and do such things as are set out in cl. 5 of the Delegation of Powers Ordinance 1998, a true copy of which is identified by ‘[STAT.0819.001.0039]’.

49. The Standing Committee has 51 members, in accordance with cl. 1A of the 1897 Ordinance.

50. The Standing Committee’s main functions, pursuant to, inter alia, the 1897 Ordinance and the Delegation of Powers Ordinance 1998, are:

(a) Making arrangements, preparing and proposing business for the Synod and printing a report of Synod proceedings;

(b) Defraying the expenses of the Synod and the Standing Committee and paying other sums authorised by the Synod;

(c) Being a council of advice to the Archbishop;

(d) Agreeing to the appointment of assistant bishops;

(e) Considering and reporting upon any matter which the Synod refers to the Standing Committee and carrying out the resolutions of the Synod;
(f) Deliberating and conferring on matters affecting the interests of the Church that are within the jurisdiction of the Synod;

(g) Making enquiries, communicating with Government and other persons and presenting petitions and addresses to Government or others;

(h) Making ordinances;

(i) Having custody of all books, documents or other property of the Synod and all other property belonging to the Church in the Diocese of Sydney not vested in any other body or person; and

(j) Exercising other powers prescribed by the Synod (for example, giving policy directions to the Property Trust and the Secretariat, filling casual vacancies on various committees to which the Synod makes appointments and preparing income and expenditure ordinances).

B2. The Property Trust

51. The Anglican Church Property Trust Diocese of Sydney ("the Property Trust") is the corporate trustee of the Diocese. It is constituted as a body corporate under the 1917 Act.

52. The Property Trust’s function is to act as the corporate trustee with respect to all church trust property vested in it, in accordance with the powers and authority given by applicable ordinances of the Synod or of the Standing Committee. The 1917 Act provides that the Archbishop is a ex-officio member of the Property Trust. The Anglican Church Property Trust Diocese of Sydney Ordinance 1965, a true copy of which is identified by \[STAT.0819.001.0043\], provides for 10 other members, at least 3 of whom are to be clergy and at least 5 of whom are to be laity.

B3. The Synod

53. The Synod of the Diocese of Sydney is an unincorporated body constituted by cl. 1 of the Schedule to the 1902 Constitutions. As set out above, the Synod is the governing body for the Anglican Diocese of Sydney.

54. By cl. 2(1) of the 1902 Constitutions, the Synod may make ordinances upon and in respect of all matters and things concerning the order and good government of the Anglican Church of
Australia and the regulation of its affairs within the Diocese. These powers are subject only to
the provisions of the 1961 Constitution and any other Act in force in New South Wales.
Further powers are given by other clauses of the 1902 Constitutions, by the 1961 Constitution
and by the 1917 Act and the 1938 Act. Apart from ordinances, the Synod can express its mind
by passing resolutions which become an expression of the opinion of a majority of those
present and voting at the time.

55. The Synod consists of approximately 790 members in accordance with the Synod Membership
Ordinance 1995, a true copy of which is identified by '[STAT.0819.001.0057]'.

C. Deacons, Priests and Bishops

56. The Book of Common Prayer is the name given to the prayer book used by the Anglican
Church, including in the Diocese of Sydney, and the Ordinal is the section of the Book of
Common Prayer that addresses the ordination and consecration of deacons, priests (also
known as presbyters) and bishops. The responsibilities of deacons, priests and bishops are
defined in general terms by the Ordinal in the Book of Common Prayer. A true copy of the
Ordinal is identified by '[STAT.0819.001.0075]'.

57. In addition to the general responsibilities defined in the Ordinal, the specific responsibilities of
deacons, priests and bishops are defined in consultation with their parish, region or
organisation.

58. The theological training and qualifications required for ordination as a deacon or priest in the
Diocese of Sydney are described in the Ordination Policy, which provides that:

Ordination is the responsibility of the Archbishop of Sydney and while he may
choose whom he may ordain, he has determined the following minimum
qualifications for ordination in the Diocese of Sydney.

1. Ordination to the Diaconate is a lifelong vocation open to men and women
who:
   (a) have successfully completed at least two years of observation and
       supervision in ministry, and discernment as a candidate for
       ordination;
   (b) are baptised, communicant members of the Anglican Church of
       Australia;
   (c) have satisfactorily completed the Working with Children Check and
       the Diocesan Questionnaire;
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(d) have normally completed the four year Bachelor of Divinity at Moore Theological College;

(e) have an appointment to a full-time (or substantially full-time) pastoral ministry position; and

(f) are neither divorced nor married to a person who has been divorced.

Exceptions to paragraph 1(d) above may apply to:

(i) those who are over the age of 40 years and have completed the three year Bachelor of Theology at Moore Theological College; and

(ii) those who are not seeking to be further ordained as a Presbyter and who have completed at least the two year Associate Degree in Theology at Moore Theological College, or the Advanced Diploma of Theology at Youthworks College, or a theological degree in a language (other than English) and have completed the Moore College PTC. However, such deacons will not be ordained Presbyter without completing the requisite study.

2. Ordination to the Presbyterate is open to men who have been ordained Deacon in the Diocese of Sydney, who:

(a) have successfully completed the three year Ministry Development Program; and

(b) have an appointment to a full-time (or substantially full-time) pastoral ministry position; and

(c) have successfully completed at least two years of observation and supervision as a Deacon and discernment by the Archbishop's Presbyteral Panel as a candidate for ordination.

59. In order to be ordained, a candidate for ordination must have a full time (or substantially full time) pastoral ministry position to take up after their ordination. A candidate is ordained to one of the three orders: that is, as a deacon, priest or bishop. After ordination to a specific ministry position, such as deacon, priest or bishop, the Archbishop has the power to grant licences to the clergy. The licence authorises ministry in accordance with one of the three orders.

60. Deacons may be appointed and licensed by the Archbishop to the office of Assistant Minister in a parish. Presbyters may be appointed and licensed by the Archbishop to either the office of Assistant Minister or rector of a parish. Deacons and presbyters may also be appointed to non-parish positions by diocesan and other organisations, for example as school chaplains or as staff at Moore Theological College.
61. The Archbishop has the power to grant a licence to a member of clergy. However, the power of the Archbishop to suspend or revoke a licence is restricted by cl. 3(4) (previously Art. 21) of the 1902 Constitutions, set out in the Schedule to the Constitutions Act Amendment Act 1902. Clause 3(4) provides that licences can be suspended or revoked at a clergyman's own discretion or as the Synod determines by ordinance, following an opportunity for the clergyman to show cause, or as a consequence of a judgment or finding of a tribunal or other court of competent jurisdiction.

62. Bishops may be appointed, with the agreement of the Standing Committee, by the Archbishop to the office of Assistant Bishop to perform episcopal acts as required. The Archbishop has delegated shared responsibility to his Assistant Bishops for things such as ordaining deacons to the presbyterate and issuing authorities for lay ministry. Since 1995, in the Diocese of Sydney each bishop so appointed (known as an Assistant Bishop) also holds the office of Regional Bishop and has episcopal responsibilities for one of the 5 regions of the Diocese.

63. Most deacons, presbyters and bishops who retire from holding specific ministry positions in the Diocese are granted a general licence by the Archbishop, to enable them to continue to perform the duties of a deacon or presbyter in parishes at the invitation of the local rector.

D. Corporate Entities to Respond to Legal Claims

64. No corporate entities have been created in the Diocese of Sydney to respond to legal claims arising from allegations of child sexual abuse. The Diocese of Sydney aims to respond to claims in a constructive manner regardless of whether the entities named as defendants are proper defendants. To the best of my knowledge no plaintiff in litigation against the Diocese has experienced any apparent disadvantage due to the absence of a proper defendant that is a body corporate.

THE CHURCH OF ENGLAND BOYS' SOCIETY

65. I have been asked to address the nature of any past and/or present relationship between the Anglican Diocese of Sydney and any branch or State Diocesan Council of the Church of England Boys' Society ("CEBS"), and/or the Anglican Boys' Society.

A. Overview of CEBS Nationally

66. By way of background, I set out below a brief overview of CEBS.
67. The Church of England Boys' Society operates nationally as “CEBS – The Anglican Boys' Society (Australia) Incorporated", but is commonly known as “CEBS". Its activities are generally conducted under the management and control of associations that have been registered throughout Australia.

68. The Constitution of “CEBS – Anglican Boys' Society (Australia) Incorporated" provides under the heading “Part 3 – Administration" that there shall be an Australian Council of the Society that consists of:

(a) A President (who by cl. 11 of the Constitution is to be the Primate of the Anglican Church of Australia), Vice-Presidents, Chairman, Secretary and Treasurer;

(b) Two representatives of each State Council and each Diocesan Council of the Society;

(c) One full-time Officer of the Society from each Diocese with the approval of the Council of that Diocese;

(d) Such other Officers as the Australian Council may appoint within the terms of the Constitution; and

(e) One member of GFS, “an Anglican Ministry accredited by the National Chairman of that Society" (previously known as the “Girls' Friendly Society”).

A true copy of that Constitution, Appendices and By Laws (incorporating amendments to 2 April 2000) is identified by '[STAT.0819.001.0089]'.

69. The functions of the Australian Council, by cl. 13 of the Constitution, are to:

(a) Administer the affairs of the Society on a national level, and decide all matters of a national character;

(b) Interpret the Constitution; and

(c) Control the procurement and distribution of badges, insignia, certificates and other effects of a national character.
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B. CEBS in New South Wales

70. The first constitution of the body then known as the “Church of England Boys’ Society – Diocese of Sydney” (“CEBS Sydney”) appears to have been adopted on 22 May 1945, though CEBS Sydney records held in the Diocesan Archives indicate that CEBS may have been active in the Diocese of Sydney as early as 1932.

B1. The 1977 CEBS Sydney Constitution

71. The earliest constitution for CEBS Sydney that has been located by the Diocese of Sydney, is a version that incorporates amendments made on 26 March 1977 and 3 May 1977 (“the 1977 CEBS Sydney Constitution”). A true copy of that Constitution as amended is identified by '[STAT.0819.001.0101]'.

72. The 1977 CEBS Sydney Constitution relevantly provides that:

(a) CEBS Sydney is to operate under the Australian Constitution of CEBS (cl. 1.1);

(b) A Branch consists of members or associate members (or both), and shall be attached to a parish church, or district, provisional parish or provisional district, or new housing area being formed with the consent of the “incumbent” and the Executive of the Society. (The term “incumbent” is an ecclesiastical term for a member of the clergy who has primary administrative, pastoral and liturgical responsibilities in a parish or congregation. The word “rector” is most commonly used today in the same context) (cl. 5.1);

(c) The administration of a Branch is to be conducted by a Committee consisting of the incumbent (or his nominee), the leaders of the Branch, the Branch Secretary, the Branch Treasurer and other members according to the number set by the Branch (cl. 6.1);

(d) The policy of the Branch is to be “under the direction of the Incumbent, who shall have the power to veto any decisions of the Committee”, and Branches may form their own rules and regulations provided they are not inconsistent with the Constitution or any regulation issued by the Executive (cl. 6.2 and 6.3);
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(e) The Branch Governor is to be appointed by the incumbent, and the Governor is to appoint assistant leaders with the approval of the incumbent (cl. 6.4);

(f) Registered Branches may be formed into a District (cl. 7.1). The members of a District Council include the incumbents and other licensed clergy of the parishes, provisional parishes, provisional districts and new housing areas where registered branches are operating (cl. 7.2.1);

(g) At Diocesan level, the Council of the Society is to include the Archbishop of Sydney, who is the ex officio President, and the incumbent and other licensed clergy of a parish, provisional parish, provisional district or new housing area of the Diocese where a registered Branch is operating (cl. 9.1.1 and 9.1.7); and

(h) A report of the Society is to be presented to the Annual Synod of the Diocese of Sydney (cl. 13).

73. Regulation 4, which is an attachment to the 1977 CEBS Sydney Constitution, provided that the Archbishop of Sydney (as ex officio President) was to appoint the Director, who formed part of the CEBS Sydney Executive. The Director’s duties included to “[r]eview material in handbooks and leader’s aids and recommend alterations” (cl. 1), and in this sense part of the Director’s role related to policy. The Training Officer (Leadership) also had a policy role, in the sense that they were responsible for the training of all leaders, including preparing new training materials and reviewing training materials and procedures from time to time (cl 1). The Camping Officer was responsible for “the oversight of Diocesan Camps... [and to] [d]etermine (with a Sub-Committee) the standards and equipment required for camps” (cl. 1).

74. The Diocese of Sydney holds a CEBS Sydney constitution hand marked with the date “1989”, which provides governance arrangements for CEBS that are materially similar to those set out above. The Diocese of Sydney does not presently hold any later Constitutions for CEBS Sydney. A representative of the Diocese of Sydney is attempting to obtain a copy of the latest version of that Constitution from the Department of Fair Trading, but it is not available as at the date of signing this statement. At this stage I am unable to say whether the Diocese of Sydney’s relationship with CEBS Sydney, for example through the role of Archbishop as ex officio President, and through the involvement of local parish rectors in various capacities, changed
over time. Once further information is available about this, the Diocese of Sydney will provide it to the Royal Commission.

75. CEBS Sydney is not constituted by an ordinance of the Sydney Synod and is not incorporated under the 1938 Act. CEBS Sydney was incorporated as an association on 2 May 1991 under the *Associations Incorporation Act 1984 (NSW)*. It appears that CEBS Sydney was unincorporated prior to 1991. CEBS Sydney’s incorporation ceased on 18 September 2015 when its registration as an incorporated association was cancelled by the Department of Fair Trading.

B2. The cessation of CEBS Sydney’s operations

76. CEBS Sydney’s activities have been in decline for many years. In mid 2007 the board of CEBS Sydney proposed that it cease operations. Discussions took place between CEBS Sydney and Anglican Youth and Education, Diocese of Sydney (“Anglican Youthworks”) about the possible continuation of a ministry to boys. It was agreed that CEBS Sydney would cease operations and that its remaining assets would be transferred to Anglican Youthworks. Anglican Youthworks agreed to engage a Boys Ministry Adviser to assist Anglican churches in their ministry to boys. This position commenced in 2008 but has since ceased.

77. Anglican Youthworks, a body corporate under the 1938 Act, is involved in a number of different activities with children and young people in the Diocese of Sydney.

78. For many years CEBS Sydney had use of a campsite at Loftus (known as Wanawong) under a lease from the Department of Land and Water Conservation. The most recent lease commenced on 1 January 2001 and is for a period of 35 years. The CEBS Australia website indicates that a CEBS camp was held at Loftus in 1964, so the lease arrangements may be longstanding.

79. CEBS Sydney also had use of a bushland campsite at Wallenbeen under a Crown Reserve Trust.

80. From 1 July 2002 (and possibly earlier) to 19 August 2008, Anglican Youthworks had use of the Wanawong campsite at Loftus under a licence agreement with CEBS Sydney for an initial licence fee of $35,000 per annum (subject to increases for inflation). On 19 August 2008, the lease from the Department of Land and Water Conservation was transferred to Anglican Youthworks. I understand that the trusteeship of the bushland campsite at Wallenbeen was also transferred to Anglican Youthworks at around the same time.
81. CEBS Sydney’s only other asset, which was $25,132 (the balance of its bank account), was also transferred to Anglican Youthworks. This money was applied towards the engagement of a Boys Ministry Adviser by Anglican Youthworks. After these assets were transferred, CEBS Sydney had no remaining assets.

82. CEBS Sydney’s status as an incorporated association was cancelled by the NSW Department of Fair Trading on 18 September 2015. A representative of the Diocese of Sydney contacted the Department of Fair Trading on 3 December 2015, and was informed by an officer of the Department that the registration was cancelled due to CEBS Sydney’s failure to lodge annual statements. I am informed by Mr Steve Lucas, Legal Counsel and Corporate Secretary for the Sydney Diocesan Secretariat, and believe, that pursuant to section 81 of the Associations Incorporation Act 2009 (NSW), CEBS Sydney has therefore ceased to be a body corporate.

83. On 26 November 2015, a representative of the Diocese of Sydney telephoned a number of parishes in the Diocese that were identified on the CEBS Australia website as having CEBS groups still operating in those parishes, to see if CEBS groups are in fact still operating there. The parishes contacted were Berowra, Engadine, Gymea, Hurstville Grove, Menai, Mortdale, Mosman, Oakhurst, Port Hacking, Quakers Hill, St Clair, Sutherland and Springwood. The results of those inquiries were:

(a) The only parish with a CEBS group still operating in the Diocese of Sydney (and indeed in New South Wales, to my knowledge) is Springwood;

(b) The number for Port Hacking was disconnected and to my knowledge there is no Anglican Church meeting at Port Hacking; and

(c) The remaining parishes do not have a CEBS group operating in the parish.

84. This information is consistent with information available from the New South Wales Incorporated Associations Register (available on-line at http://associationspr.fairtrading.nsw.gov.au/default.aspx). The Register lists these details for CEBS’ associations that have been registered in the Diocese of Sydney:

(a) “CEBS – The Anglican Boys Society (N.S.W) [sic] Inc”, in the suburb of Northmead, incorporated on 2 August 1990, current status “ceased”;


(b) "CEBS The Anglican Boys Society (Australia) Inc" ("CEBS Australia"), in the suburb of Springwood, incorporated on 2 August 1990, current status "registered"; and

(c) "CEBS-The Anglican Boys Society (Diocese of Sydney) Inc", in the suburb of Quakers Hill, incorporated on 2 May 1991, current status "ceased".

C. The Past and Present Relationship between CEBS and the Diocese of Sydney

85. In addition to the information set out above about the relationship between CEBS and the Diocese of Sydney, I note that the corporate records of CEBS Sydney are now held in the Diocesan Archives and by the Professional Standards Unit of the Diocese of Sydney. This followed the transfer of CEBS Sydney's assets to Anglican Youthworks. Many of the CEBS documents exhibited to my statement were obtained from this set of records.

86. An important aspect of the current relationship between the Diocese of Sydney and CEBS Sydney concerns steps taken by the Diocese of Sydney through its Pastoral Care and Assistance Scheme to compensate survivors of child sexual abuse, where that abuse was related to CEBS. This is addressed in further detail below.

87. Further inquiries are being made by the Diocese as to the nature of the past relationship between the Diocese and CEBS. If further information is obtained, the Diocese of Sydney will provide it to the Royal Commission.

D. The Nature of any Relationship between the Diocese of Sydney and CEBS’ Sites

88. I next address the nature of any relationship between the Diocese of Sydney and any camp sites or other venues used by CEBS and/or the Anglican Boys’ Society for its camping activities, including any child protection policies and procedures maintained by the Diocese in respect of youth attending camps at those venues, for the period 1 January 1965 to 2 November 2015.

89. The main CEBS campsite in the Diocese was located Wanawong, located at Loftus New South Wales. CEBS had use of that campsite under a lease from the Department of Land and Water Conservation. Records held by the Diocese indicate that the first CEBS camp was held at Loftus in the mid-1960s.

90. CEBS was also trustee of a Crown Reserve Trust in relation to land at Wallenbeen New South Wales, which was owned by the State Government. I understand CEBS also ran camps at a site
in the Colo region of Sydney, but did not own this site. I am not aware of any other sites that were used by CEBS in the Diocese.

91. Except for the licence arrangement for the Wanawong site set out above, the Diocese did not have any relationship with these sites (or with any other sites used by CEBS in New South Wales) during the period identified. However, when CEBS ceased operating in the Diocese in 2007, the lease of the Loftus site and the trusteeship of the Wallenbeen site were transferred to Anglican Youth and Education, Diocese of Sydney. I was the Chairman of Youthworks in 2007 and I attended the Loftus site for the CEBS closing event in 2007. The site at Loftus is now used as a college for training youth and children's ministers, and the lease expires in 2035.

92. There were no Diocesan child protection policies or procedures in force specifically in relation to children and young people attending camps at those venues. Schedule B to my statement sets out the child protection policies and procedures that were generally in force in the Diocese at relevant times.

93. In terms of CEBS policies and manuals, the Diocese holds the following documents:

(a) An undated document consisting of a 13 page table of contents titled “CEBS Branch Manual” a true copy of which is identified by '[STAT.0819.001.0123]'. (I note that the Diocese does not have a copy of the two folders to which that document refers. I also note that the second page of the document, under the heading “A. Introduction”, refers to Microsoft Word 97. I understand that Microsoft Word was released on 19 November 1996, which provides an earliest date for the document);

(b) A document titled “CEBS – The Anglican Boys’ Society Leaders Manual”, dated October 1985, a true copy of which is identified by '[STAT.0819.001.0137]';

(c) Undated document titled “CEBS Branch Manual Contents”, a true copy of which is identified by '[STAT.0819.001.0183]'; and

(d) Undated document titled “CEBS Junior Leadership Training Manual – Province of N.S.W.” (with letter on p. 2 dated 23 June 1972), a true copy of which is identified by '[STAT.0819.001.0245]'.
E. The Pastoral Care and Assistance Scheme and Survivors

94. The Diocese of Sydney operates a scheme called the Pastoral Care and Assistance Scheme, for survivors who have experienced child abuse or sexual misconduct by a church worker. Applicants under the Scheme can request financial assistance, counselling and/or an apology from the Diocese, usually the Archbishop.

95. At around the time CEBS Sydney ceased to operate in the Diocese of Sydney, the Standing Committee of the Diocese resolved on 15 October 2007 to amend the definition of "church worker" in the Pastoral Care and Assistance Scheme. The effect of the amendment was to include CEBS and other workers in the definition of "church worker" in certain circumstances, for the purposes of eligibility for participation in the Pastoral Care and Assistance Scheme. The following sentence was added after the heading "Who is a church worker?": "This includes a person appointed by or on behalf of a minister of a parish as a CEBS, GFS or Kids Plus leader within the parish under clause 43(1) of the Church Administration Ordinance 1990" (now rule 3.18(2) of Schedule 1 or rule 3.17(2) of Schedule 2 of the Parish Administration Ordinance 2008).

96. In circumstances where a CEBS worker was not appointed by or on behalf of a parish minister, the Diocese's position is to deal with each CEBS-related case on a case-by-case basis. There has been one claim under the Pastoral Care and Assistance Scheme where the perpetrator had been appointed directly by CEBS Sydney rather than by a parish minister. This claim was accepted, and a payment was made to a survivor of CEBS-related child sexual abuse.

97. The Professional Standards Unit is also in the process of identifying and locating all survivors of parish-related CEBS child sexual abuse referred to in files in its archives, where sexual abuse of children other than the complainants had been identified. Once survivors have been located (including by the use of an investigator where necessary), the Professional Standards Unit contacts individual survivors in order that a Contact Person can liaise with them to see if they are interested in support and/or redress.

98. If required, further information about the steps that have been taken, and continue to be taken, by the Professional Standards Unit in this regard can be provided to the Royal Commission.
Statement in relation to the Anglican Church and other matters

Statement of Glenn Naunton Davies continued

CHURCH AND PARA-CHURCH INSTITUTIONS

A. The Anglican Church Name

99. I am next asked to address the extent to which schools and other institutions in my Diocese are permitted to use the Anglican Church name in their title or brand.

100. The Anglican Church of Australia Act 1976 ("the 1976 Act") changed the name of the Church of England to the Anglican Church.

101. Under s. 6 of the 1976 Act, it is an offence for “a person” in New South Wales to use the names “Church of England”, “Church of England in Australia”, “Anglican Church of Australia” or the description “Anglican” for the purposes of, or in connection with, any business, trade or profession, unless allowed to by a canon of the General Synod of the Anglican Church of Australia. I am informed by Mr Steve Lucas, Legal Counsel and Corporate Secretary for the Sydney Diocesan Secretariat, and believe, that “a person” is defined by the Interpretation Act 1987 to include an individual, a corporation, and a body corporate or politic. On this basis, I understand that s. 6 of the 1976 Act applies to schools and other institutions in the Diocese of Sydney.

102. The relevant Canon passed by General Synod, for the purposes of s. 6 of the 1976 Act, is the Use of Church Names Canon 1989. This was adopted by the Synod of the Diocese of Sydney in 1990, by the General Synod – Use of Church Names Canon 1989 Adopting Ordinance 1990. The Canon was subsequently amended in 2014. These amendments were adopted in the Diocese of Sydney in 2014, by the General Synod - Use of Church Names Canon 1989 Amendment Canon 2014 Adopting Ordinance 2014. A true copy of the Use of Church Names Canon 1989 (as amended) is identified by ‘[STAT.0819.001.0358]’. Pursuant to the Canon, the following are permitted to use the name of the Anglican Church in the Diocese of Sydney:

(a) All parishes and parochial units of the Church;

(b) All bodies constituted or controlled by an Act or Ordinance of a State or Territory of Australia, being an Act or Ordinance in which a form of the Church name appears in the citation;

(c) All bodies constituted or controlled by a canon of the General Synod or an Ordinance or Act of a provincial synod or a synod of a diocese;
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(d) Those entities listed in the Schedule to the Canon; and

(e) Those entities listed in the Use of Church Names Register maintained by the General Secretary, being those entities authorised to use the name pursuant to a certificate of the Standing Committee of the Diocese of Sydney.

103. The 1976 Act has a savings provision in s. 5, which provides that the Act “does not prejudice or affect the continuity of any corporation or any property, rights, authorities, duties, functions or obligations of any corporation”. I understand this to mean that there may therefore be some corporations that used the name “Church of England” before 1976, that continue to be entitled to use the name. Otherwise, the only schools and other institutions in the Diocese that are permitted to use the “Anglican Church” name, and those related names set out above, are those specified in or authorised under the Use of Church Names Canon 1989.

B. The Relationship between the Diocese and Specified Institutions

104. I address the next question, of the current legal, financial, administrative, governance and/or other relationships between the Diocese of Sydney and various organisations, with reference to the Synod as the parliamentary body of the Diocese. Before specifically addressing different types of organisations, I provide the following background information.

105. By section 2(1) of the Schedule to the Anglican Church of Australia Constitutions Act 1902 (NSW) (as amended by the Provincial Synod of New South Wales and ratified in amended form by the General Synod), the Synod of a Diocese of the Province of New South Wales has plenary authority to make ordinances upon and in respect of all matters and things concerning:

(a) The order and good government of the Anglican Church of Australia; and

(b) The regulation of its affairs within the boundaries of the Diocese;

subject only to the 1961 Constitution and any other Act in force in NSW. A true copy of the amending ordinance, the Constitution Ordinance 1994 (NSW), and the ratifying canon, the New South Wales Constitution Ratification Canon 1998, are identified by ‘[STAT.0819.001.0370]’.

106. Section 4 of the 1938 Act provides a legislative means for the Synod to constitute bodies corporate for the purpose of managing, governing or controlling any institution or organisation of the church in the Diocese, or of holding, managing and dealing with any church trust
property. In practice, this function is usually carried out by the Standing Committee of Synod under the Delegation of Powers Ordinance 1998.

107. The Synod has power to amend the ordinance constituting a body corporate under the 1938 Act. The constituting ordinance typically sets out the objects, powers, functions and composition of the body in a similar manner to a company constitution, and usually provides for the Synod to elect a proportion of the board members of the body. Most bodies corporate constituted under the 1938 Act are required to provide an annual report to the Synod under the Accounts, Audits and Annual Reports Ordinance 1995.

108. A body corporate under the 1938 Act is legally separate to the Synod. The Synod determines the terms of the constituting ordinance and elects a proportion of the board members. The Accounts, Audits and Annual Reports Ordinance 1995 gives the Standing Committee high-level oversight of certain financial matters concerning the bodies to which it applies. This includes the receipt of reports, requiring the production of financial information, receiving notifications of any liquidity problems and requiring bodies to maintain a satisfactory system of risk management. In other respects, the Synod has a very limited role (if any) in the day-to-day operation of the body. From time to time the Synod will pass motions which express the mind of the Synod on matters of policy, although these do not have legal force unless set out in the form of an ordinance. An example is the Governance Policy for Diocesan Organisations that was passed by the Synod in 2014.

109. Turning now to the specific organisations and types of organisations identified in Question 15:

(a) Anglican Youthworks is a “trading name” for the entity known as Anglican Youth and Education Diocese of Sydney, which is a body corporate under the 1938 Act, and the comments above about the Synod’s powers apply to the Diocese’s relationship with Youthworks;

(b) The Crusader Union and numerous other Christian organisations that work with children and young people are entirely separate from the Diocese, though individual Anglican churches and/or church members may participate in the activities of such bodies to varying degrees;
(c) The majority of schools within the Diocese that operate under the name “Anglican” are bodies corporate under the 1938 Act and the comments above about the Synod’s powers apply to the Diocese’s relationship with these schools; and

(d) There are no Anglican-run or affiliated children’s homes currently operating in the Diocese of Sydney, however Anglicare Sydney runs certain out-of-home care placement programs and respite services for children and their families, such as the Lisgar Program and the Paul Street Adolescent Residential Program, which are addressed in further detail below.

C. The Relationship between the Diocese and Anglicare Sydney

110. Anglicare Sydney is a “trading name” for the entity known as Anglican Home Mission Society Council, which is a body corporate under the 1938 Act. Whilst other Anglicare entities throughout Australia do not have any formal relationship with the Synod, Anglicare Sydney is the urban mission and community care arm of the Anglican Church in the Diocese of Sydney.

111. The following specific governance requirements apply to Anglicare Sydney’s relationship with the Diocese:

(a) At least twice each year, the Council of Anglicare Sydney is required to report to the Synod about its affairs;

(b) The Council is also required to furnish such other information as to its affairs as may be requested from time to time by resolution of Synod or the Standing Committee; and

(c) The Council is required to comply with the Accounts, Audits and Annual Reports Ordinance 1995.

Furthermore, all Council members receive regular training in relation to governance issues to ensure their understanding of their roles and responsibilities is current.

112. The management and oversight arrangements for Anglicare Sydney are as follows. The role of the Council members is established by the Sydney Anglican Home Mission Society Ordinance 1981. That role includes:

(a) Setting the objects of the Council to further the work of the Anglican Church of Australia within the Diocese of Sydney, by proclaiming the love of God as shown in
Christ in promoting and conducting activities of a pastoral ministry, social welfare and charitable nature to be executed by the relief of poverty or other charitable means;

(b) Ensuring the Council's effectiveness by setting guidelines on Council structure, the qualifications or restrictions on membership of the Council and the term of office of members of the Council;

(c) Appointing the Chief Executive Officer;

(d) Executing the Council's power to receive, manage and control all property of the Council together with the income derived therefrom, and the power to use and apply the capital and income of such property for the purposes of its objects, subject to the terms of any specific trusts of that property; and

(e) Executing the Council's investment powers.

113. The Council oversees and monitors the performance of Anglicare Sydney's management by:

(a) Selecting, appointing, guiding and monitoring the performance of the Chief Executive Officer;

(b) Providing guidance to, and formulating the strategic plan together with, the Chief Executive Officer and senior management; and

(c) Assigning responsibilities to Council sub-committees to oversee particular aspects of Anglicare Sydney's operations and administration in areas such as finance, audit and risk, investment, succession planning, theological, vision statement and capital works. Each sub-committee operates under charters approved by the Council that are regularly reviewed and updated.

114. The Council consists of 15 members including the Chief Executive Officer. The Chair of the Council is the Archbishop of the Diocese of Sydney. The other members are 9 persons elected by the Synod (at least 3 of whom must be clergy), up to 2 persons appointed by the Archbishop (at least 1 of whom must be clergy) and up to 1 person appointed by the other members of the Council. With the exception of the Chief Executive Officer and the Archbishop, Council members are all volunteers. The Council has formally delegated responsibility for Anglicare
Sydney's day-to-day operations and administration to the Chief Executive Officer and the executive management.

115. Anglicare Sydney has no significant financial relationship with the Diocese of Sydney. Anglicare Sydney operates as a separate legal entity and registered charity under the Australian Charities and Not-for-profits Commission (a national regulator, including for charities and not-for-profit organisations), and has Deductible Gift Recipient status. A small number of financial transactions occur, from time to time, between Anglicare Sydney and the Anglican Diocese of Sydney. These include:

(a) Provision of some paid research services by Anglicare Sydney for the Diocese of Sydney; and

(b) Participation of various eligible Anglicare staff in the Anglican Church of Australia Long Service Leave Fund, through the Diocese's membership of the fund.

116. Anglicare Sydney's administration is distinct from the Diocese of Sydney and there are no elements that are shared or controlled by or with the Diocese. Anglicare Sydney has its own administrative support systems and staff consisting of financial, human resource, property and information technology components.

117. Turning to children's homes and residential facilities, Anglicare Sydney is the legal successor to the Church of England Children's Homes (which ceased to operate in 1982). By the Church of England Homes Ordinance 1984, the members from time to time of the Council of Anglicare Sydney were made ex officio members of the committee of Church of England Homes. Historically, the Sydney Anglican Home Mission Society also ran a number of Children's Homes in its own right (including Charlton Boys Home).

118. Currently, Anglicare Sydney runs the Paul Street Adolescent Residential Program at Blacktown. Paul Street is an adolescent residential unit accommodating five high needs young people, aged between 12 and 18 years old, who are subject to final orders allocating parental responsibility to the Minister for Family and Community Services. The Paul Street Program offers intensive care and support to assist young people to achieve stability, safety and security, with a view to preparing them for independent living or other permanent care placements. The young people who access the Paul Street Program have all experienced significant trauma and are likely to demonstrate challenging behaviours and have difficulty in
maintaining regular attendance at school or finding employment. The length of stay in the program is medium to long term, and behaviour support planning is an integral part of the program.

119. Anglicare Sydney also operates the Kingsdene Respite Cottage at Rooty Hill, which is funded by clients using it and by Anglicare Sydney. The Kingsdene Respite Cottage offers short-term, planned breaks for people with disabilities or other additional needs during the day or overnight. The clients who use this facility are not out-of-home care clients. The facility is a purpose-built 5 bedroom house that is serviced and is fully accessible to those with disabilities.

120. Relevantly, an important aspect of the relationship between the Diocese of Sydney and Anglicare Sydney is that, since 2004, Anglicare Sydney has operated a redress scheme called the Pastoral Care and Assistance Scheme for care leavers from homes to which Anglicare is the legal successor, or that were operated by Anglicare Sydney. This scheme operates parallel to, but consistently with, the Pastoral Care and Assistance Scheme of the Diocese of Sydney.

D. The Relationship between the Diocese and Parish-Run Youth Groups

121. The Archbishop licenses members of clergy to be the rector of a geographical area of the Diocese known as a parish. A rector has general responsibility for the spiritual welfare of the parish as a whole and of each church in the parish if there are more than one. For this purpose, a rector has powers, rights and duties in accordance with his licence and authority from the Archbishop.

122. The rector is responsible for youth groups and other Anglican church organisations within the parish and has control of the policy, organisation and activities of any such group, including the appointment and removal of youth group leaders.

123. The Standing Committee of Synod can also declare some schools or institutions in a parish to be extra-parochial. Usually this would occur on the application of the school or institution concerned. In this case, another person, (whether clergy or laity), is often licensed by the Archbishop as chaplain to oversee the conduct of ministry in the school or institution.

124. The standards expected of clergy and church workers are set out in Faithfulness in Service 2014, the code of conduct for personal behaviour and the practice of pastoral ministry by clergy and church workers, a copy of which is identified by ‘[ANG.0180.001.0033]’.
THEOLOGICAL PERSPECTIVES

125. I turn now to specific theological questions that I am asked to address.

126. The Anglican Church of Australia in New South Wales (including in the Diocese of Sydney) is governed by the 1961 Constitution (as subsequently amended). There are virtually identical acts applicable in other states and territories.

127. Part I of the 1961 Constitution contains Chapter I, which is titled “Fundamental Declarations” and Chapter II, which is titled “Ruling Principles”. These Chapters, which cannot be changed by canon of General Synod, provide:

Part I – Chapter I – Fundamental Declarations

1. The Anglican Church of Australia, being a part of the One Holy Catholic and Apostolic Church of Christ, holds the Christian Faith as professed by the Church of Christ from primitive times and in particular as set forth in the creeds known as the Nicene Creed and the Apostles’ Creed.

2. This Church receives all the canonical scriptures of the Old and New Testaments as being the ultimate rule and standard of faith given by inspiration of God and containing all things necessary for salvation.

3. This Church will ever obey the commands of Christ, teach His doctrine, administer His sacraments of Holy Baptism and Holy Communion, follow and uphold His discipline and preserve the three orders of bishops, priests and deacons in the sacred ministry.

Part I – Chapter II – Ruling Principles

4. This Church, being derived from the Church of England, retains and approves the doctrine and principles of the Church of England embodied in the Book of Common Prayer together with the Form and Manner of Making Ordaining and Consecrating of Bishops, Priests and Deacons and in the Articles of Religion sometimes called the Thirty-nine Articles but has plenary authority at its own discretion to make statements as to the faith ritual ceremonial or discipline of this Church and to order its forms of worship and rules of discipline and to alter or revise such statements, forms and rules, provided that all such statements, forms, rules or alteration or revision thereof are consistent with the Fundamental Declarations contained herein and are made as prescribed by this Constitution. Provided, and it is hereby further declared, that the above-named Book of Common Prayer, together with the Thirty-nine Articles, be regarded as the authorised standard of worship and doctrine in this Church, and no alteration in or permitted variations from the services or Articles therein contained shall contravene any principle of doctrine or worship laid down in such standard.
Provided further that until other order be taken by canon made in accordance with this Constitution, a bishop of a diocese may, at his discretion, permit such deviations from the existing order of service, not contravening any principle of doctrine or worship as aforesaid, as shall be submitted to him by the incumbent and churchwardens of a parish.

Provided also that no such request shall be preferred to the bishop of a diocese until the incumbent and a majority of the parishioners present and voting at a meeting of parishioners, duly convened for the purpose, shall signify assent to such proposed deviations. Such meeting shall be duly convened by writing, placed in a prominent position at each entrance to the church and by announcement at the morning and evening services, or at the service if only one, at least two Sundays before such meeting, stating the time and place of such meeting, and giving full particulars of the nature of the proposed deviation.

5. Subject to the Fundamental Declarations and the provisions of this chapter this Church has plenary authority and power to make canons, ordinances and rules for the order and good government of the Church, and to administer the affairs thereof. Such authority and power may be exercised by the several synods and tribunals in accordance with the provisions of this Constitution.

6. This Church will remain and be in communion with the Church of England in England and with churches in communion therewith so long as communion is consistent with the Fundamental Declarations contained in this Constitution.

128. The Book of Common Prayer, dated 1662, and the Thirty-Nine Articles are the authorised standard of worship and doctrine of the Anglican Church of Australia (and are accepted as such by the Diocese of Sydney).

129. The theological position of the Diocese of Sydney in relation to the marriage of clergy, celibacy and homosexuality are set out below. The Diocese’s theology in relation to marriage – that is, that marriage is the exclusive life-long union of a man and a woman – informs its position on the marriage of clergy, celibacy and homosexuality.

130. The practices in the Diocese generally follow the Diocesan theological position (although there are exceptions, for example, when marriages end in divorce).

A. Marriage of Clergy

131. The marriage of clergy is permitted by Article 32 of the Thirty-Nine Articles, which provides:
Article XXXII – Of the Marriage of Priests

Bishops, Priests, and Deacon, are not commanded by God’s Law, either to vow the estate of single life, or to abstain from marriage; therefore it is lawful for them, as for all other Christian men, to marry at their own discretion, as they shall judge the same to serve better to godliness

B. Celibacy

132. The Diocese’s theological position on celibacy for clergy and church workers is set out in Item 7.4 of Faithfulness in Service, which states that “You are to be chaste and not engage in sex outside of marriage.”

133. This position is the same for Christian people who are neither clergy nor church workers; that is, celibacy is the requirement for those not married.

C. Homosexuality

134. The Diocesan theological position on homosexuality is that marriage is between a man and a woman, and that outside of marriage, members of the Church are to be celibate. This means that the Diocese requires those Christian people who experience same-sex attraction to be celibate.

D. Theological Differences between the Diocese of Sydney and Other Dioceses

135. I am asked to set out my understanding of any significant theological differences between the Diocese of Sydney and any other diocese, and the effect (if any) of those differences on the protection of children in the Anglican Church.

136. There are numbers of areas in which members of the Diocese of Sydney, and other dioceses, have different theological views. However, I am not aware of any areas where these differences affect the protection of children, since we all consider the protection of children to be a high priority.

ORDINATION AND THEOLOGICAL TRAINING

137. Moore Theological College was established in 1856 and is the theological college of the Diocese of Sydney. It is a registered self-accrediting Higher Education Provider, issuing awards from diploma through to doctorate. At present around 40% of its students are ordination
candidates for the Diocese of Sydney, with others training to serve in churches outside the
Diocese or the denomination, in parachurch organisations or on the overseas mission field.

138. The College is governed by the *Moore Theological College Ordinance 2009* and is owned and
operated by Moore Theological College Council which is a body corporate incorporated under
the 1938 Act. The President of the College’s Governing Board is the Archbishop of Sydney and
a majority of the Governing Board are elected by the Diocesan Synod. The Principal and a
significant majority of the faculty are ordained Anglican clergy, licensed by the Archbishop of
Sydney. The College currently employs 18 full-time faculty, 59 staff and serves a full-time
student body of approximately 300.

139. The College operates under the professional standards set out in *Faithfulness in Service*, and
requires all faculty and all students to have provided verified Working With Children Check
numbers. All faculty and students must undergo ongoing training in safe ministry practices.

140. The psychological testing conducted by the Diocese of Sydney for different positions, and from
different times, is as follows:

(a) There is no psychological testing for entry to Moore College as a student;

(b) Since the late 1980s, the Diocese has been conducting psychological testing for
candidates applying to be ordained as a deacon, where the testing is conducted by a
clinical psychologist;

(c) From 2006 to 2010, a psychologist who was assistant to the Director of Ministry
Training and Development in the Diocese began conducting various psychological tests
for presbyter applicants, whereas since 2010 the testing is conducted by a clinical
psychologist; and

(d) From 2013, the Diocese started conducting psychological tests for all new assistant
ministers in the Ministry Development Program. This practice continues, and the
testing is conducted by a clinical psychologist.

NATIONAL APPROACHES: PROFESSIONAL STANDARDS AND INTER-DIOCESAN COOPERATION

141. I am next asked to address my Diocese’s approach to adopting the Anglican Church of Australia
General Synod model ordinances and policy guidelines on child protection.
142. Because of the democratic nature of the Diocese’s Synod, which is in effect the Diocese’s parliament, each proposal is considered and voted on, on its merits. Many model ordinances and policy guidelines have been adopted, with or without modifications. In some cases, a proposal may overlap with a diocesan ordinance, policy or procedure that has already been implemented. In other cases it may be considered by Synod preferable to enact an equivalent, though different, diocesan measure (for example, for consistency with other Diocesan practices). The Safe Ministry Journey Pathways policy documents discussed below are an example.

143. The General Synod model ordinances, policy guidelines and resolutions on child protection that have been adopted or responded to by the Diocese of Sydney (and how), are set out in the Table marked “Schedule B” that is identified by ‘[STAT.0819.001.0392]’.

144. Professional standards in the Diocese of Sydney are governed by the Discipline Ordinance 2006. A true copy of the Discipline Ordinance is identified by ‘[STAT.0819.001.0412]’. The Discipline Ordinance was first adopted in 2006, and replaced the Church Discipline Ordinance 2002. The Discipline Ordinance stipulates that complaints may be made against members of the clergy and church workers for offences listed in the Offences Ordinance 1962. The Discipline Ordinance uses key definitions from the Faithfulness in Service code of conduct for child abuse, sexual abuse and others.

145. Key differences between the Discipline Ordinance and the model Professional Standards Ordinance include:

(a) The Discipline Ordinance follows an “offences and disciplinary-based complaints” model compared with a “fitness for office” model adopted by the Professional Standards Ordinance; and

(b) The Discipline Ordinance adopts a Tribunal model whereas the Professional Standards Ordinance adopts a Professional Standards Board model.

Both ordinances establish the office of Director of Professional Standards to receive and/or make complaints and administer the complaints process.

146. Expanding on the Tribunal model under the Discipline Ordinance, the ordinance sets up a Professional Standards Committee and Tribunal for consideration of complaints against clergy
and paid church workers. The Professional Standards Committee can finalise complaints by making recommendations and findings (if the conduct complained of is admitted by the respondent), or by referring matters to a Tribunal for determination. The *Discipline Ordinance* requires complaints against unpaid lay church workers to be determined by an Adjudicator who is appointed and has the same powers as a Tribunal in those cases.

147. By contrast, the *Professional Standards Ordinance* sets up a Professional Standards Committee which manages the complaints process through the Director and refers matters to a Professional Standards Board once they are ready for determination.

148. Every ordinance that goes to the Sydney Synod is supported by a report on the ordinance, that has generally been prepared by the mover of the motion that introduces the ordinance. The report for Synod on the *Discipline Ordinance* noted that, by contrast, the model ordinance had two main weaknesses: *first*, that the test of “fitness” was a subjective one; and *second*, that the model ordinance had the potential to lead to a large number of minor allegations. Synod then voted to pass the *Discipline Ordinance* and it was enacted with amendments.

149. I am asked my views on four questions, each relating to professional standards in Australian dioceses. The questions, and my answers, are as follows (bearing in mind that the Synod is the law-making body of the diocese).

150. First, I am asked whether each Australian diocese should maintain its own, unique professional standards framework. My view is that each diocese should have a professional standards framework, either its own or, if feasible, one that is applicable throughout the province. The child protection material from the General Synod is a helpful resource for diocesan consideration, taking into account the different statutory and policy frameworks that have evolved over time in different dioceses.

151. Second, I am asked whether each Australian diocese should agree to, and adopt, a nationally consistent professional standards framework that is administered by each diocese. In principle, a common framework across the National Church is a desirable goal, as long as each diocese is able to adapt the specifics of this framework in accordance with their local situation and the relevant State or Territory legislation under which they need to operate.

152. Third, I am asked whether each Australian diocese should refer its powers in relation to professional standards to a centrally administered quasi-independent Church body to make
decisions on matters such as clergy and Church worker discipline, complaints-handling and redress, with the outcomes of such decisions to be implemented by each diocese. It is difficult to comment on this without a more specific proposal, but in principle I do not support this if it were to prevent us from exercising a pastoral ministry of support and compassion towards survivors of abuse.

153. Fourth, I am asked whether each Australian diocese should adopt any other approach for managing professional standards. In my view, the answer is no.

154. Finally, I am asked to outline:

Any process, procedure or practice adopted by [the Sydney] Diocese, or adopted or recommended by the General Synod of the Anglican Church of Australia, in relation to responding to complaints of child sexual abuse made in relation to one or more other dioceses, and where multiple dioceses may have jurisdiction to respond, including but not limited to the handling of such complaints, the conduct of disciplinary proceedings, or the payment of compensation.

155. It is the practice of the Director of Professional Standards in the Diocese of Sydney to notify the Director of Professional Standards of other dioceses, when a complaint is received that concerns or relates to that diocese because of where it is alleged the conduct occurred or because of the identity of the respondent.

156. The Director of Professional Standards also shares information with the applicable dioceses in such cases, and where appropriate refers the complaint to another diocese for review and further action. There are a number of powers under the Discipline Ordinance that are relevant to complaints in the Diocese of Sydney that involve other dioceses. For example, the Discipline Ordinance:

(a) Allows the Director, with the concurrence of the Professional Standards Committee, to decline to deal with a complaint if the subject matter of the complaint is under investigation by a competent person or body (cl. 13(2)(d));

(b) Allows the Director, with the concurrence of the Professional Standards Committee, to defer consideration of a complaint if the subject matter of the complaint is under investigation by a competent person or body or is the subject of legal proceedings (cl. 13(5));
(c) Requires the Professional Standards Committee to disclose information in its possession concerning the alleged conduct of a church worker to its equivalent body in another diocese where the Committee knows that the church worker is residing in that diocese, or which is information concerning conduct alleged to have occurred in that diocese, and requires the Professional Standards Committee to co-operate with the equivalent body (cl. 99); and

(d) Allows a person performing functions under the Ordinance to treat any findings made by a disciplinary body of another diocese or state administrative or judicial body, that have not been overturned on appeal, as conclusive (cl. 100).

157. An offer made under the Diocese’s Pastoral Care and Assistance Scheme may be offered in tandem with another diocese or institution where there is sufficient connection between the claimant, the abuse suffered, and the organisation involved, but only with the consent of the claimant.

PROFESSIONAL STANDARDS IN THE ANGLICAN DIOCESE OF SYDNEY

158. I am asked to provide a chronological account of the Diocese of Sydney’s approach to professional standards, from 1 January 1990 to 2 November 2015, with reference to all key policies, procedures, processes, practices and legislation (if any), relating to the protection of children.

159. In doing so, I am also asked to address ten separate topics, each containing multiple questions. For ease of reference, those ten topics are addressed below. These answers should be read with the detailed chronology of the Diocese of Sydney’s approach to professional standards for the period specified, which is identified by ‘[STAT.0819.001.0463]’.

A. Prevention

A1. Screening and assessing suitability

160. The processes within the Diocese for screening and assessing the suitability of bishops, clergy, laity and volunteers (together referred to as “church workers”) before undertaking specified roles are set out below.
Statement in relation to the Anglican Church and other matters

Statement of Glenn Naunton Davies continued

a. Prior to officiating as a member of clergy

161. Before anyone can officiate as a member of clergy, they must first be ordained. The screening and assessment processes within the Diocese before ordination are as follows:

(a) All candidates for ordination by the Archbishop are required to complete a Lifestyle Questionnaire (which is referred to in more detail below), administered by Ministry Training and Development;

(b) Ordination and ministry candidates also undergo extensive assessment and screening by way of reference checking, psychological testing, interviews, chaplaincy supervision reports and Moore Theological College reports;

(c) The Professional Standards Unit also screens all ordination candidates in the early stages of the ordination process pursuant to a Screening Policy. A true copy of the Screening Policy is identified by ['STAT.0819.001.0481']; and

(d) The Discipline Ordinance provides a mechanism for pre-ordination disclosure and consideration of prior sexual misconduct or abuse, in Chapter 7.

162. All clergy and paid lay ministers in the Diocese are required to apply for the Archbishop’s licence (as set out above) before undertaking ministry activities. The screening and assessment processes within the Diocese at the point of applying for a licence from the Archbishop are as follows:

(a) The Professional Standards Unit undertakes screening of all clergy appointments and applications for lay licences on behalf of the Archbishop pursuant to a Screening Policy (as referred to above); and

(b) To apply for a licence, a person must complete a comprehensive screening and disclosure Lifestyle Questionnaire (see below), provide all information and documents requested in the form and sign the form before a prescribed witness as a statutory declaration.

163. The Lifestyle Questionnaire referred to above requires the applicant to provide a significant amount of information, including details of any previous employment, disciplinary or criminal proceedings or investigations, details of any complaints or allegations previously made about
them, information about any sexual relationships or conduct outside of marriage and use of pornography. A true copy of the Lifestyle Questionnaire is identified by ‘[STAT.0819.001.0485]’.

164. The applicant must provide the Lifestyle Questionnaire to an appropriate interviewer (for example, the applicable Regional Bishop or his representative) who meets with them to discuss the contents of the completed Questionnaire. After that interview, the interviewer must sign off on the Questionnaire before the assessment and screening process proceeds further.

165. The screening process then involves the Professional Standards Unit:

(a) Reviewing the completed confidential Lifestyle Questionnaire and attachments;

(b) Verifying the Working With Children Check clearance provided by the applicant;

(c) Searching the National Register for the name of the applicant;

(d) Checking the Professional Standards Unit database for any information concerning the applicant;

(e) Obtaining further information from the applicant where more information or a greater detail of information is required to assess the application.

166. In appropriate cases, as judged by the Director of Professional Standards based on answers to the Lifestyle Questionnaire and other sources of information about the applicant:

(a) Further checks concerning the person are undertaken via the Anglican Network of Professional Standards Directors, or the equivalent of a Director of Professional Standards in another diocese, denomination or organisation;

(b) A risk assessment of the applicant is undertaken by the Director which takes into account matters such as the nature of the disclosure of previous misconduct, allegation or concern, whether the conduct was a pattern of behaviour or a single incident, the length of time since the occurrence, the steps taken to address the misconduct, whether it is likely to reoccur, and whether professional standards risks exist as a result and to what extent these are able to be ameliorated; and
(c) A report is prepared for the consideration of the Archbishop with identification of professional standards risks and any recommendations to be considered before licensing.

b. Prior to participating in activities involving children

167. The new Working with Children Check was phased in for the religious sector from June 2013. The phase in period is now complete for the religious sector. The new regime is externally overseen by the Office of the Children’s Guardian.

168. All workers in ‘child-related’ employment (including licensed ministers and unpaid volunteers) must undertake a Working With Children Check. The Professional Standards Unit assisted parishes with the implementation of the new Working with Children Check throughout the phase-in period, and a new role of Safe Ministry Representative Liaison Officer was principally created for this purpose. Following the phase-in of Working with Children Checks:

(a) There were 966 ministers in the Diocese who completed the Working with Children Check before 31 March 2014, and 45 ministers who were considered exempt due to there being no prospect of their undertaking ministry activities due to serious health issues (for example, being legally blind, frail, infirm or having dementia) or residing interstate; and

(b) Almost 14,000 other workers in child-related employment obtained Working with Children Check clearances across all parishes in the Diocese by the end of May 2015.

169. The new Working with Children Check is mandatory for all those in child-related work in the Diocese.

170. The Working with Children Check requirements in the Diocese are as follows:

(a) For all clergy working in the Diocese to obtain a Working with Children Check clearance and for the parish (and/or the applicable organisation) to verify those clearances (noting that both the Registry and the parish are required to verify clearances of those with an Archbishop’s licence); and
(b) For all other persons who are in child-related work in parishes (or organisations), whether employed or voluntary, to obtain a Working with Children Check clearance and for the parish (or the applicable organisation) to verify those clearances.

Although there are some exemptions to the need for a Working with Children Check in the Child Protection (Working with Children Check) Act 2012 (such as parents volunteering in connection with a team, program or other activity in which their child usually participates) parishes and organisations have been encouraged by the Professional Standards Unit to have all persons who undertake child-related work obtain a Working With Children Check clearance.

171. In addition to the Working with Children Check, it is recommended to parishes by the Professional Standards Unit to seek full disclosure of any relevant history and to complete reference checks with prior supervisors or employers before appointing persons to positions in the parish that involve working with children.

172. Furthermore, Safe Ministry Journey Pathways policy documents have been developed by the Diocese for parishes, to be used in screening and appointing people to the following roles:

(a) Senior Minister;
(b) Safe Ministry Representatives;
(c) Head of Youth Ministry;
(d) Youth ministry leaders;
(e) Head of Children’s Ministry; and
(f) Children’s Ministry leaders.

A true copy of the Safe Ministry Journey Pathways policy documents is identified by ‘[STAT.0819.001.0497]’.

c. Prior to holding positions of authority

i. At Diocesan level

173. The screening and assessment processes for the suitability of those holding positions of authority at Diocesan level in relation to the formulation of policy on professional standards matters are set out below.
174. The Safe Ministry Board was established by the Safe Ministry Board Ordinance 2001. A true copy of that ordinance is identified by '[STAT.0819.001.0593]'. The Safe Ministry Board has the responsibility to encourage parishes and other Diocesan organisations to be child protection aware, compliant and responsive (pursuant to the Safe Ministry Board Ordinance, cls 5 and 6).

175. The members of the Safe Ministry Board are:

(a) The Archbishop, who is the President of the Board;

(b) The Director of Professional Standards, who is the Chief Executive Officer of the Board;

(c) Three licensed ministers appointed by the Archbishop;

(d) Three people who are not licensed ministers appointed by the Archbishop;

(e) Three licensed ministers elected by Standing Committee; and

(f) Three people who are not licensed ministers elected by Standing Committee.

The Board must include an experienced lawyer and at least four men and at least four women. The Archbishop and Standing Committee must also have regard to the need for the Board to include people with professional training and/or experience in the areas of child protection, social welfare or counselling (pursuant to cl. 8 of the Safe Ministry Board Ordinance).

176. The members of the Safe Ministry Board that are licensed by the Archbishop have been subjected to the screening processes referred to above which includes a Working with Children Check. All other members are required to have a Working with Children Check clearance.

177. Both Standing Committee and Synod from time to time formulate policy on professional standards matters through the enactment of ordinances. Members of Standing Committee are generally elected to their positions (unless their positions are ex officio positions). The majority of members of Synod are elected to Synod at the annual general meeting of their parish; others are appointed by the Archbishop and others are ex officio members.
Statement in relation to the Anglican Church and other matters

Statement of Glenn Naunton Davies continued

ii. At parish level

178. All ordained and paid lay church workers in the Diocese are required to apply for the Archbishop’s licence (as set out above). Rectors of parishes are subjected to the screening practices referred to in the answer above before their appointment.

179. Rectors of parishes are responsible for complying with child protection requirements at the parish level.

180. The Sydney Synod has passed a number of motions, for example the Safe Ministry Policy 18/04 and the Safe Ministry Policy 24/15 (true copies of which identified by '[STAT.0819.001.0599]'), recommending that parishes adopt and implement safe ministry policies and practices, most recently in the form of the Safe Ministry Journey policies.

181. Rectors of parishes must, with the concurrence of the parish council, appoint a Safe Ministry Representative for the parish to assist in meeting their child protection and safe ministry obligations (pursuant to the Parish Administration Ordinance, cls 7.2A, 7.3).

182. A Safe Ministry Representative, pursuant to the Parish Administration Ordinance (cl. 7.4) must:

(a) Be 21 years or older;

(b) Have completed Safe Ministry training within the last 3 years or within 3 months after their appointment (and every 3 years after that);

(c) Hold a Working With Children Check clearance, verified by the Office of the Children’s Guardian;

(d) Have an email account (for administrative purposes);

(e) Have good administrative skills;

(f) Be capable of maintaining a computer spreadsheet; and

(g) Must not be bankrupt or mentally ill, or otherwise incapable of acting in the capacity of Safe Ministry Representative.

183. Rectors are encouraged, if possible, to appoint a Safe Ministry Representative who:
(a) Has professional training or expertise in child protection issues (such as a teacher, children's worker, youth worker or a person with behavioural or social sciences qualifications and experience); and
d
(b) Is not a member of the parish staff or related to a member of the parish staff. Otherwise, a parishioner might feel uncomfortable speaking to the Safe Ministry Representative about concerns regarding a staff member.

However these are desirable, rather than mandatory requirements.

184. People with a criminal conviction for an offence listed in Schedule 2 of the Child Protection 
(Working with Children) Act 2012 (which includes serious sexual offences and certain other 
ofences involving children) cannot be appointed or elected as parish councillors, wardens, 
parish nominators or continue as such (Parish Administration Ordinance, cls 2.6, 2.8, 2.12, 2.14 
and Nomination Ordinance 2006 cls 32 and 37).

d. Presiding over or participating in disciplinary proceedings

i. The Professional Standards Committee

185. The Professional Standards Committee receives and considers complaints made under the 
Discipline Ordinance (with the exception of complaints concerning unpaid lay church workers, 
which are addressed below in relation to Adjudicators).

186. Pursuant to clause 116 of the Discipline Ordinance, the Archbishop-in-Council is to appoint at 
least 3 persons to be members of the Professional Standards Committee. The members are to 
include at least one person who is not a member of the Anglican Church, and as far as it is 
reasonably practicable is to have an equal number of men and women. The people appointed 
as members of the Professional Standards Committee are to include:

(a) An experienced lawyer (being a person who is or has been a judge or justice of an 
Australian, State or Territorial court or tribunal, or a person who has been admitted as 
a legal practitioner for not less than 10 years);

(b) A person who has been a member of the clergy for not less than 10 years; and
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(c) A person certified by the Safe Ministry Board as having other qualifications or experience appropriate to the discharge of the office as a member of the Professional Standards Committee, such as child protection, social work or psychiatry.

ii. Adjudicators

187. An Adjudicator is appointed by the Diocesan Registrar to receive and consider a complaint made under the Discipline Ordinance concerning an unpaid lay church worker.

188. An Adjudicator must be an experienced lawyer (being a person who is or has been a judge or justice of an Australian, State or Territorial court or tribunal, or a person who has been admitted as a legal practitioner for not less than 10 years) (pursuant to the Discipline Ordinance, cl. 44).

iii. Tribunals

189. There are two Tribunals instituted by the Discipline Ordinance: the Diocesan Tribunal, which can hear charges concerning members of the clergy; and the Disciplinary Tribunal, which can hear charges concerning lay church workers (apart from unpaid lay worker, as set out above in relation to Adjudicators).

190. Pursuant to Chapter 9, Part 3 of the Discipline Ordinance, the Diocesan Tribunal consists of the Archbishop or a Deputy President appointed by the Archbishop who must be an experienced lawyer being a person who is or has been a judge or justice of an Australian, State or Territorial court or tribunal, or a person who has been admitted as a legal practitioner for not less than 10 years) and two other members of the Diocesan Tribunal (one member of the clergy and one lay person) appointed by the Registrar.

191. The remaining members of the Diocesan Tribunal are elected by Synod. The members must include 5 members of the clergy, each of whom has been a member of the clergy for not less than 10 years and 5 lay persons, to include at least two experienced lawyers (being a person who is or has been a judge or justice of an Australian, State or Territorial court or tribunal, or a person who has been admitted as a legal practitioner for not less than 10 years) and at least two men and two women.

192. For the purpose of hearing and determining a charge alleging an offence of child abuse or sexual abuse the Diocesan Tribunal is to include at least one man and one woman.
193. Pursuant to Chapter 9, Part 4 of the *Discipline Ordinance*, members of the Disciplinary Tribunal are the members for the time being of the Diocesan Tribunal and the person appointed by the Archbishop as Deputy President of the Diocesan Tribunal. A Disciplinary Tribunal consists of three members appointed by the Registrar that must include an experienced lawyer (being a person who is or has been a judge or justice of an Australian, State or Territorial court or tribunal, or a person who has been admitted as a legal practitioner for not less than 10 years) who is the chairperson of the Disciplinary Tribunal, a member of the clergy and one other person. For the purpose of hearing and determining a charge alleging an offence of child abuse or sexual abuse the Disciplinary Tribunal is to include at least one man and one woman.

**A2. Training, Educating and Responding**

194. The Diocesan approach to training and educating church workers and members on child sexual abuse and on responding to instances of child sexual abuse are set out below.

a. Safe ministry training requirements

195. A person appointed to a children’s ministry position in a parish must have satisfactorily completed safe ministry training within the last 3 years or within 3 months after their appointment, and every 3 years thereafter while the appointment continues (pursuant to the *Parish Administration Ordinance*, cl. 7.2(1)). Failure for the person to do so without just cause results in the person’s appointment being revoked (pursuant to cl. 7.2(2) of the same ordinance).

196. The minister and any assistant minister licensed to the parish must have satisfactorily completed safe ministry training within the last 3 years, or within 3 months after the licence is issued, and every 3 years thereafter while the licence continues (pursuant to the *Parish Administration Ordinance*, cl. 7.2(3)). Failure for the minister or assistant minister to do so without just cause may result in the Archbishop directing the person to do so (pursuant to cl. 7.2(4) of the same ordinance).

b. Safe Ministry Representative

197. Since 2008, it has been mandatory for each parish to nominate a person to the role of Safe Ministry Representative (pursuant to the *Parish Administration Ordinance*, cl. 7.3). The role of
Safe Ministry Representatives in parishes continues to be pivotal to ensuring parishes comply with safe ministry requirements.

198. Pursuant to Chapter 7 of the *Parish Administration Ordinance*, it is the role of a Safe Ministry Representative to:

(a) Assist the minister to comply with the child protection screening requirements;

(b) Keep records of Working With Children Checks and Safe Ministry training;

(c) Monitor and report to the parish council on safe ministry systems and practice in the parish; and

(d) Report any abuse to the Director of Professional Standards.

199. The Professional Standards Unit provides support, assistance and training to Safe Ministry Representatives in their role through its Safe Ministry Representative Liaison Officer.

c. Safe ministry training development and administration

200. The Professional Standards Unit and the Safe Ministry Board are responsible for developing and administering safe ministry training throughout the Diocese. The Safe Ministry Training courses are the mandatory safe ministry training courses for the Diocese, and are delivered by Anglican Youthworks or local trainers accredited by Anglican Youthworks.

201. The Safe Ministry Training courses are as follows:

(a) Safe Ministry Essentials (a four and a half hour course), covering:

- Safe Ministry foundations
- Good Leaders
- Safe Practices
- Safe Environments

This is the longest and most comprehensive Safe Ministry Training course, and it must be completed by all persons before starting in a children's ministry position.
(b) Safe Ministry refresher (a two and a half hour course), to provide an update on safe ministry practices and developments every three years, for leaders who have already completed Safe Ministry Essentials.

(c) Safe Ministry Junior Leader’s Module (a two hour course), to provide a more simplified and sensitive presentation of safe ministry training suitable for those under 16 years of age who wish to be involved in leading in a ministry setting (and who are supervised at all times by an experienced leader). This course is recommended to parishes, but is not mandatory.

202. The Safe Ministry Training of the Diocese is recognised and endorsed by the Safe Church Network Training Agreement to which the Diocese is a party (subject to some further information being provided by the Diocese about elder abuse). Pursuant to the endorsement, the Diocese’s Safe Church Training Manual “Safe Ministry with Vulnerable People” is required to be re-submitted for review and re-endorsement by 30 June 2018. A true copy of the letter of endorsement from the National Council of Churches in Australia, Safe Church Program, dated 12 November 2015 is identified by '[STAT.0819.001.0601]'.

d. Safe ministry training delivery

203. Safe Ministry training is conducted primarily in two ways across the Diocese. The first is through Senior Trainers and the second is through Local Trainers.

204. There are 20 trained Senior Trainers in the Diocese, who have been co-endorsed by the Safe Church Network to train participants in Safe Church Training Agreement member denominations in safe ministry training. In March and October each year, there are two intensive Safe Ministry weeks, during which training is conducted at various locations throughout the Diocese so that those who have not been otherwise able to attend training can do so. If there is sufficient demand outside these times, other safe ministry training sessions can be arranged.

205. Rectors of parishes also have the option of nominating a suitable person to be a Local Safe Ministry Trainer. After training, this person can choose to be a Local Trainer for their parish and one other parish. The Local Trainer can then run safe ministry training in those parishes as many times as required. There are currently over 350 approved Local Trainers in the Diocese.
206. In 2015 to date, approximately 1,000 people have been trained during Safe Ministry week and during other safe ministry training events throughout the Diocese. Many more than this would have been trained by Local Trainers in parishes, but those numbers are currently not reported by parishes to the Diocese.

e. Safe ministry modules in theological training

207. Candidates for ordination in the Diocese of Sydney have generally completed a four year theology degree at Moore College. Following ordination, three years of postgraduate training through Ministry Training and Development are also required, during their first appointment to a parish. Youth ministry training is also provided by Youthworks College, which offers a Diploma of Theology and a Diploma of Ministry (each of which takes two years to complete).

208. Safe Ministry Modules are taught through Moore College, Ministry Training and Development and Youthworks College as part of their courses and programs. The course modules include:

(a) Safe Ministry Essentials;
(b) Faithfulness in Service;
(c) The Effects of Child Abuse;
(d) Pastoral Response to Child Abuse;
(e) Self Care for Church Workers;
(f) Healthy Sexuality;
(g) Safe Churches for Children;
(h) Consequences for Abuse on a Parish; and
(i) People who Abuse – Pastoral Management.

The modules have been developed and are taught by Professional Standards Unit staff or their representatives. The modules are presently under review and in the process of being updated.

f. "Faithfulness in Service" triennial training for licensed persons

209. All licensed clergy and church workers in the Diocese are required to attend “Faithfulness in Service” training seminars once every three years which are organised and paid for by the
Professional Standards Unit. This training has been run across the Diocese in 2005, 2008, 2011 and 2014.

g. Safe Ministry Journey Policy model

210. The Safe Ministry Journey Policy model represents a holistic approach to child protection and safe ministry, by appropriately informing and engaging Church leadership, children and youth ministry workers and the Church community about these issues to help ensure greater awareness, transparency and accountability and to help foster a culture of safe ministry at all levels of the Church. A key goal of the model is signposting and promoting safe ministry policies and practices at the level of individual parishes.

211. A Signpost document has been developed for parents and congregation members, explaining the safe ministry policies and practices in relation to children’s and young people’s ministry at the parish. It is available on the safeministry.org.au website, and a true copy is identified by ‘[STAT.0819.001.0603]’.

212. Further promotional and awareness-raising tools that are currently available on the safeministry.org.au website include a postcard for distribution and PowerPoint slides to be used by parishes. Posters for parishes specifically designed for a similar purpose will soon be available for download from the website also.

B. Disclosures of Child Sexual Abuse

B1. The Diocese’s approach

213. The Diocese promotes a culture of zero tolerance for abuse, and encourages all abuse allegations to be reported. Since the 1990s, the Diocese has advertised its Abuse Report Line each month in Southern Cross (the Diocesan Magazine) and annually in the Diocese of Sydney Yearbook. Since 2007, the Professional Standards Unit has maintained a safe ministry website which was recently updated and launched at Synod 2015 at the new address: www.safeministry.org.au.

214. Since 1996, the Diocese has used an established protocol for receiving complaints and allegations of child abuse or sexual misconduct by clergy or church workers. Five Contact Persons have been appointed in locations across the Diocese: the Northern Beaches, Northern Suburbs, Western Suburbs, Southern Suburbs and the Illawarra. All Contact Persons are
trained counsellors who can be contacted through an abuse Report Line (1800 774 945 or reportabuse@sydney.anglican.asn.au or via the safeministry.org.au website). The Report Line diverts callers to the relevant Contact Person each of whom has a mobile phone dedicated to this purpose.

215. The Contact Persons provide information and support to callers as they consider their options. The Contact Persons can then assist in documenting and reporting allegations or complaints of abuse or misconduct. The Contact Person also talks to complainants about counselling options if they require that assistance at this stage.

216. Any complainant identifying possible criminal behaviour is encouraged to make a report to the police. The Contact Person or another appropriate person from the Professional Standards Unit is able to assist the complainant in reporting the matter to the police.

217. Once the Contact Person has documented the allegations, with the complainant’s consent, the Contact Person submits a report to the Professional Standards Unit for review and further action by that Unit as appropriate.

218. The Professional Standards Unit issued a Contact Person’s Manual in 2012 that was prepared to help equip and resource Contact Persons for their roles. A true copy of that manual is identified by ‘[STAT.0819.001.0617]’.

219. The following information is extracted from the Safe Ministry Journey Policy for Children’s Ministry Leaders and is mirrored in the Safe Ministry training material. It is an example of a policy setting out what church workers (in this case volunteers in children’s ministry) are to do in circumstances where there is a disclosure of child sexual abuse from a child:

7. Reporting abuse

It is your responsibility to ensure that any child abuse that you become aware of is reported to the relevant authorities. You may become aware of abuse because you have observed indicators of abuse, another person has informed you of their concerns for a child or a child has told you they are being abused.

If a child tells you about any abuse, you should:

- listen to their story;
- comfort them if they are distressed;
- let them know you’re glad they told you and that they did the right thing;
• let them know you are going to get help about what to do next and that you will get back to them.

As soon as possible after the disclosure you must:

a. write down the details of what was said, and

b. report the information to the appropriate authorities.

a. WRITE DOWN the details of what was said including such details as:

• who you spoke to,
• date, time and place,
• what you said,
• what the child said, and
• any grounds for forming the belief that abuse has occurred.

Keep to the facts about what was said and don’t express your opinion. Be aware that this document must be signed and dated and could be subpoenaed in court proceedings.

b. REPORT the information to the appropriate authorities.

REPORTING SUSPECTED CHILD ABUSE AND DISCLOSURES

<table>
<thead>
<tr>
<th>Issue or concern</th>
<th>Report to:</th>
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</thead>
<tbody>
<tr>
<td>General Suspicions</td>
<td>Head ministry leader</td>
</tr>
<tr>
<td>Child or young person currently at risk of significant harm</td>
<td>FaCS</td>
</tr>
<tr>
<td></td>
<td>If possible discuss with your head ministry leader or Senior Minister* first and use the Mandatory Reporters Guide.</td>
</tr>
<tr>
<td></td>
<td>Police</td>
</tr>
<tr>
<td></td>
<td>Contact the police first if the situation requires emergency assistance.</td>
</tr>
<tr>
<td></td>
<td>Professional Standards Unit</td>
</tr>
<tr>
<td></td>
<td>Contact the PSU where the alleged perpetrator is a church worker.</td>
</tr>
</tbody>
</table>
Statement in relation to the Anglican Church and other matters

Statement of Glenn Naunton Davies continued

<table>
<thead>
<tr>
<th>Knowledge of relevant criminal offences</th>
<th>Police</th>
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<tbody>
<tr>
<td></td>
<td>Professional Standards Unit (regarding a church worker)</td>
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</table>

<table>
<thead>
<tr>
<th>Child abuse by a church worker**</th>
<th>Senior Minister*/church worker's employer</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Anglican Abuse Report line (1800 77 49 45)</td>
</tr>
<tr>
<td></td>
<td>Police</td>
</tr>
</tbody>
</table>

Contact the Professional Standards Unit if you are unsure of what to do in any circumstance or where an allegation is regarding the Senior Minister

* Do not report to the Senior Minister if the allegation is regarding the Senior Minister

** A church worker includes a minister, any ministry volunteer or leader (e.g., Sunday School teacher, youth group leader, organist, etc), warden, parish councillor, parish Synod representative.

Do not undertake an investigation, and do not disclose the allegations to the alleged offender at this initial stage.

Confidentiality
You must treat any suspicion, knowledge or disclosure of abuse with the utmost confidentiality. Apart from reporting it to the relevant authorities and to your ministry leader or Minister, you must not ordinarily share the information with anyone else.

Pastoral care
A victim of abuse may require immediate specialist counselling or other support. When a report is made to the Professional Standards Unit, the Professional Standards Unit Chaplain can provide advice on care for victims and their families. Victims often need ongoing contact and support and the Minister should ensure that an appropriate person is appointed to follow up with them. If you have had someone disclose abuse to you, you will also need to be appropriately cared for and supported. You may need to debrief about how the experience has affected you.
6. Reporting abuse

It is your responsibility to ensure that any abuse that you become aware of is reported to the relevant authorities. You may become aware of abuse because you have observed indicators of abuse, another person has informed you of their concerns for someone or someone has told you they are being abused.

If a child or adult tells you about any abuse, you should:
- listen to their story;
- comfort them if they are distressed;
- let them know you're glad they told you and that they did the right thing;
- let them know you are going to get help about what to do next and that you will get back to them.

As soon as possible after the disclosure you must:
- write down the details of what was said, and
- report the information to the appropriate authorities.

a. WRITE DOWN the details of what was said including such details as:
- who you spoke to,
- date, time and place,
- what you said,
- what the person said, and
- any grounds for forming the belief that abuse has occurred.

Keep to the facts about what was said and don't express your opinion. Be aware that this document must be signed and dated and could be subpoenaed in court proceedings.

b. REPORT the information to the appropriate authorities.

REPORTING SUSPECTED CHILD ABUSE AND DISCLOSURES
Know or suspect child or young person currently at risk of significant harm

Knowledges of relevant criminal offences

Child abuse by a church worker*

<table>
<thead>
<tr>
<th>FaCS</th>
<th>Use the Mandatory Reporters Guide.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Police</td>
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</table>

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<thead>
<tr>
<th>Police</th>
<th>Professional Standards Unit (regarding a church worker)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Anglican Abuse Report line (1800 77 49 45)</td>
</tr>
<tr>
<td></td>
<td>Police</td>
</tr>
</tbody>
</table>

Contact the Professional Standards Unit if you are unsure of what to do in any circumstance.

* A church worker includes a minister, any ministry volunteer or leader (eg, Sunday School teacher, youth group leader, organist, etc), warden, parish councillor, parish Synod representative.

Do not undertake an investigation, and do not disclose the allegations to the alleged offender at this initial stage.

Under NSW law, you have a legal obligation to report, as soon as practicable, to Family and Community Services the name of a child if there are reasonable grounds to suspect the child is at risk of significant harm.

A child or young person is “at risk of significant harm” if current concerns exist for the safety, welfare or well-being of the child or young person because of the presence, to a significant extent, of any one or more of the following circumstances:

a. the child’s or young person’s basic physical or psychological needs are not being met or are at risk of not being met,
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b. the parents or other caregivers have not arranged and are unable or unwilling to arrange for the child or young person to receive necessary medical care,

(b1) in the case of a child or young person who is required to attend school in accordance with the Education Act 1990—the parents or other caregivers have not arranged and are unable or unwilling to arrange for the child or young person to receive an education in accordance with that Act,

c. the child or young person has been, or is at risk of being, physically or sexually abused or ill-treated,

d. the child or young person is living in a household where there have been incidents of domestic violence and, as a consequence, the child or young person is at risk of serious physical or psychological harm,

e. a parent or other caregiver has behaved in such a way towards the child or young person that the child or young person has suffered or is at risk of suffering serious psychological harm,

f. the child was the subject of a pre-natal report and the birth mother of the child did not engage successfully with support services to eliminate, or minimise to the lowest level reasonably practical, the risk factors that gave rise to the report.

Note. Physical or sexual abuse may include an assault and can exist despite the fact that consent has been given.

REPORTING SUSPECTED ADULT ABUSE AND DISCLOSURES

<table>
<thead>
<tr>
<th>Issue or concern</th>
<th>Report to:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Sexual abuse of an adult by a church worker</td>
<td>Police</td>
</tr>
<tr>
<td></td>
<td>Anglican Abuse Report line (1800 77 49 45)</td>
</tr>
<tr>
<td>Other abusive behaviour by a church worker e.g. physical violence, bullying</td>
<td>Regional Bishop</td>
</tr>
<tr>
<td>Criminal conduct</td>
<td>Police</td>
</tr>
<tr>
<td></td>
<td>Professional Standards Unit (regarding a church worker)</td>
</tr>
</tbody>
</table>
Threat of harm to self or others | Police, Ambulance, Mental health service (as required)

Contact the Professional Standards Unit if you are unsure of what to do in any circumstance.

* A church worker includes a minister, any ministry volunteer or leader (eg, Sunday School teacher, youth group leader, organist, etc), warden, parish councillor, parish Synod representative.

Confidentiality
You must treat any suspicion, knowledge or disclosure of abuse with the utmost confidentiality. Apart from reporting it to the relevant authorities, you must not ordinarily share the information with anyone else.

Pastoral care
A victim of abuse may require immediate specialist counselling or other support. When a report is made to the Professional Standards Unit, the Professional Standards Unit Chaplain can provide advice on care for victims and their families. Victims often need ongoing contact and support and you should ensure that an appropriate person is appointed to follow up with them.

If a leader informs you that a child or young person has disclosed abuse to them, you should make sure that the above steps are taken. You should also ensure that the leader is appropriately cared for and supported. The leader may need to debrief about how the experience has affected them.

Pastoral Care and Assistance Scheme
A person who has experienced sexual abuse from a leader in the parish context in the Diocese of Sydney, may be able to access assistance through the Pastoral Care and Assistance Scheme.

The Diocese is committed to responding appropriately to allegations of child abuse or sexual misconduct by any church worker. Persons making allegations of child abuse or sexual misconduct are entitled to a compassionate and timely response. The Pastoral Care and Assistance Scheme is designed to enable those who have suffered abuse in the church context to receive appropriate pastoral care and financial assistance.

Further information is provided in the Pastoral Care and Assistance Scheme booklets available from the Professional Standards Unit (www.safeministry.org.au). Alternatively, the person may contact the Anglican Abuse Report Line.
B2. Reporting allegations

221. Information about general reporting processes is set out below, with specific reference to what happens when a complainant does not consent to disclosure of the allegations.

a. Police reporting

222. In all cases where information or allegations about criminal conduct (including allegations of child sexual abuse) are apparent to a church worker, they are required by the Diocese to report the matter to police, pursuant to their obligations under section 316 of the Crimes Act 1900 (NSW) ("the Crimes Act").

223. In cases where a report to police must be made by the Professional Standards Unit (for example, when information is received about the possible commission of a serious criminal offence), a form provided for this purpose to the Diocese by the Sex Crimes Squad, State Crime Command is completed and sent to the relevant Local Area Command. A true copy of that form is identified by '[STAT.0819.001.0649]'.

224. The Professional Standards Unit also deals with historical cases (or may be asked for advice about such cases by others) where a complainant, or in some cases another party such as a parent of a child who was allegedly abused in the past, does not consent to the allegations of child sexual abuse being reported to the police for a variety of reasons.

225. Depending on the reasons why a complainant or other party does not want a report to be made to police, there is a range of options and approaches available to the Professional Standards Unit to respond. Often if the Professional Standards Unit or its representative carefully and clearly explains the process of reporting the matter to police to the complainant, this helps to provide them with a better understanding of what they can expect to happen once the matter is reported to police and their views about reporting to the police may change.

226. The Professional Standards Unit has found it helpful to clarify that by reporting the matter to the police, the police will not automatically commence an investigation irrespective of the complainant’s wishes (for example, if the person is the primary witness to an offence and is unable or unwilling to cooperate, the police may not commence an investigation).
227. Providing a person with options for the way a matter is reported to police can also make an important difference to the way that they approach a matter. Options that may appear less intrusive and that may be acceptable to the complainant after the process has been explained include:

(a) The complainant’s making a report by ringing Crime Stoppers on 1800 333 000 (or the Professional Standards Unit doing so on behalf of the complainant at their request); and

(b) The complainant’s completing the Sexual Assault Reporting Options form (with or without support), and sending the completed form to the Sex Crimes Squad, State Crime Command. A true copy of this form, which is available at [http://www.police.nsw.gov.au/_data/assets/pdf_file/0013/224014/SARO_Form_200213.pdf](http://www.police.nsw.gov.au/_data/assets/pdf_file/0013/224014/SARO_Form_200213.pdf), is identified by [STAT.0819.001.0653].

These methods of reporting can be done anonymously, if preferred by a complainant.

228. If a complainant or their parent/guardian still does not want a report to be made to police, the form referred to above is used to report the matter. Nonetheless if the complainant is under 18, a report is required by mandatory reporting requirements. The report would give the name of the alleged perpetrator, details of the alleged incident and an explanation that the complainant has indicated they do not want to make a police report (without any disclosure of the complainant’s name in the first instance). If the police were then to request the name of the complainant, the name would be disclosed to them.

b. Reporting to the Department of Family and Community Services

229. The Diocese signed a Memorandum of Understanding with the Department of Community Services (as it then was) in 2001, concerning allegations of sexual abuse or assault involving a child or young person by a church worker. The purpose of the Memorandum of Understanding included co-operation among Churches and the Department in dealing with allegations of abuse. The Baptist Union NSW, Churches of Christ, the Presbyterian Church NSW, the Fellowship of Congregational Churches, the Salvation Army (Australian Eastern Territory) and the Christian Reformed Churches of Australia (NSW) were also party to the Memorandum of Understanding. A true copy of that Memorandum of Understanding is identified by [STAT.0819.001.0667]. The Memorandum of Understanding is an early example
of cooperation among Churches and organisations, in the interests of promoting the care and wellbeing of children where allegations of child sexual abuse had been made. (It has since been overtaken by the “Keep Them Safe” initiatives introduced by the NSW Government from about 2009.)

230. Where a church worker has grounds to believe that there is a child at significant risk of harm, the church worker is to make a report to the Department of Family and Community Services (pursuant to their obligations under ss 23, 24 and 27 of the Children and Young Persons (Care and Protection) Act 1998). In the Safe Ministry Journey policies and Safe Ministry training for the Diocese, the distinction between mandatory reporters and voluntary reporters is not emphasised, rather all church workers are required, as a matter of policy, to ensure that a report is made if the reporting threshold is met, and to follow the reporting structure provided in the ‘Disclosures of child sexual abuse generally’ section to ensure this is the case. A Department of Family and Community Services reporting abuse form has been developed to assist parishes when reporting to the Department. This document is available at [http://safeministry.org.au/resource-documents/](http://safeministry.org.au/resource-documents/).

231. Consent from a complainant is not required in order for church workers to report matters to the Department of Family and Community Services.

c. Reporting to the NSW Ombudsman

232. Pursuant to s. 25C(1) of the Ombudsman Act 1974 (NSW), in certain circumstances the Ombudsman is be notified of an employee’s sexual misconduct involving a child (including grooming behaviour) or any serious physical assault of a child.

233. A parish will ordinarily fall outside the jurisdiction of the Ombudsman’s Office, unless the parish also provides “substitute residential care” as part of its core business activities (as defined in s. 25A of the Ombudsman Act). This includes, for example, provision of care for children at fixed permanent dwellings for three nights or more without their parents (for example, certain youth camps). Where a parish falls within these provisions, then in the mandated circumstances the parish is to make a report to the Ombudsman.
d. Reporting to the Office of the Children's Guardian

234. Complaints against a church worker in the Diocese that allege child sexual abuse are reported to the Office of Children's Guardian pursuant to Schedule 1, s. 2 of the Child Protection (Working with Children) Act 2012 if a finding has been made under the Discipline Ordinance that the conduct occurred.

235. The relevant bodies for consideration of complaints in relation to reportable conduct are as follows:

(a) The Profession Standards Committee, in relation to allegations of reportable conduct against members of the clergy and church workers (pursuant to cls 33(2) and 36(3) of the Discipline Ordinance);

(b) The applicable Tribunal, if matters are referred to it (pursuant to cl. 73(1) of the Discipline Ordinance); and

(c) An Adjudicator, if an allegation of reportable conduct is made against an unpaid church worker (pursuant to cl. 19 and Chapter 4 of the Discipline Ordinance).

B3. Confessions

236. Clause 9(1) of the Discipline Ordinance provides that a church worker (including a member of the clergy) must disclose to the Director of Professional Standards:

(a) if they know or have reason to believe that another church worker has engaged in conduct which constitutes child abuse, grooming, inappropriate pastoral conduct involving a child or possession, production or distribution of child exploitation material (as those terms are defined in the Discipline Ordinance);

(b) the name of the person; and

(c) the church worker's reason for their knowledge or belief.

A person in holy orders resident in the Diocese or a lay person with a licence for paid work from the Archbishop who fails to comply with the obligation in cl. 9(1) without reasonable excuse commits an offence under the Discipline Ordinance (cl. 9(2) and 9(3) respectively).
237. In the Diocese of Sydney, these obligations exist irrespective of whether the church worker becomes aware of the information in the context of a confession. The Canon Concerning Confessions 1989 (in its original form or as subsequently amended), is not operative in the Diocese of Sydney. That Canon provides in cl. 2:

Subject to section 2A [which limits the obligation of confidentiality in relation to serious offences in certain circumstances], if any person confess his or her secret and hidden sins to an ordained minister for the unburdening of conscience and to receive spiritual consolation and ease of mind, such minister shall not at any time reveal or make known any crime or offence or sin so confessed and committed to trust and secrecy by that person without the consent of that person.

238. As outlined above, depending on the circumstances, other legal reporting obligations for church workers in the Diocese may also apply pursuant to:

(a) Section 316 of the Crimes Act;

(b) Sections 23, 24 and 27 of the Children and Young Persons (Care and Protection) Act 1998;

(c) The Ombudsman Act 1974 (NSW); and

(d) Schedule 1 s. 2 of the Child Protection (Working with Children) Act 2012 (NSW).

B4. Notifying an alleged perpetrator of allegations

239. A complaint of child sexual abuse where the alleged perpetrator is a member of the clergy or a church worker in the Diocese is actionable under the Discipline Ordinance (except where the alleged perpetrator is deceased).

240. After a complaint has been received under the Discipline Ordinance that conforms to the requirements of cl. 12, the Director (subject to any applicable circumstances in clts. 13 to 17(1)) is to serve a copy of the complaint on the alleged perpetrator ("the respondent") pursuant to cl. 17(2) of the Discipline Ordinance. However, pursuant to cl. 17(1), the Director may appoint an investigator to investigate a complaint before notifying a respondent of the allegations.

241. If the Director does not choose to do this, the Director is to serve the complaint upon the respondent. This generally requires:
(a) A document outlining the substance of the complaint to be served upon the respondent;

(b) A copy of the Discipline Ordinance and Faithfulness in Service code of conduct to be served on the respondent;

(c) An invitation being issued to the respondent to provide a written response to the complaint within twenty-one days;

(d) The respondent’s being told that they may initially respond to the complaint verbally, however that anything said at that stage may later become part of the information available for consideration of the matter;

(e) The respondent’s being told that they may seek advice generally or legal advice in relation to the matter before responding;

(f) A summary of the Discipline Ordinance procedures being provided to the respondent;

(g) The respondent’s being told that a support person can be appointed for them throughout the process, if required;

(h) The respondent’s being told (if they are a member of the clergy or a paid church worker) that costs of professional advice, such as legal advice, to assist them at particular points, may be reimbursed up to an applicable approved amount (cl. 37A of the Discipline Ordinance); and

(i) The respondent’s being told that if they require counselling while the process is underway, it will be paid for by the Professional Standards Unit.

242. Also relevant to notification of alleged perpetrators is the National Register Canon 2007, which was passed by the General Synod of the Anglican Church of Australia in October 2007. The Canon provides for a central confidential database of “church workers” (both laity and clergy) against whom a “notifiable complaint” has been made in regard to child abuse or adult sexual misconduct or where there has been an adverse decision made in relation to employment, ordination or licensing.

243. In cases where an alleged perpetrator falls within the definition of “church worker” and the complaint falls within the definition of a “notifiable complaint”, the person’s name is required
to be entered onto the National Register and they are notified of this entry by the Director of the Professional Standards Unit as part of this process.

244. In cases where allegations have been reported to the police and are, or could be, the subject of a police investigation, cl. 13(5) of the Discipline Ordinance permits the Director (with the concurrence of the Professional Standards Committee), to defer dealing further with the complaint until such time as the police processes, or criminal proceedings where applicable, are completed.

B5. Providing pastoral care and counselling

245. After a complainant has contacted the Diocese and is put in touch with a Contact Person, the Contact Person offers to meet with the complainant in order to receive their complaint and to explain what is on offer under the Pastoral Care and Assistance Scheme. After the initial meeting (or the initial contact, if there is no meeting), the Contact Person submits a Contact Person’s Report to the Professional Standards Unit.

246. After receiving the Contact Person’s Report, the Professional Standards Unit Chaplain contacts the complainant to offer to arrange counselling paid for by the Professional Standards Unit, or to pay for counselling arranged by the complainant themselves. Further sessions are available after every ten sessions, if required and likely to be beneficial.

247. The Professional Standards Unit Chaplain continues to engage with the complainant throughout the complaints process for support and to provide information and updates as necessary. The Director will also often engage with the complainant via the Professional Standards Unit Chaplain. The Diocese considers it to be very important that complainants are kept advised throughout the complaints process and the Professional Standards Unit Chaplain is regularly in contact with them.

248. If a complainant seeks additional support, the chaplain can help link the complainant to additional services and a support person. The Safe Ministry website contains a list of additional services that may assist a complainant, depending on the circumstances, at: http://safeministry.org.au/seeking-support/.

249. The Chaplain is able to assist the complainant with the paperwork for an application under the Pastoral Care and Assistance Scheme, which is addressed further below.
250. If complainants request it, the Chaplain also assists in putting them in touch with a local church. At a Diocesan level, a Tears and Hope church service is held each year for survivors of abuse, hosted by St. John's Anglican Church Darlinghurst. The service is organised with the assistance of the Professional Standards Unit Chaplain. In 2014 the speaker at the service was Prue Gregory, the Acting Principal Lawyer from Knowmore, a free legal service providing information to people about the Royal Commission. Since becoming Archbishop I have also addressed the congregation in 2013, 2014 and 2015 offering an apology for the shameful acts of the past involving church workers.

C. Investigation

251. I am next asked to address the topics of investigating allegations of child sexual abuse, and imposing restrictions on an alleged perpetrator's duties or involvement with the Church pending resolution of an investigation.

252. At the outset, I note that the section that follows concerns internal Diocesan processes, in addition to reports to other agencies such as the police and the Department of Family and Community Services (which are dealt with elsewhere in my statement).

C1. Investigating allegations of child sexual abuse

253. After the Professional Standards Unit is notified of a complaint, if the respondent admits the complaint or the substance of the complaint, the matter proceeds to the Professional Standards Committee or an Adjudicator as appropriate.

254. If the respondent denies or does not admit to the substance of the complaint or fails to respond to the complaint, then an investigator is appointed by the Director to investigate the allegations (cl. 20 of the Discipline Ordinance). An investigator is empowered to obtain written statements and such other material as the investigator considers necessary or advisable for the purposes of conducting the investigation.

255. The general functions of the investigator, the responsibility of the respondent to co-operate in the investigation (including a response to questions put by the investigator by notice in writing, in a timely fashion, and otherwise to cooperate with the investigation as required) and the investigator's obligation to provide a report to the Director setting out the results of the investigation together with documents relevant to the investigation are set out in cls. 22, 23
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and 25 of the *Discipline Ordinance* respectively. An investigation must be conducted promptly (cl. 21). If a respondent fails to comply with a notice issued under cl. 23(i), that may be an offence (cl. 24). The Director is empowered, by notice in writing, to revoke the appointment of an investigator in certain cases (cl. 26).

256. If the investigator conducts an interview with the respondent, the respondent may have another person present with them (provided that person is not a witness to the matters alleged in the complaint).

257. Once an investigation is completed and a report has been provided by the investigator, the matter is referred to the Professional Standards Committee or an Adjudicator as appropriate (cls. 32 and 45 respectively of the *Discipline Ordinance*).

258. In cases where allegations have been reported to the police and are or could be the subject of a police investigation, cl. 13(5) of the *Discipline Ordinance* permits the Director, with the concurrence of the Professional Standards Committee, to defer dealing with the complaint any further until such time as the police processes (or criminal proceedings where applicable) are completed. This includes all investigative processes under the *Discipline Ordinance* where this could interfere with or jeopardise any ongoing police investigation or operation.

**C2. Interim restrictions on an alleged perpetrator's duties/involvement**

259. The Director is empowered to make recommendations to the Church authority responsible for the respondent, for the person to be suspended from their duties or prohibited from involvement in a church role pending the outcome of the complaints process (*Discipline Ordinance 2006*, Chapter 2, Part 3). The Director must give the respondent an opportunity to be heard and undertake a risk assessment that includes consideration of the following factors before making such a recommendation:

(a) The seriousness of the alleged conduct;

(b) The nature of the material that supports or negates the complaint;

(c) Whether any person is at risk of harm;

(d) The effect of acting or not acting on the person against whom the allegation is made and on the Church; and
(e) Any other allegation of conduct similar to that alleged in the complaint previously made to the Director or to an equivalent body within the previous 10 years.

260. Pursuant to cl. 29 of the Discipline Ordinance, a Church authority is authorised to do all such things as are necessary to give effect to a recommendation for suspension or prohibition made by the Director.

261. A suspension or prohibition implemented by the Church authority must be terminated, if the Director terminates an investigation of the complaint without referring the matter to the Professional Standards Committee, or upon any direction given to that effect by the Professional Standards Committee, or upon the Church authority giving effect to a recommendation of the Tribunal or Adjudicator.

262. These provisions do not affect the right of an employer to terminate the employment of an employee, pursuant to cl. 105 of the Discipline Ordinance.

263. Where a respondent has been suspended from their duties or prohibited from a church role, and they seek to attend a parish, the Guidelines for Parishes regarding Persons of Interest and Safety Plan requirements in the Safe Ministry Map (which is addressed further below under the heading “Risk Assessment”) apply.

D. Discipline

D1. Codes of conduct and expected behaviours

264. The Professional Standards Unit maintains and publishes Faithfulness in Service, the code of conduct for personal behaviour and the practice of pastoral ministry by clergy and church workers, as adopted by the Sydney Synod based on the General Synod’s national policy.

265. An overarching Diocesan Safe Ministry Policy (based on the document developed by the General Synod, and titled Safe Ministry Policy Motion 18/04) was also adopted by the Sydney Synod in 2004 as follows:

The Anglican Church of Australia is committed to the physical, emotional and spiritual welfare and safety of all people, particularly within its own community. To ensure the safety of children and vulnerable people in our communities, the Church will –

* carefully recruit and train its clergy and church workers,
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• adopt and encourage safe ministry practices by its clergy and church workers,
• respond promptly to each concern raised about the behaviour of its clergy and church workers,
• offer pastoral support to any person who has suffered abuse, and
• provide supervision of and pastoral accountability to any person known to have abused a child or another vulnerable person.

266. The Professional Standards Unit has developed Safe Ministry Journey policy documents for safe ministry in parishes with a particular focus on screening and recruitment, child protection matters and managing persons of interest or concern who attend parishes.

267. The policies also include a code of conduct derived from Faithfulness in Service and standards and expectations of those in particular roles in parishes and safe ministry practices across the parish generally. The policies include the following.

(a) A Safe Ministry Map, the comprehensive parish safe ministry policy for rectors, wardens and parish councillors.
(b) Safe Ministry Pathway policies with safe ministry requirements for the following specific roles:
   • Safe Ministry for the Senior Ministers (commonly referred to in parishes as “rectors”)
   • Safe Ministry for the Safe Ministry Representative
   • Safe Ministry for the Head of Youth Ministry
   • Safe Ministry for Youth Ministry Workers and Volunteers
   • Safe Ministry for the Head of Children’s Ministry
   • Safe Ministry for Children’s Ministry Workers and Volunteers
   (c) Safe Ministry Signpost documents, to help with education and awareness-raising of parents and members of parishes concerning safe ministry requirements.
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(d) An application form for use by parishes when appointing youth leaders that is titled *Above Reproach.* This includes an interview form with questions, a code of conduct, a statement of belief and a ministry commitment checklist.

(e) An application form for use by parishes when appointing a person to work with children that is titled *Safe Ministry Volunteer Application form.*

(f) An *Overseas Student Workers guide* to assist parishes when considering whether to appoint a student worker from overseas if they will work with children or youth and providing guidance around the process of preparing for them to take up such a role/ministry.

These policies and forms are available on the safe ministry website at safeministry.org.au.

D2. Disciplinary proceedings

a. Where allegations of child sexual abuse have been made

268. The process for complaints regarding misconduct or child abuse by clergy or church workers is governed by the *Discipline Ordinance.* The *Discipline Ordinance* refers to, and corresponds to, the *Offences Ordinance* 1962, so all matters relating to child sexual abuse are brought together under one disciplinary instrument in the Diocese.

269. The *Discipline Ordinance* interacts with *Faithfulness in Service* for key definitions in relation to child sexual abuse such as the definitions of "sexual abuse of a child", "grooming" and "child exploitation material". The *Discipline Ordinance* also adopts definitions and standards from the *Child Protection (Working With Children) Act 2012* and the Working with Children Check regime such as "serious offence", "serious misconduct" and "Reportable conduct".

270. The Director of the Professional Standards Unit receives complaints against clergy and church workers of the Diocese and administers the complaints process under the *Discipline Ordinance.* Each matter usually involves a Contact Person’s taking an initial report (and complaint if applicable) and offering counselling to the complainant. Once the Professional Standards Unit receives the Contact Person’s report, a file is opened. As set out above, the Professional Standards Unit Chaplain contacts the complainant and remains in contact with them throughout.
271. When a complaint is received by the Professional Standards Unit that includes an allegation of criminal behaviour a report is made to the police using the form referred to above if the complainant is not able to make that report themselves. This report details the name of the alleged perpetrator, and details of the alleged incident, but not the name of the complainant, although the name would be provided to the police if they requested it. This is set out in further detail above.

272. If the complaint is properly made under the Discipline Ordinance, the Director serves the complaint on the respondent.

273. If the respondent is a member of clergy or paid church worker at the time of the complaint, they are offered counselling, a support person and payment of pre-approved legal costs if they require advice before responding. If the respondent denies the complaint, an investigation is conducted and the matter then proceeds to the Professional Standards Committee for review and recommendation. Unresolved matters can be referred to a Tribunal.

274. If the respondent is an unpaid lay church worker, they are offered counselling and a support person. If they deny the complaint, an investigation is conducted and the matter is then referred to an Adjudicator for recommendation and final determination. Unpaid lay respondents are responsible for their own legal costs if they require legal advice or representation.

275. Further detail about investigations is set out above.

276. Outcomes from the Discipline Ordinance process can include no further action, an apology, reparation, training, re-training, counselling, imposition of conditions or restrictions on ministry or employment, termination of ministry or employment, resignation, relinquishment of holy orders (cl. 34) or a final determination by a Tribunal (cls 73 and cl. 74).

277. In the case of a lay person, the strongest sanction available is a prohibition order that prevents a respondent from engaging in ministry or being appointed to any role in the church. In the case of a member of clergy, the strongest sanction available is deposition from Holy Orders.

278. During the disciplinary process, the Archbishop can enquire about the progress of matters and the Director is obliged to keep him informed (cl. 112). The Archbishop is also required to provide the Director with information that may be reasonably required (cl. 112(3)). Following
final recommendations, the Archbishop (or relevant church authority in the case of an unlicensed lay person) considers the final recommendations and takes action as required.

b. Where allegations have been made about the way a complaint of child sexual abuse has been handled

279. Clause 9(1) of the Discipline Ordinance provides that a church worker (including a member of the clergy) must disclose to the Director of Professional Standards if they know or have reason to believe that another church worker has engaged in conduct which constitutes child abuse, grooming, inappropriate pastoral conduct involving a child, or possession, production or distribution of child exploitation material, together with the name of the person and the church worker's reason for their knowledge or belief.

280. A person in holy orders resident in the Diocese or a lay person with the Archbishop’s licence for paid work who fails to comply with the obligation in cl. 9(1) without reasonable excuse commits an offence under the Discipline Ordinance (pursuant to cl. 9(2) and 9(3) respectively). In such circumstances the Director may make a complaint against the church worker (cl. 10), which is dealt with in accordance with the usual disciplinary process under the ordinance.

281. Other legal reporting obligations for church workers in the Diocese will also apply, depending on the circumstances of the case, as set out above. There are sanctions under some laws, such as the Crimes Act, for failing to report as required. In certain circumstances, a failure of a church worker to report allegations concerning child sexual abuse to the authorities may also be considered “disgraceful conduct” which constitutes an offence under the Discipline Ordinance 2006 (cls. 4 to 6 inclusive), and for which the Director may make a complaint (cl. 10). Such a complaint is dealt with in accordance with the process set out in the paragraph above.

282. In November 2015, the Standing Committee of the Diocese of Sydney resolved to establish a sub-committee called the Professional Standards Unit Oversight Committee to receive and handle any complaints about the Director of Professional Standards or the Professional Standards Unit. The sub-committee is also tasked with ensuring the Professional Standards Unit is fulfilling its obligations under the Discipline Ordinance 2006 and the Safe Ministry Board Ordinance 2001.
D3. Church law offences in relation to child sexual abuse and handling of complaints

a. Offences re child sexual abuse

283. The Discipline Ordinance includes the following offences that are relevant to child sexual abuse:

(a) Child sexual abuse;
(b) Child abuse;
(c) Grooming;
(d) Inappropriate pastoral conduct involving a child;
(e) Possession, production or distribution of child exploitation material;
(f) Conviction of a criminal offence in relation to conduct for which the person could be subject to a term of imprisonment of 2 years or more if committed in New South Wales; and

(g) "Disgraceful conduct".

The terms in (a) to (e) are defined in cl. 2, with references to Faithfulness in Service for each.

284. Clause 4 of the Discipline Ordinance is relevant to these offences insofar as they concern "licensed persons" or "clergy resident in the Diocese". Clause 5 is relevant insofar as these offences concern "members of the clergy". Clause 6 is relevant insofar as these offences concern "church workers". A church worker is defined in cl. 2 as follows:

church worker means a person who —

(a) is or has been a member of the clergy, or
(b) holds or has held any position of leadership within the Diocese and without limiting the generality of the foregoing a position of leadership includes —

(i) an office, or
(ii) membership of a body incorporated by or under the Bodies Corporate Act, or
(iii) a warden, or
(iv) membership of a parish council, or
(v) membership of any other board, council or committee established by the Synod, the Standing Committee, a regional council or a parish council, or
(vi) a chief executive officer of an organisation constituted by an ordinance of the Synod or the Standing Committee, or
(vii) an officer of the kinds specified in the Parish Administration Ordinance 2008, or
(viii) an appointment by a rector, a curate-in-charge, churchwarden or parish council or by any delegate or agent of such a person or body of persons,

but excludes a bishop who is subject to the jurisdiction of the Special Tribunal.

b. Offences regarding the handling of complaints

285. The *Discipline Ordinance* includes the following offences that are relevant to the handling of complaints of child sexual abuse:

(a) A church worker’s failing to report suspected child abuse (cls 9 and 10);

(b) A respondent’s obstructing an investigation being conducted pursuant to the *Discipline Ordinance* (cls 23 and 24);

(c) Coercion or interference by a respondent with the complaints process through certain conduct towards the complainant (cl. 7);

(d) A respondent’s failing to comply with undertakings given to the Director where those undertakings correspond to recommendations of the Professional Standards Committee (cl. 36(7)); and

(e) A respondent’s breaching of an order of a Tribunal to suppress the name of a person making a complaint (cl. 68(3)).

286. Conviction of a criminal offence for which the person could be subject to a term of imprisonment of 2 years or more if committed in New South Wales, and disgraceful conduct (under cls 4, 5 or 6 as applicable), could also constitute offences relevant to the handling of complaints of child sexual abuse in particular cases. An example would be if a person was
charged and convicted of an offence under s. 316 of the *Crimes Act*, for concealing a serious indictable offence.

**D4. The standard of proof**

287. The standard of proof applied in the Diocese of Sydney to disciplinary proceedings relating to child sexual abuse matters is the balance of probabilities.

**E. Redress**

288. I am next asked to provide a brief overview of the Sydney Diocesan processes and procedures relating to the resolution of claims for financial compensation, counselling, apologies and other redress by way of mediation, settlement negotiations, and/or civil litigation.

289. The Diocese of Sydney offers a Pastoral Care and Assistance Scheme to those who have experienced child abuse or sexual misconduct by a church worker.

290. The Pastoral Care and Assistance Scheme provides an alternative to civil litigation for complainants wishing to request financial assistance, counselling and/or an apology from the Diocese. Under the Pastoral Care and Assistance Scheme, subject to an assessment by the Professional Standards Unit of the plausibility of a complaint, the Diocese offers complainants:

(a) Pastoral care through a chaplain;

(b) Arrangement of, and payment for, professional counselling;

(c) Where applicable, action to deal with the alleged perpetrator pursuant to the *Discipline Ordinance* (noting that if the alleged perpetrator is deceased, there will be no complaints process under the *Discipline Ordinance*);

(d) Financial assistance; and

(e) An apology from the Archbishop.

291. After a complainant contacts the Diocese and connects with a Contact Person, the Contact Person offers to meet with the complainant to take the details of the complaint and to explain the options available under the Pastoral Care and Assistance Scheme. After the initial meeting, the Contact Person submits a Contact Person's Report to the Professional Standards Unit.
292. After receiving the Contact Person's Report, the Professional Standards Unit Chaplain contacts the complainant to offer to arrange counselling and to assist with the paperwork for an application under the Pastoral Care and Assistance Scheme if the complainant wishes to make a claim for financial assistance under that Scheme. A complainant may be asked to provide an expert report by a psychologist or psychiatrist, at the expense of the Diocese. The claim is then assessed by the Manager, Legal Support who works in the Professional Standards Unit (taking into account the nature and extent of the child abuse or sexual misconduct and the effects of the child abuse or sexual misconduct on the complainant).

293. The Professional Standards Unit then makes an offer of financial assistance to the complainant. If the complainant accepts the offer, the complainant will be asked to sign a Deed of Release. The complainant is required to get independent legal advice before signing the Deed of Release, at the expense of the Diocese. If the complainant does not accept the offer, the claim will be assessed by an independent external panel who will recommend an amount. The panel’s recommendation will be taken into consideration and a further, final offer will be made to the complainant by the Professional Standards Unit.

294. Before 2014, Deeds of Release entered into for the finalisation of Pastoral Care and Assistance Scheme claims included a clause requiring confidentiality in relation to the amount of the payment made, but in no other way required further confidentiality. The deeds expressly stated that the claimant was free to tell their story. In 2014, a decision was taken to remove all forms of confidentiality restriction in Deeds of Release for Pastoral Care and Assistance Scheme claims.

295. The Professional Standards Unit currently has an agreement in place with Medicare so that only a nominal amount of $150 is required to be paid to the Health Insurance Commission from a final Pastoral Care and Assistance Scheme payment. The Professional Standards Unit has also obtained a determination from Centrelink, confirming that final payments made under the Pastoral Care and Assistance Scheme are deemed to be exempt payments for the purposes of social security legislation.

296. True copies of the following documents are identified by "[STAT.0819.001.0691]":

(a) The Pastoral Care and Assistance Scheme Information Booklet;

(b) Pastoral Care and Assistance Scheme Frequently Asked Questions Booklet; and
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(c) The Request for Assistance under the Pastoral Care and Assistance Scheme claim form.

These documents providing information about the Pastoral Care and Assistance Scheme, are available on the safe ministry website:  http://safeministry.org.au/seeking-support/pastoral-care-and-assistance-scheme-pcas/.

F. Risk Management

297. I am next asked a number of questions about aspects of risk management.

F1. Notifying Church members and church workers of allegations

298. Whether church members and church workers are notified of allegations against a particular church member or church worker depends on a number of circumstances. These include the nature and seriousness of the allegation, the role of the church worker or member, the stage that the complaints process is up to and the pastoral necessity or implications for the complainant and the congregation. There is no formal policy in place about such notifications. Details of the notification process are set out below.

a. Notifying the Regional Bishop as the Archbishop’s delegate

299. If the allegations do not involve the Regional Bishop or Registrar in any way, and the Professional Standards Unit considers it appropriate in the circumstances of the case, the applicable Regional Bishop and the Registrar are informed that the Professional Standards Unit has received a complaint about the particular church worker. The Bishop or the Professional Standards Unit informs the Archbishop as appropriate. Apart from this, the Bishop and Registrar are generally required to keep this information confidential while the complaints process is underway.

b. Notifying parish leadership

300. If the allegations do not involve the rector of the parish where a respondent church worker is working, and the Professional Standards Unit considers it appropriate in the circumstances of the case, the rector will be informed about the matter in order for suspension, supervision or monitoring of the respondent to be undertaken. Other than informing other relevant parish leaders, the rector is required to keep this information confidential while the complaints process is underway.
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301. If the allegations are under investigation by the police, the Professional Standards Unit communicates with the police in advance of any notification being made to ensure that no police action or investigation will be jeopardised by any notification being made. The paramount consideration in these circumstances is the protection of children from any risk of harm from the respondent, and the Professional Standards Unit is guided by the police in this regard.

c. Parish announcements

302. An announcement at a service in a church building of a parish can only be made with the permission of the rector of the parish since a church building can only be used for a purpose sanctioned by the rector, though if a rector refused permission there are means under the Parish Administration Ordinance 2008 for the Regional Bishop to use a church for this purpose.

303. If the allegations are currently under investigation by the police, the Professional Standards Unit communicates with the police in advance of any announcement being made to ensure that no police action or investigation will be jeopardised by any announcement being made.

304. An announcement is generally not made unless or until the respondent has been served with the complaint and stood down from their church worker role or after the respondent has been charged with specific offences by the police.

305. Subject to police agreement, an announcement will usually be made if there is a significant number of people in the parish who will be affected by the knowledge that a complaint has been received about the respondent or that he or she has been stood down from a ministry role at the parish or is restricted from participating in church activities.

306. In terms of timing, periodic announcements can be made soon after a person is stood down from their position, while the complaints process is underway and at the conclusion of the process.

307. Parish Recovery Teams are available to assist parishes where allegations of abuse or misconduct by clergy or church workers have arisen. A Parish Recovery Team would ordinarily become involved at the time an announcement about the matter is made to a parish. The role of the Parish Recovery Team is to work with a parish to deal with the complex pastoral issues.
that arise once child sexual abuse matters come to light. There are currently 21 trained volunteer Pastoral Recovery Team members available in the Diocese.

308. A true copy of the Parish Recovery Team Guidelines that apply in the Diocese of Sydney is identified by '[STAT.0819.001.0713]'.

309. For people about whom an allegation of child sexual abuse has been made, who are not respondents in a complaints process (such as Church members to whom the Discipline Ordinance does not apply), a notification is not ordinarily made to general members of the parish. However, the key leadership team will be informed and involved in the Safety Plan process pursuant to the Guidelines for Parishes for Persons of Interest in parish as detailed below.

F2. Risk managing known or alleged offenders

310. Detailed Guidelines for Parishes regarding Persons of Interest and Safety Plan requirements have been developed by the Diocese to help parishes to recognise and risk manage known or alleged offenders. Those guidelines are set out in Chapter 4 of the Safe Ministry Map and the Safety Plan, true copies of which are identified by '[STAT.0819.001.0721]' (together, "the Risk Management Guidelines").

311. The following people are defined as “Persons of Interest” in the Risk Management Guidelines:

(a) Those who have been convicted of child sexual abuse; and

(b) Others who have admitted to sexual abuse involving children, or who have been the subject of an adverse risk assessment or adverse findings concerning allegations of child sexual abuse but do not have a criminal conviction.

To the extent that people in these categories attend or seek to be involved in the church, they must be subject to careful risk management processes, in order to ensure the safety and protection of children. They are also ineligible for leadership roles in the church.

312. The Risk Management Guidelines set out a seven-step risk management process. The centrepiece of that process is the development of a Safety Plan for each Person of Interest. The Safety Plan must be developed and agreed to by the church leadership and the Person of Interest, and then registered by the Professional Standards Unit on a Register of Safety Plans.
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313. The seven steps in the process can be summarised as follows:

(a) Identifying Persons of Interest (that is, identifying those who are potentially a risk);

(b) Being proactive (that is, parish leadership taking responsibility for cases where a risk has been identified);

(c) Assessing the risk (using the “unacceptable risk test” set out in the Risk Management Guidelines);

(d) Setting boundaries for the Person of Interest (noting that leadership roles are precluded as a matter of course);

(e) Establishing supervision and mentoring arrangements for the Person of Interest;

(f) Reviewing and monitoring the Safety Plan arrangements (in particular supervision and support arrangements on both a regular and annual basis); and

(g) Ensuring inter-parish, Diocesan and inter-agency co-operation (as applicable) in relation to the Person of Interest.

314. Parishes are required to contact the Director of Professional Standards as part of this process, to notify the Professional Standards Unit about the Person of Interest and to allow the Director to provide advice and assistance to the parish to manage the situation appropriately in accordance with the Risk Management Guidelines.

315. In cases where the Professional Standards Unit receives information that a known or alleged offender is or may be attending a parish, the Director contacts the parish to make inquiries and to provide advice and refer the parish leadership to the Risk Management Guidelines as appropriate. If the Professional Standards Unit became aware that a perpetrator was attending or intended to go to the same parish church as a complainant, the Director would notify the rector of the parish immediately with a view to taking steps to prevent the person attending. In the first instance this would be handled pastorally with the person. If it became necessary, the matter would be escalated by the wardens of the church issuing a letter to formally revoke the person’s implied freedom to enter the church property. I am informed by Mr Steve Lucas, Legal Counsel and Corporate Secretary for the Sydney Diocesan Secretariat,
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and believe, that if the person then entered the church property, this would constitute a trespass under the *Inclosed Lands Protection Act* 1901 and the police could be involved.

316. Each year the Director of the Professional Standards Unit presents training as part of the Ministry Training and Development program from Safe Ministry module 9, "People who Abuse – Pastoral Management" to help train clergy about these matters.

317. For the sake of completeness, I note (as set out above) that in certain circumstances a respondent to a complaint of child sexual abuse under the *Discipline Ordinance* will be suspended from their duties or prohibited from a church role on an interim basis, pending resolution of a complaint. This is also a form of risk management.

F3. Identifying any other victims of known or alleged offenders

318. Identifying and locating other people who were or may have experienced abuse is done in a number of ways in the Diocese of Sydney, including:

(a) Attempting to locate and contact any other persons named by a complainant as victims of abuse;

(b) Contacting or working with the police to locate and make contact with any other known or suspected victims of abuse;

(c) Making announcements or public statements at churches or appropriate forums encouraging any other victims to come forward (which has occurred in specific parishes in the Diocese of Sydney);

(d) Advertising in the Diocesan magazine, *Southern Cross* (which has also occurred from time to time); and

(e) Maintaining an abuse report line and website and making appeals on the website for any survivors of abuse to come forward (including for specifically known cases of abuse at particular parishes or institutions as appropriate).

These approaches are taken with a view to offering support and information about making a complaint as needed once a survivor comes forward. (Further action that is taken once a survivor has made contact is set out above.)
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F4. Declaring and managing actual or perceived conflicts of interest

a. Faithfulness in Service

319. The following obligations under Faithfulness in Service provide guidance to clergy and church workers about identifying, recognising, disclosing and appropriately dealing with conflict of interest situations in relation to child sexual abuse if they arise in a ministry context:

(a) Duty to act in the best interests of those who are being ministered to, and obligation to recognise and take steps to resolve any conflict of interest (s. 4.7); and

(b) Duty to recognise and seek advice in situations where the church worker’s interests conflict with their responsibility, and for alternative appropriate arrangements for ministry to the person to be made where required (ss 4.14 to 4.16 inclusive).

b. Other

320. Where the Director of Professional Standards is unable to perform any function of his or her office (because of a conflict of interest situation, due to a personal or professional relationship with the respondent for example), another person can be appointed to the role of Director (Discipline Ordinance 2006, cl. 111(4)).

321. The Professional Standards Committee conducts a conflict of interest check at the start of every meeting. The names of complainants and respondents are provided to members in advance of the meeting and members are expected immediately to identify if they have an actual or perceived conflict of interest because of any personal or professional relationship with a complainant or respondent. If a member is considered by the Committee to have a conflict of interest or perceived conflict of interest the matter is noted by the Committee and the person absents themselves from the meeting or relevant part of the meeting while the particular matter is under consideration. The member is not provided with the papers or minutes relevant to the particular matter. In the event a conflict emerges after the provision of papers as a result of information in those papers, the member is asked to return the papers and the above process applies from that time.

322. The Discipline Ordinance disqualifies a member of the Tribunal from considering a matter where they are the person who has made the charge (cl. 130), and can prevent a person from
continuing as a member of the Tribunal if a conflict of interest is identified that warrants Standing Committee's removing the person by a two-third majority of members (cl. 127(b)).

323. There are also provisions in the Discipline Ordinance to maintain the integrity of the complaints processes, and to prevent any coercion or interference with complaints processes including investigations (set out in detail above). Provisions in the Discipline Ordinance (for example, cls 9 and 10) also make it clear that information about child sexual abuse or other similar conduct is required to be reported to the Director of the Professional Standards Unit, and dealt with under the Discipline Ordinance, regardless of whether the person possessing the information has any relevant personal or professional relationship with the person involved.

G. Information Sharing and Record Keeping

G1. Record keeping at Diocesan level

a. Professional Standards Unit

324. The Professional Standards Unit holds paper-based case files for:

(a) Complaints matters;
(b) Cases where a Safety Plan process has been undertaken;
(c) Cases where a claim has been made under the Pastoral Care and Assistance Scheme; and
(d) General files.

These files are kept in a dedicated locked room, located in a secure area. A significant proportion of these files have been scanned, so there is an electronic copy also, with access to the electronic copy restricted to the staff of the Professional Standards Unit.

325. Basic details for each file have been entered into a Professional Standards database that is kept and regularly updated by the Professional Standards Unit.

326. Each complaint file generally includes the following (as applicable):

(a) Contact Person's report/s;
(b) Complaint/s (in the form of statutory declaration and otherwise);
(c) Correspondence sent or received in relation to the matter;
(d) File note/s for attendances, phone calls or other action taken;
(e) Reporting document/s (for example, to police);
(f) Notification/s to insurer;
(g) Investigation report/s;
(h) Disciplinary body processes and outcomes; and
(i) Pastoral Care and Assistance Scheme claim documents.

b. Diocesan Registry

327. The Registry holds personnel files for those who are or have been licensed in the Diocese.

328. The Registry also maintains a database with information concerning persons who are or have been licensed in the Diocese, and those holding particular positions in each parish (for example, Safe Ministry Representatives, wardens, parish councillors and Synod representatives).

329. A large amount of archival records concerning key Diocesan personnel, and Diocesan boards, committees and organisations, are held in Diocesan Archives. The Diocesan Archives also hold records for parishes that have made deposits of records.

G2. Record keeping at parish level

330. It is difficult to generalise about parish record-keeping, because of local variations in the type and extent of records held at parish level and in practices concerning the retention and maintenance of records. There is no specific Diocesan policy for parish record-keeping (other than records of services conducted), however parishes are required to keep records or share information in a number of ways including the following:

(a) The Child Protection (Working with Children) Act 2012 requires the retention of certain records regarding those who engage in child-related work and also the disclosure of certain information to the Office of the Children’s Guardian; and
(b) The *Discipline Ordinance* 2006 requires a church worker who knows or has reason to believe that another church worker has engaged in conduct which constitutes child abuse, grooming, inappropriate pastoral conduct involving a child or possession, production or distribution of child exploitation material to report to the Director, as soon as practicable, the name or a description of the other church worker and the grounds for believing that the other church worker has engaged in such conduct.

331. There is often little information available within parishes about historical cases of child sexual abuse, that were reported or known in the parish around the time the abuse took place, unless the parish reported the matter to the Diocese in some way (for example to the Archbishop, a Bishop, Archdeacon or, after 1996, a Contact Person). If the abuse was reported to the Diocese, the Diocese often still has relevant correspondence (for example, in Professional Standards Unit files or in Diocesan Archives).

332. Rectors who are involved in dealing with more recent cases of child sexual abuse are expected to keep contemporaneous notes and records of all disclosures and subsequent reporting or other dealings in the matter.

333. Relevant records held by parishes can be held at the parish office in a secure location, parish archives (if the parish is one of the numerous parishes that have an archives section), or in Diocesan Archives if the parish has made a deposit of records there.

G3. **Information sharing by the Diocese**

a. **Other Anglican dioceses in Australia**

334. Bishops and Registrars from different dioceses communicate with one another on a regular basis, including in relation to instances and allegations of child sexual abuse.

335. The Director of Professional Standards in the Diocese of Sydney is part of the Network of Professional Standards Directors from Anglican dioceses across Australia. The Directors of Professional Standards (or their equivalent) from different dioceses regularly communicate with each other through this Network, including in relation to instances and allegations of child sexual abuse.

336. The Network meets together each quarter, and the Director for Sydney is an active member of the Network. The Network meetings are crucial for continuing co-operation and
communication between Professional Standards Directors across the nation. The value of the
Network is the depth of experience concerning professional standards matters across the
group as a whole. This also means the Network is well positioned to make important
contributions to developments and initiatives in relation to child sexual abuse and to work
towards maintaining best practice in processes across different dioceses.

337. The National Register is another important way in which information about child sexual abuse
is shared across dioceses. In October 2007, the General Synod of the Anglican Church of
Australia passed the National Register Canon 2007. This provides for a central confidential
database of “church workers” (laity and clergy) against whom a “notifiable complaint” has
been made in regard to child abuse or adult sexual misconduct or where there has been an
adverse decision made in relation to employment, ordination or licensing.

338. Where the content of a complaint is such that the Diocese of Sydney must notify it to be
recorded in the National Register, the relevant details of the complaint and the actions and
outcomes which subsequently occurred are forwarded to the General Synod’s National
Register database and the respondent is notified accordingly.

339. Appropriate persons from other Anglican dioceses can access the National Register as
permitted by the Canon (such as before licensing a person). The National Register Officer from
the General Synod office is the Administrator of the National Register system.

b. Other Anglican dioceses outside Australia

340. In relation to information sharing about child sexual abuse between the Diocese of Sydney and
other Anglican dioceses outside Australia, the Archbishop communicates with other Bishops in
the worldwide Anglican Communion about such matters when required. The Director of
Professional Standards is also able to communicate with his counterparts throughout the
worldwide Anglican Communion in relation to such matters when required.

c. The General Synod

341. The information set out above about the National Register is the means by which the Diocese
of Sydney, and other dioceses, share information with General Synod about child sexual abuse.
d. Other faith-based institutions

342. The Director of Professional Standards for the Diocese of Sydney is able to communicate with his counterparts in other faith-based institutions in relation to child sexual abuse as needed.

343. The staff of the Professional Standards Unit represent the Diocese in a range of forums including in National Council of Churches initiatives, in “Safe As Churches” biennial conferences and in relation to the National Training Agreement. This facilitates communication across dioceses and denominations in relation to child protection training and related joint professional development initiatives and opportunities.

344. In particular, s. 16A of the Children and Young Persons (Care and Protection) Act is used by the Professional Standards Unit staff as a means of appropriately exchanging sensitive information relevant to child protection concerns with other faith-based institutions as required in order to help prevent the risk of harm to children.

e. Government and non-government institutions and authorities

345. The Director of Professional Standards is a member of the Sex Crimes Squad Advisory Council that ordinarily meets together on at least an annual basis to discuss matters of mutual concern to Council members, share information or to ask questions of other Council members to encourage communication and appropriate information sharing between the agencies represented and good practice about child protection practices generally. A number of Government and non-government agencies are represented, including representatives from the Department of Family and Community Services, the Education sector, the Ombudsman’s office, Victims Services and others.

346. This topic is otherwise addressed above.

G4. Information sharing by parishes, schools and Church institutions

347. Parishes, schools and Church institutions within the Diocese are encouraged by the Diocese to appropriately share information with each other in relation to instances and allegations of child sexual abuse where necessary to prevent the risk of harm to children.

348. An example of relevant policies in relation to parishes are the Guidelines for Parishes regarding Persons of Interest and Safety Plan requirements, which are referred to above. Step 7 is
particularly relevant, and concerns parish responsibility for child safety by ensuring inter-parish, Diocesan and inter-agency co-operation (as applicable) in relation to the Person of Interest.

349. Chapter 16A of the Children and Young Persons (Care and Protection) Act is also used as a means of appropriately exchanging sensitive information relevant to child protection concerns between each of these organisations and the Diocese, as required in order to help prevent the risk of harm to children.

350. It is part of the role of the Professional Standards Unit to act as a contact point and a conduit, for the sensitive sharing of information between these organisations as needed.

351. The same answer applies to information sharing about child sexual abuse between parishes, schools and Church institutions within the Diocese of Sydney.

H. Inquiries and reviews

H1. Past inquiries

352. I am next asked to provide details of any past inquiries into instances and allegations of child sexual abuse in the Diocese of Sydney, including the reasons the inquiry was established and the determination of the scope of the inquiry.

353. I have taken the term “inquiry” to mean inquiries other than individual investigations into complaints under the Discipline Ordinance (analogous to inquiries like Royal Commissions and Special Commissions of Inquiry under the Special Commissions of Inquiry Act 1983 (NSW)).

354. There have not been any past inquiries specifically into instances and allegations of child sexual abuse in the Diocese of Sydney. (I address the study undertaken by Professor Patrick Parkinson, Professor Kim Oates and Ms Amanda Jayakody titled “Study of Reported Child Sexual Abuse in the Anglican Church” in May 2009 below, in relation to research and study.)

H2. Independent reviews or challenges to Diocesan framework or processes

355. There have not been any independent reviews or legal challenges directly concerning the professional standards framework or processes of the Diocese.
356. However, the professional standards processes of the Diocese of Newcastle were the subject of consideration and review by the Supreme Court of New South Wales in the decision of Sturt and Anor v the Right Reverend Dr Brian Farran, Bishop of Newcastle and Ors [2012] NSWSC 400. The case in part concerned whether the respondents to professional standards processes in the Diocese of Newcastle were subjected to illegitimate, unfair, harsh and oppressive procedures in proceedings before a Professional Standards Board arising out of allegations of sexual misconduct.

357. The case is important for all New South Wales dioceses, because it refers to Acts of Parliament that are relevant to all dioceses in New South Wales such as the Anglican Church of Australia Act 1961 (NSW).

I. Research into prevalence of child sexual abuse

11. Statistical data on child sexual abuse in the Diocese

358. I am next asked about the Diocese of Sydney’s processes and procedures, if any, in relation to recording statistical data on child sexual abuse in the Diocese.

359. The Diocese observes and maintains careful complaints, reporting, filing and record-keeping processes. However, recording statistical data about child sexual abuse in the Diocese has not been the main focus of our processes to date.

360. The Diocese is slowly recording more statistical data, following on from file review processes implemented by the Diocese. The Royal Commission into Institutional Responses to Child Sexual Abuse has been a catalyst for this. I anticipate that a greater amount of statistical data in relation to child sexual abuse in the Diocese will be available in the future.

12. My involvement in any research or study on sexual offending against children in the Diocese

361. The Professional Standards Unit participated in a study undertaken by Professor Patrick Parkinson, Professor Kim Oates and Ms Amanda Jayakody titled “Study of Reported Child Sexual Abuse in the Anglican Church” in May 2009. The study considered 191 incidents of child sexual abuse involving 17 dioceses across Australia between 1990 and 2008. A true copy of the study’s report is identified by ‘[STAT.0819.001.0765]’. I was not personally involved in that study.
J. **Challenges and reform**

362. The Diocese has worked with, and contributed to submissions made by, the Royal Commission Working Group appointed by the General Synod of the Anglican Church of Australia in particular areas. Additionally, the Diocese has made its own submissions in particular cases, for example, in response to the New Working With Children Check consultation process in 2012. A true copy of the Diocese’s submission in that regard is identified by ‘[STAT.0819.001.0828]’. I also wrote to the Attorney-General for New South Wales, the Hon Gabrielle Upton MP, on 22 December 2015 to propose amendments to the *Ombudsman Act 1974* to achieve more consistent protection for children in New South Wales. A true copy of that letter is identified by ‘[ANG.0180.001.0001]’.

**CONCLUSION**

363. Finally, I wish to acknowledge the tremendous resilience and courage of those survivors who have come forward to share their stories with us, and of those who support them. We are committed to acting with integrity and compassion towards those who have been abused in our care, as we continue to work hard to ensure safety for children in the Anglican Church, both now and in the future.
Statement in relation to the Anglican Church and other matters  

Statement of Glenn Naunton Davies continued

Signed: 

Date: 18 January 2016

Witness: 

Date: 18.01.2016.