Anglican Diocese of Brisbane

SCHEDULE A

Please prepare a statement addressing the following matters:

The Anglican Diocese of Brisbane

1. The date the Diocese was established.

The Diocese was established on 6 June 1859.

2. The Province in which the Diocese is located.

Queensland.

3. The current number of parishes in the Diocese.

One Hundred and Thirty One.

4. The approximate number of Church members in the Diocese.

We do not have combined membership figures but estimate approximately 13,000 people attend a church service each week in the Diocese of Brisbane.

5. The number of clergy currently licensed to officiate in the Diocese, including retired clergy with permission to officiate.

As at 6 November 2015 the number of clergy licensed in the Diocese is 504.

6. The financial position of relevant Diocesan entities, including by reference to its asset holdings, liabilities and cash reserves (a high level overview is sufficient).

Please see attached Consolidated Accounts – Corporation of the Synod of the Diocese of Brisbane as at 31 December 2014.1

7. A description of the general relationship between the Diocese and parish asset holdings.

All land and building assets of the Diocese are held in the name of the Corporation of the Synod of the Diocese of Brisbane. Parishes have use of various properties and have responsibility for their maintenance and security but should the property be sold or should the parish wish to alter or extend any building, permission must be sought from the Diocesan Council or Archbishop. In the case of any sale of property permission is required from Diocesan Council and the distribution of the proceeds is decided by Diocesan Council pursuant to sections 18 and 19 of the Diocesan Council Canon. The Diocese also holds bequests on behalf of parishes and should parishes wish to access those monies permission is required to be given on each occasion by the General Manager of the Diocese.

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1Attached as “PJA-01” (STAT.0078.006.0079).
Governance of the Anglican Diocese of Brisbane

8. The names, employment status, and periods of appointment of those people occupying the following positions in the Diocese between 1 January 1990 and the date of this letter:
   a. Bishop
   b. Assistant Bishop
   c. Chancellor
   d. Deputy Chancellor
   e. Registrar / General Manager
   f. Professional Standards Director
   g. Chair of the Professional Standards Committee or similar body
   h. Diocesan Solicitor, or any person appointed to advise the Diocese on legal matters relating to child sexual abuse
   i. Diocesan Advocate, or any person appointed to represent the Diocese in disciplinary proceedings for clergy and other Church workers
   j. Presiding members of the Professional Standards Board, Panel of Triers, Disciplinary Tribunal, Diocesan Tribunal or similar bodies, and
   k. Trustees on any Boards of Trustees established to manage the real property of the Diocese.

Please see attached response².

9. The current function, composition, and legal status of the:
   a. Bishop-in-Council or Diocesan Council
   b. Board of Trustees established to manage the real property of the Diocese, and
   c. Synod of the Diocese of Brisbane.

The "Anglican Diocese of Brisbane" is the geographical area administered by the Synod of the Diocese of Brisbane. That area begins at the Queensland-New South Wales border and ends at a line extending west to the Northern Territory border beginning just North of Bundaberg. The Synod is incorporated by statute pursuant to the Anglican Church of Australia Act 1895. The Synod itself is the peak governance body.

Each Synod is established for three years and has three ordinary sessions (one per year). Special sessions of Synod may be called by the Archbishop if they become necessary.

The Synod of the Diocese of Brisbane is the overarching governing body, thought of as a kind of parliament for the diocese. The Synod includes over 500 people and consists of:

(a) The Archbishop, Chancellor, Deputy Chancellor, Chairman of Committees, the General Manager;
(b) All the active licensed clergy;

² Attached as "PIA-02" (STAT.0078.006.0082).
Governance of the Anglican Diocese of Brisbane

(c) Two lay people from every parish;
(d) Two representatives from every school (usually the Chair of the School Council and the Head of the School);
(e) The Warden of St John’s College;
(f) Two representatives from the Anglican Community Services Commission (usually the Chair and Executive Director); and
(g) Not more than six persons aged no older than 30 years.

When the Synod is not sitting, the Diocesan Council acts in the day to day governance of the Diocese. The Diocesan Council does not have all of the powers of the Synod. The Council for example cannot pass canons (laws under which the Anglican Church is governed). Such matters have to wait until the Synod sits, usually once each year.

At the first session of each Synod an election takes place for members of the Diocesan Council for a three year term. The Synod elects to the Diocesan Council five of its clerical members and five lay persons who are qualified to be Electors.

In addition to the elected members, the members of Diocesan Council are the Archbishop, the Assistant Bishops and the Chancellor (the principal confidential advisor to the Archbishop in legal and related matters). The Archbishop may appoint an additional two members.

The functions and powers of the Diocesan Council are set out in section 12 of the Diocesan Council Canon\(^3\). The functions of the Diocesan Council are to:

(a) “provide advice to the Archbishop, as required between sessions of Synod, for the good governance of the Church;
(b) oversee and direct the broad directions and priorities of the Church in the Diocese of Brisbane and overseeing, monitoring and controlling the directions, policies and operations of the Commissions formed under the Diocesan Governance Canon, so as to achieve the mission and fundamental objectives of the Church in the Diocese;
(c) prepare the business for each session of the Synod to ensure the effective governance and management of the Church in the Diocese;
(d) listen to, debate and formulate responses to issues confronting the Diocese, the Anglican Church of Australia or the Worldwide Anglican Communion in order to fully participate in the Anglican Communion; and
(e) discharge its responsibilities under the Constitution and Canons”.

The Diocesan Council manages the real property of the Diocese on behalf of the Synod.

The current membership of the Diocesan Council is as follows:

- The Archbishop, The Most Reverend Dr Phillip Aspinall;
- The Chancellor, The Honourable Justice Debra Mullins;
- Five clergy elected by the Synod: The Reverend Canon Gary Harch, The Reverend Canon Dr Ralph Bowles, The Reverend Dr Jonathan Inkpin, The Reverend Adam Lowe, The Reverend Julie Woolner; and
- Five lay people, qualified to be electors, elected by the Synod: Dr Ann Dashwood, Dr Ruth Kerr, Dr Timothy Nicholson, Mr Timothy Reid and Ms Anna-Britt Kjellgren.

\(^3\) ASQ.261.005.0095.
Governance of the Anglican Diocese of Brisbane

The Chairs and Executive Directors of the six Commissions⁵ and the Deputy Chancellor are routinely invited to attend Diocesan Council meetings and participate in discussions as advisers. The six commissions are the Financial Services Commission, Anglican Schools Commission, Parishes and other Mission Agencies Commission, Ministry Education Commission, Community Services Commission and Diocesan Services Commission

10. An overview of the responsibilities, theological training, qualifications, licensing, and employment arrangements of:

a. Deacons
b. Priests, and
c. Bishops

in parish ministry and any variations if appointed to other forms of ministry in the Diocese.

The responsibilities of deacons, priests and bishops are set out in the Ordinal. The ordination liturgies for deacons, priests and bishops in ‘A Prayer Book for Australia’ set out in the ‘Exhortation and Examination’, the roles, responsibilities and expectations of the three orders.

Broadly speaking, the role of a deacon is to be an ambassador of Christ, serving God through serving others, strengthening the faithful, teaching the young, searching out the careless and indifferent, assisting the priest in administering the sacraments and preaching the gospel.

A priest presides and preaches at the Eucharist, is a pastor and a teacher, encourages and builds up the church and generally leads and serves God’s people.

A bishop is a chief minister and pastor in Christ’s Church, who leads and guides priests and deacons under his or her care; who watches over and serves the people of God, teaching, exercising hospitality and governing the people of God. A bishop selects, ordains, appoints and licenses deacons and priests in that bishop’s diocese.

Persons proceed through the various orders in succession. So every priest first serves as a deacon and does not cease being a deacon on ordination as a priest. Similarly every bishop has served as both a deacon and a priest before ordination as a bishop and does not cease being a deacon and a priest on becoming a bishop. In that sense the orders may be seen in terms of cumulative responsibilities and duties. Not every deacon proceeds to become a priest and not every priest proceeds to become a bishop.

The document ‘God Calling’⁴ sets out in detail the academic and formation requirements for those seeking ordination as a deacon and/or a priest. A bishop, by virtue of having first been a deacon and priest also must satisfy these requirements. In addition there are training programmes in the UK and in the United States to assist new bishops. In recent years seminars have been conducted for new bishops in conjunction with the annual gathering of Australian Anglican bishops.

In essence the theological training for deacons and/or priests in the Diocese of Brisbane consists of:

- Academic study at a tertiary level. The academic requirement for a priest is a BTh (the equivalent of 3 years full-time study); for a deacon 16 subjects of a BTh (Dip Th) (the equivalent of 2 years full-time study).

⁴(STAT.0078.006.0143)
Governance of the Anglican Diocese of Brisbane

- Formation over usually three years, which comprises:
  - A supervised field placement, usually in a parish involving Sunday worship, but sometimes in another ministry setting such as a school.
  - Formation in prayer, which includes spiritual direction, an annual weekend retreat and participation in worship at the College.
  - Formation in pastoral skills, largely through participation in a Clinical Pastoral Education course, a personal and group program, which includes personal and theological reflection on pastoral practice.
  - Participation in 5 Formation Intensive weekends each year which incorporates further teaching, reflection and discussion on a variety of ministry areas. These include theological reflection, ministry skills, leadership development, mission and evangelism, etc as well as three sessions on ‘Professional Ethics Training’.

- For three years following ordination, deacons and priests are required to participate in the Graduate Clergy Training Program. This involves workshops on ministry with children and youth, clergy self-care, baptisms, weddings and funerals, the diocesan Canons, effective leadership, communication etc. It also includes three workshops in professional standards around the ‘Protection Policy for Children-Parishes’. [More details below]

Various checks are undertaken at every level of progress to ordination, including in relation to professional standards.

- Prior to commencing study and formation for ordination the following investigations are undertaken:
  - a psychological assessment
  - participation in 4 reflection days over a 12 month period conducted by the Diocesan Director of Ordinands
  - written references from parish priest and 2 others to whom the candidate is known
  - interviews with the regional bishop
  - interviews with 2 examining chaplains appointed by the Archbishop
  - written essays on personal journey and understandings of God and ordained ministry
  - health checks
  - Safe Ministry Check in which candidates respond to detailed questions about their history
  - Candidates must obtain Positive Suitability Card.
  - a check of the National Register is made.

- Once admitted to formation each ordinand meets twice per annum with two Examining Chaplains separately. The role of an Examining Chaplain is to scrutinize an ordinand’s progress through formation so that at their ordination the Examining Chaplains can present the ordinand to the Archbishop as suited by his or her ‘learning and godly living’ for the office of a deacon or a priest.

- During formation, students are required to attend three sessions of Professional Ethics Training. They are also required to attend a course outlining the diocesan policy for the Protection of Children prior to their ordination as a deacon.
Governance of the Anglican Diocese of Brisbane

- Upon ordination as a deacon, a clergyperson is given the Archbishop’s licence to minister in a particular parish or other institution within the Diocese of Brisbane. That licence is subject to the holding of a Positive Suitability Card. The only clergy who are not required to hold a Blue Card, are those no longer in active ministry and who, through age or infirmity, receive a license for rare and special (usually family) occasions only and may do so only with the Archbishop’s express permission for that occasion and in the presence of a person holding a current blue card.

- In the first three years following ordination deacons and priests are required to participate in Graduate Clergy Training days. These include a further Professional Standards course over a full day called the ‘Protection Policy for Children-Parishes’. It has three parts: teaching and discussion of both the Child Protection Risk Management Plan (updated from time to time) and the Policy for the Protection of Children – Parishes; the Safe Ministry Check Training workshop and Faithfulness in Service training.

- Deacons and priests usually serve in an assistant’s role in a parish for a minimum of 2 years. Subsequently they may be appointed and licensed as Priest-in-Charge of a parish. Some are appointed to other roles such as chaplains in schools, hospitals, in the Australian Defence Force or other settings. All clergy must hold a licence from the Archbishop – whether bishops, priests or deacons, in parishes or schools or other ministry agencies – and as licensed clergy must attend a half-day course in Professional Ethics every three years, and to which lay people, especially lay leaders, are invited. Refresher courses on risk management and safe ministry are also provided.

- All clergy who hold a licence must complete a Safe Ministry Check Affirmation every three years which requires disclosure of any change in their personal safe ministry history.

- Most clergy are deemed to be ‘office holders’ rather than ‘employees’. No employment contract governs such appointments. Rather appointments and discipline arrangements are governed by the Canons of the Diocese established by the Synod.

- A small number of clergy serve as school chaplains and they are in a different situation. Employment contracts usually do govern these positions and the chaplain is usually subject to the direction of the school Principal, acting as an agent of the Corporation of the Synod. In this case the chaplain is appointed by the Principal with the concurrence of the Archbishop and licensed by the Archbishop. Sometimes a school chaplain is employed by the Diocese and a service agreement for chaplaincy services exists between the Diocese and the school. The method of appointment is the same as above.

11. In relation to any corporate entities created by the Diocese to respond to any legal claims arising from allegations of child sexual abuse:
   
   a. the name of the entity
   b. the date of incorporation
   c. the mode of incorporation, and
   d. any assets held by the corporation.

No corporate entities have been established by the Diocese to respond to any legal claims arising from allegations of child sexual abuse. The Corporation of the Synod of the Diocese of Brisbane has been in existence since 1895.
The Church of England Boys’ Society

The Church of England Boys’ Society (CEBS)

12. The nature of any past and/or present relationship between the Anglican Diocese of Brisbane and any branch or State Diocesan Council of CEBS and/or the Anglican Boys’ Society, including but not limited to any:

a. legal, financial, and/or administrative relationship

The first branch of the Church of England Boys’ Society was formed within the Diocese of Brisbane at St Thomas’ Church, Toowong, in 1915 for boys within the parish and the community. There is no information on how many branches were in operation within the Diocese of Brisbane until 1965. Based on 2004 records, there were 72 CEBS branches operating within the Diocese of Brisbane since 1965. The Branches were opened, some of them were closed and some re-opened again over time. Not all 72 branches were operating simultaneously. No new branches were opened between 2004 and 2008.

CEBS was a largely parish based society operating within the Diocese of Brisbane. There was no Diocesan or Provincial Ordinance or Canon under which CEBS was operating. There was, however, a Constitution for CEBS in Queensland (issued on the authority of the Queensland State Council of CEBS), which was amended in 1972 by Flower and Hart (Solicitors of the Diocese of Brisbane) to allow CEBS to raise money, enter into contracts, have bank overdrafts, hold property, etc.

On 19 July 1975, a meeting of representatives of all CEBS branches within the Diocese was held and a new Constitution was adopted for CEBS in the Diocese of Brisbane. Section 3 of the Diocesan Constitution stated that the Brisbane Diocesan Society is an integral part of, and exists under the Constitutions of CEBS in Australia and Province of Queensland.

Under the 1975 Constitution, the branches were required to report annually to the Provincial Executive Committee / Diocesan Executive of CEBS.

Somewhat ambiguously, the Province of Queensland CEBS Constitution provided that the controlling body of CEBS in the Province of Queensland was the Provincial Council of the Society, and the Diocese of Brisbane CEBS Constitution provided that the Controlling Body of CEBS in the Diocese of Brisbane was the Diocesan Council of the Society. The Archbishop of Brisbane was the President ex officio. This arrangement was in place until the closure of the Society in 2008. The annual report of the Society from the Diocesan Council was presented to the Annual Synod of the Diocese of Brisbane with copies forwarded to the Secretary of CEBS in Australian and the Province of Queensland. The reports were extremely brief (one A5 page) accounts of the activities of the Society and contained no financial information.

In May 1981, the name of Church of England Boys’ Society was changed to CEBS – The Anglican Boys’ Society on the national level, which was reflected in the Diocesan Constitution 1981 and By-Laws.

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5 Refer letter dated 14 December 1973 or 1974 from Noel Jimmieson, Hon Secretary Qld to Reverend Canon VR Cole, Chairman of CEBS, Diocese of Sydney (ANG.0160.001.0043 and ASQ.501.007.0117).

6 Refer letter dated 1 August 1975 from Ronald V Perry, Hon Secretary Diocese of Brisbane to John Elliott (ANG.0160.001.0045).


8 Refer CEBS (Diocese of Brisbane) Constitution (8 March 2003) (ANG.0160.001.0067).
The Church of England Boys' Society

While the Society was a society within the Anglican Church the constitution of the Society gives the Diocese no legal or financial control or oversight of the Society. Under the 2003 and earlier Constitutions, the Council of the Society may pass a resolution to dissolve the Society. In that case, any assets of the Society will be transferred to the Corporation of the Synod of the Diocese of Brisbane upon trust for use in a way which supports the objects of the Society.

The Society officially closed in the Diocese on 13 September 2008 due to the significant drop in the number of members\(^9\). However, dissolution of the Society commenced earlier in 2006. At the end of 2006, there were 2 CEBS branches and one Kidsplus branch in Brisbane\(^10\). The Kidsplus branch was referred to in 2006 Annual Report as ¼ of a CEBS branch, because it was a new programme for children which commenced in 2006 in North Pine Parish. The programme was quite successful but with limited attendance at CEBS Diocesan activities, therefore was not considered a complete CEBS branch.

Annual Reports to the Diocesan of Council of the Society starting from 1990s were more detailed and contained information about the Society’s financial affairs. From those reports, the Diocese of Brisbane did not provide any grants or assistance to CEBS.

CEBS was covered under the Diocesan Liability and Professional Indemnity insurance policies as an un-incorporated society affiliated with the Anglican Diocese of Brisbane\(^11\).

b. governance arrangements

At a meeting of delegates from CEBS branches on 5 December 1932 a Council and Executive for CEBS in the Diocese was established and a Queensland constitution was approved. CEBS began reporting to Synod from 1933. The same arrangement remained under 1975 the Brisbane Diocesan Constitution. The amended Constitution for the Province of Queensland 1976\(^12\) provided the following:

- S 5(a) A branch of the Society exists in accordance with the provisions of the Constitution of the Society in the diocese where the Branch is formed; and

- S 5(c) where no such Diocesan Constitution exists, the Provincial Council shall determine under which appropriate Diocesan Constitution of the Society the Branch should operate.

The Diocesan Council of the Society

Somewhat ambiguously, the Province of Queensland CEBS Constitution provided that the controlling body of the Society in the Province of Queensland was the Provincial Council of the Society while the Diocese of Brisbane CEBS Constitution provided that the controlling body of the Society in the Diocese of Brisbane was the Diocesan Council of the Society. The Archbishop of Brisbane was the President ex officio. The Council would meet annually to review the annual report of the Society, elect the Executive/ Board of Management and attend to any other business as necessary\(^13\).


\(^10\) Refer Annual Report 2006 (ANG.0160.001.0096).

\(^11\) Refer letter dated 31 August 1983 from Ian Somerville, Registrar CEBS to all branches Governors and Rectors (ANG.0160.001.0113) and letter dated 21 October 1991 from NC Reid Diocesan Registrar to CEBS (ANG.0160.001.0112).

\(^12\) Constitution passed 14 February 1976 (ASQ.501.007.0037).

\(^13\) Refer CEBS Brisbane Constitution 1975 (ANG.0160.001.0047), Constitution 2003 (ANG.0160.001.0067).
The Church of England Boys' Society

The Executive / Board of Management

Between 1975 and 1989, day to day management of the Society was based on Chairman – Executive - Chief Commissioner – Board of Commissioners structure\(^\text{14}\). The Chairman was the head of the Executive, elected by the Council. The Chief Commissioner was an appointed member of the Executive and the head of the Board of the Commissioners. The Board of Commissioners was a body which was responsible for the Society's growth and development in the regions. All members of the Executive were members of the Council\(^\text{15}\).

Between 1990 and 2003 the management structure was changed to one of Chaplain – Director – Board of Management\(^\text{16}\). The aims were to share the management workload more equitably, and to enable communications to improve between all levels of the Society. The Executive became the Board of Management headed by the Director. The Diocesan Chaplain or a person appointed by the Diocesan Chaplain became a permanent member of the Board of Management and the Council\(^\text{17}\). The Director and the Chaplain worked as a close-knit team. Through the Board they jointly managed the affairs of CEBS in the Diocese\(^\text{18}\).

See CEBS Diocesan Council membership lists attached\(^\text{19}\).

c. staffing arrangements, and

Most of the time, the administrative arrangements for CEBS were voluntary with no paid staff. There was for a short time, when a part time secretary was employed. However, when CEBS could not afford to pay for a secretary, volunteers helped from time to time.

d. record-keeping and archiving arrangements.

Records were kept of Branch Membership and Diocesan Camp attendance. Files were placed in Diocesan Archives when CEBS office space was full. When the Society was closed documents were transferred to the Diocesan Archives.

13. The nature of any relationship, between 1 January 1965 and the date of this letter, between the Diocese 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.

CEBS used a number of camp sites including Halse Lodge at Noosa (owned by Diocese of Brisbane), Bowder Park at 629 Burnett Creek Road, Marooon Dam, Boonah (owned by Diocese of Brisbane), Burra Bunya at 106 Tidwell Road, Wamuran (bought by CEBS in 1985), Maltman Street North, Caloundra (not sure about the ownership) and Pointro at 532 Burnett Creek Road, Maroon (gifted to CEBS). The Brisbane CEBS camp site purchases were funded in the main by the Anglican Men's Society and donations by parishioners.

All CEBS camps required a permission form for each camper, signed by a parent or guardian. There were always 2 leaders per activity and a female leader when females attended. Each leader (at least from 2000) was required to sign a code of conduct, which included a section on child protection and

\(^{14}\) Refer CEBS Annual Report 1990 (ANG.0160.001.0114).
\(^{15}\) Refer CEBS Annual Report 1991 (ANG.0160.001.0160).
\(^{16}\) Refer CEBS Annual Report 1990 (ANG.0160.001.0114).
\(^{17}\) Refer CEBS Constitution 2003 (ANG.0160.001.0067).
\(^{18}\) Refer Notices of Motion (undated) (ANG.0160.001.0190).
\(^{19}\) Attached as "PJA-03" (STAT.0078.006.0121).
The Church of England Boys' Society

prevention of bullying and any abuse in CEBS. CEBS were required to follow Diocesan child protection policies and state government blue card policies as these were developed.

Currently no CEBS youth camps are held at any of these sites. Halse Lodge was leased to outside parties in 1989. Burra Bunya was sold in December 1998. CEBS Brisbane closed September 2008.

Current statements of expectation for leaders on youth camps as at February 2015 are attached.\(^{20}\)

Note 1: Information relating to child protection policies and procedures as they currently apply to youth camps (confirmed as from June 2014).

Note 2: “AYCF” stands for Anglican Youth, Children and Families which is the current term for Diocesan ministry with those groups, based at the MEC at St Francis College, Milton.

Standard AYCF Safe Ministry Practices for all camps and events

1. AYCF reviews and submits blue card review information as requested to the Office of Professional Standards every 8 weeks.

2. AYCF complies with the Blue Card requirements as legislated and ensures that AYCF is noted as an organisation on the blue cards of all leaders to ensure we are notified of any issues by Blue Card Services.

3. Makes available regular Child Protection Policy Training sessions to the Diocese, delivered with the permission of the Director of Professional Standards. The training document is produced by the Department of Professional Standards and includes supplementary information relating to grooming and the acceptable use of ICT and social media (Guidelines for Social Media in Children’s Ministries) as directed by the Director of Professional Standards.

4. AYCF is committed to the continuous improvement of our risk management processes.

5. AYCF is an advocate for adherence to best practice and compliance with ACSQ policy and procedures relating to working safely with young people as per our website: http://www.aycf.org.au/what-we-offer/requirements-for-aycf-ministry-groups/

6. AYCF utilises ACSQ-compliant consent and indemnity forms.

7. AYCF complies with National Privacy Principles and legislation regarding the collection and storage of personal information and adheres to the ACSQ archival policies for the destruction and storage of sensitive information and records.

8. AYCF complies with anti-discrimination and related policies which commit us to equity and fairness while maintaining a focus on participant safety.

Leader Selection Process for camps

All leaders must:

1. Complete a comprehensive leader application process as outlined on the AYCF website (http://www.aycf.org.au/camping/leaders/). This includes a number of documents which outline expectations and requirements of leaders (see attached) including clearly defined leader roles.

\(^{20}\) Attached as “PJA-04” (STAT.0078.006.0136) (STAT.0078.006.0137).
The Church of England Boys’ Society

2. Attend an interview with AYCF staff where a prior relationship has not been well established with ACSQ or AYCF.

3. Hold a current blue card as issued by the Queensland Government (if over the age of 18).

4. Undergo a Safe Ministry Check in accordance with ACSQ policies and procedures (regardless of age, all candidates complete an SMC in accordance with the Professional Standards ‘SMC for Volunteers’ pack).

5. Complete mandatory CPP training (refreshed annually). All records of training are submitted to the Office of Professional Standards and a copy of training attendance is maintained within AYCF.

Camp Preparation and Delivery

Prior to all camps, the AYCF team:

1. Conducts a thorough pre-camp compliance review of all leaders with strict adherence to the Protection Policy for Children and Young People June 2010 and maintains these records in an electronic database at AYCF.

2. Maintains and regularly audits hard-copy leader files and records (kept in a secure manner in accordance with ACSQ policy).

3. Conducts pre-camp on-site safety briefings with camp teams prior to camper check-in which covers special needs, health and safety risks and camper medical requirements.

4. Completes risk-management assessments for all camp activities.

5. Conducts pre-camp training focused on leadership and camping best practice.

6. Stores all camp records relating to incidents at camp in accordance with archive policies (housed at AYCF’s Milton office).

7. All incidents at camp are reported in accordance with mandatory reporting legislation, ACSQ Professional Standards guidelines and best practice.
Church and para-church institutions

Church and para-church institutions

14. Any arrangements under which schools or other institutions in your Diocese are permitted to use the Anglican Church name in their title or brand.

The Church Institutions Canon (ASQ.261.005.0091) provides a framework for the authorisation of an organisation to use the Anglican Church name.

15. The current legal, financial, administrative, governance and/or any other relationship between the Anglican Diocese of Brisbane and:

a. any para-church Diocesan youth groups, such as the Crusaders or Youthworks

The Girls’ Friendly Society (GFS) is an organisation within the Anglican Communion and is a society for girls and women. It is an unincorporated society. The first local Australian branch was formed in Adelaide in 1879, with branches being established in all states by 1901.

The GFS Constitution requires the sanction of the Diocesan Archbishop, who shall be the President. GFS is constituted by the Diocesan Council of the GFS, branches and members.

Branches of GFS may be formed in any parish with the consent of the parish priest and on application to Diocesan Council of the GFS. Parish priests shall be the President of the branch within their respective parishes.

There are currently two branches of the GFS in Brisbane. They are “Headquarters Fellowship Townsend” and “Southside Townsend”.

KidsPlus+ was commenced by GFS and CEBS (the Anglican Boys’ Society) in the 1990’s, in Victoria, to accommodate both boys and girls attending groups, rather than the single-gender model of GFS or CEBS.

There are KidsPlus+ groups in Melbourne, Gippsland, Perth, Brisbane, and Sydney.

b. Anglicare, or entities known as Anglicare

Anglicare Southern Queensland is wholly owned by the Diocese. Pursuant to the Diocesan Governance Canon, Anglicare is managed by the Community Services Commission which reports to the Diocesan Council and Synod.

c. Anglican schools, and/or

There are twenty Anglican Schools in the Diocese. The relationship between the Diocese and each school varies, depending on how the school is established.

There are 11 schools wholly owned by the Diocese, namely:

(a) Anglican Church Grammar School (Churchie);

(b) Coomera Anglican College;

(c) Fraser Coast Anglican College;

(d) St Hilda’s School;

(e) St Andrew’s Anglican College;
Church and para-church institutions

(f) St Luke's Anglican School;

(g) St Paul's School;

(h) The Southport School;

(i) The Glennie School;

(j) The Toowoomba Anglican College and Preparatory School; and

(k) West Moreton Anglican College.

Two schools form part of the Forest Lake and Springfield Anglican Colleges Group (FSAC Ltd) which is a limited liability company with the Corporation of the Synod of the Diocese of Brisbane as the sole member. These are:

(a) St John's Anglican College; and

(b) The Springfield Anglican College.

The governing body for these schools is FSAC.

Cannon Hill Anglican College is separately incorporated, with the shares wholly owned by the Diocese. The governing body is the school council of Cannon Hill College.

Two schools are operated by the Trust of the Sisters of the Society of the Sacred Advent, namely:

(a) St Aidan's Anglican Girls' School; and

(b) St Margaret's Anglican Girls School.

The Diocese has no governance or legal relationship with the two schools operated by the Trust of the Sisters of the Society of the Sacred Advent. The Archbishop or his nominee chairs the Trust.

Four schools are separately incorporated. These are:

(a) All Saints Anglican School;

(b) Canterbury College;

(c) Hillbrook Anglican School; and

(d) Matthew Flinders Anglican College.

The Diocese has some relationship with these four schools via the Church Institution Canon.

The appointment of Council members is as follows:
Church and para-church institutions

1. Owned Schools:
   - One council member appointed by the Archbishop.
   - One council member appointed by the Anglican Schools Commission (ASC).
   - The balance are nominated by the School or the ASC or a group with similar objects and then appointed by the ASC. Diocesan Council does not appoint the council members.
   - Archbishop is President.

2. Subsidiary corporation schools:
   (a) FSAC Limited (St Johns and Springfield Anglican College):
       - The Diocese appoints one representative with specific voting powers. It may appoint more than one however only one has the vote.
       - The Archbishop is a member of the Board.
   (b) Cannon Hill Anglican College:
       - There is a nominee of the Archbishop.
       - A nominee of the ASC.
       - Ordained minister of the Church nominated by the Archdeacon.
       - The general manager and Archbishop or his Commissary (together with the Principal) are ex officio members of Council (so do not have a vote).

3. Separately incorporated schools:
   (a) Hillbrook:
       - Church representative on Council is an ex officio member.
   (b) Matthew Flinders:
       - Ex Officio appointment by the Archbishop to represent him at meetings.
       - Archbishop is a visitor.
   (c) Canterbury;
       - One Council member nominated by the Archbishop.
   (d) All Saints:
       - The Bishop of the Southern Region or alternatively a person nominated by the Archbishop.

Diocesan Wholly Owned Schools

All wholly owned schools are subject to the Schools Regulation Canon\textsuperscript{21}. Under that Canon, “the general control and management of all schools shall vest in the Synod”\textsuperscript{22} However, this authority is delegated to:

(a) the Diocesan Council for general management of:
   (i) the general educational policies of the Schools;
   (ii) religious education of any Schools;
   (iii) the appointment and removal of a Principal of any School; and

\textsuperscript{21} Schools Regulation Canon (ASQ.261.005.0148).
\textsuperscript{22} s 3(1) Schools Regulation Canon (ASQ.261.005.0148).
Church and para-church institutions

(b) the Property and Finance Board for control over the schools' finances.\textsuperscript{23} The Property and Finance Board is now known as the Financial Services Commission.

Under the Canon, the Diocesan Synod can also delegate any responsibilities to subcommittees (such as School Councils), or the Principal of a school.

In 2012, a generic constitution was drafted by the ASC and approved by DC on 29 March 2012. It was modified on 28 February 2013. This was to ensure broad consistency between each of the schools owned by the Diocese.

Whilst Diocesan Council approved the generic constitution, it was sent to all owned schools to be adopted by them. There are several clauses that are variable to suit the conditions of each school, so the respective school councils need to approve the constitution with the clauses that suited them.

School Councils

The generic constitution delegates certain governance functions to each School Council. The School Council is therefore seen as a sub-committee of the Diocesan Council within the governance structure. Under the constitution a School Council “is a committee... and, subject to the Canons and Diocesan Policies, it is responsible to the Synod through the Anglican Schools Commission... for the governance and stewardship of the School”.

School Council’s responsibilities are set out under 6.3 of the generic constitution:

“Subject to the Canons and Diocesan Policies, the Council shall be responsible for the governance and management of the business and affairs of the School and for procuring all things necessary for and incidental to the general conduct and welfare of the School as an Anglican Christian education agency and generally for the advancement of its purposes including:

a) overseeing the liturgical and religious life of the School in accordance with all relevant Canons and the powers and prerogatives of the Archbishop;

b) developing and determining School strategies and policies;

c) approving School strategic and operational plans;

d) developing and implementing policies and practices for good governance of the School;

e) providing oversight and monitoring the performance of all aspects of the operations of the School through the development of School Council policies (including establishing and implementing policies regarding the review and appraisal of the performance of the Council and of the Principal), prudent and adequate reporting systems and critical assessment of reports and other information;

\textsuperscript{23} ss3(2) to 3(4) (The Property and Finance Board is now the Financial Services Commission) (ASQ.261.005.0148).
Church and para-church institutions

f) implementing any policies of the Diocesan Council and Anglican Schools Commission in regard to the appointment or dismissal of the Principal, School Chaplain or any Councillor;

g) overseeing the risk management of the School;

h) arranging appropriate insurances covering Councillors for liability arising in the performance of their duties in accordance with any direction of the Board of Management constituted under the Insurance Canon;

i) authorising the curriculum of the School;

j) developing the enrolment policies including setting the scale of fees to be paid for tuition and/or accommodation of students and the terms upon which students will be received as boarders;

k) remunerating contractors, advisors, consultants or other persons providing services to the School;

l) determining, in consultation with the Principal, the applicable salaries wages and allowances (subject to the provisions of any appropriate industrial instrument and superannuation schemes) to be paid to or allowed for the benefit of the teaching staff, school officers and other employees of the School including superannuation contributions and arrangements consistent with Diocesan Policies;

m) monitoring the financial performance and position of the School through the regular receipt of financial and operational reports;

n) arranging in accordance with Diocesan Policies for the borrowing or raising of money or other forms of financial accommodation and the provision of security for its repayment;

o) approving fundraising through donations and the like for the benefit of the School;

p) opening and operating bank accounts;

q) purchasing equipment, supplies, information, communication, travel and other services;

r) maintaining and protecting all property in the possession of the School and used in the operation of the School; and

s) managing the records of the School in accordance with the Records and Archives Canon and the Regulations made under that Canon.24

In the generic constitution, the Archbishop is the President. He appoints one member of the School Council and the ASC appoints one member. There is availability for a further five members to be nominated and appointed by ASC24.

24 Clause 7.2 of the generic constitution provides:
7.2.1 The Council shall comprise of Councillors in the following groups:
(a) the Archbishop, who shall be President of the Council;
Church and para-church institutions

All owned schools are required to provide to the ASC a quarterly report detailing their financial performance to date and forecast year end position together with evidence of their compliance with state and commonwealth government legislated requirements. However, in certain circumstances a school may be required to report to the ASC and Financial Services Commission monthly.

The ASC shares information relating to each school’s finances with the Diocese’s Financial Services Commission.

This material is used to draft the ASC’s written reports to DC but is expanded on including a report on financial performance and legislative compliance items, mission, governance and child protection.

School Councils are also required to provide the ASC with copies of the minutes of each School Council meeting. These minutes are held in Diocesan Archives.

d. any Anglican-run or affiliated children’s homes.

Currently, there are no Anglican- run or affiliated children’s homes in the Diocese of Brisbane.

Tufnell Home was run by the Sisters of the Sacred Advent and operated as a children's home until the late 1980s when it became TRACC (Tufnell Residential and Community Care). For a while it operated from the Tufnell site at Nundah but now it is foster care only. Records are not readily available as to when it started. It is likely to be in 1900. There is a newspaper article in 193225 which reported on Tufnell Home and stated that Tufnell Home had been in existence for 32 years. It took girls and boys from birth to about age 10 for boys when they went to Enoggera Boys’ Home and girls up to about 15.

(b) a person appointed by the Archbishop;
(c) a person appointed by the Anglican Schools Commission;
(d) a minimum of five (5) and a maximum of ten (10) other Councillors appointed by the Anglican Schools Commission ("Appointed Councillors") from nominees as follows:
(i) nominees of any corporation, association or group whose principal aims and objectives are to provide support to the School or its Students, whether financial or otherwise, and are otherwise similar to and consistent with those aims and objectives of the School; or
(ii) such other persons nominated by Council in its discretion; or
(iii) such other persons nominated by the Anglican Schools Commission in the absence of sufficient nominations under paragraphs (i) or (ii) that result in appointments being made;
(e) the Principal, who shall have a deliberative seat without voting rights.

7.2.2 All Councillors, with the exception of the Principal, shall have one vote at any Council meeting.
7.2.3 A simple majority of the Councillors shall be Anglicans (being a "Member of this Church" as defined by the Constitution of the Anglican Church of Australia).
7.2.4 All Councillors must support the aims and vision of the Synod as expressed in the Vision Statement.
7.2.5 Persons who are prospective Appointed Councillors for the positions under clause 7.2.1 (d) may be recommended to the Anglican Schools Commission by the Council.
7.2.6 The Council shall keep a register of all Councillors. The register shall include, at least, the Councillor’s name, address and the date on which the Councillor was appointed as a Councillor.
7.2.7 Any terms of appointment of an Appointed Councillor proposed by the School must be approved by the Anglican Schools Commission.

Church and para-church institutions

Enoggera Boys' Home, was also known as the Church of England Boys' Home, Enoggera. It was operated by a private committee and the Synod of the Anglican Diocese of Brisbane. Previously located at Wooloowin, and known as the Brisbane Boys' Home, it was established at Enoggera in June 1906. The Home was founded in 1890\(^{26}\). From around 1947, it was governed solely by the Synod of the Anglican Diocese of Brisbane. The home closed on 6 October 1978. It was always for boys only. A newspaper report stated that the Home was taking orphan boys and others between the age of 8 and 14 years. The boys from Tufnell Home were from age 10 and others were directly from the State Department. The boys left at age 15.

16. Please describe generally the relationship between the Diocese and parish run youth groups.

Parish run youth groups are under the control of the Parish Council. Parishes are required to comply with relevant policies and procedures including with respect to child protection, blue cards, safe ministry checks, screening, training and insurance.

Theological perspectives

Theological perspectives

17. Your understanding of your Diocese’s practices and theological perspectives in relation to:
   a. marriage of clergy
   b. celibacy, and
   c. homosexuality.

All clergy are free to marry. Marriage may be regarded as a sacrament, reflecting the relationship between Christ and his Church. The purposes of marriage (sexual intimacy, companionship and children) can be found set out in the introductions to the two wedding liturgies in *A Prayer Book for Australia*. A man and a woman married according to an Anglican rite in Australia, make vows to live together in a permanent (life-long) and exclusive (faithful) manner. Marriage preparation is usually given (often in the form of a course called PREPARE).

Some marriages cannot be sustained and the couple divorce. If a divorced person wishes later to remarry a bishop’s permission is required. This applies equally to clergy and lay people.

The Code of Conduct, *Faithfulness in Service*, effectively limits sexual expression to the context of marriage. All clergy are expected to comply with *Faithfulness in Service* and undertake to do so in accepting appointment.

The Australian Anglican bishops have a ‘protocol’, which the Brisbane bishops (along with all other bishops in Australia) have voluntarily agreed to in 2014 and 2015, which says: ‘As we ordain, license or appoint to ministries within our dioceses we undertake to uphold *Faithfulness in Service*, the code of conduct for bishops adopted by the General Synod in Resolution 59/04 and as amended by the General Synod from time to time’.

The marriage of same-sex couples and the moral and theological permissibility of sexually active same sex relations are hotly contested subjects in Anglicanism. As in the community at large reasonable and thoughtful people are found on both sides of these debates. That would be true within the Diocese of Brisbane.

In this context, various authoritative bodies, (but without compulsory power over any particular diocese), such as the Lambeth Conference 1998 (of Anglican bishops throughout the world) and the Australian General Synod 2004 (of lay and ordained representatives from each of the 23 Australian dioceses) have passed motions broadly affirming that the proper context for sexual activity is within marriage. Neither the national General Synod nor Brisbane’s Diocesan Synod have passed any resolutions to alter this status quo. There have been resolutions, however, encouraging further study and discussion around these issues.
Theological perspectives

18. The Anglican Church of Australia’s website, as at 30 October 2015, includes the following statement under the heading ‘Internal Diversity’:

*Significant theological differences also exist which can prevent closer co-operation between dioceses. The conferencing approach and development of community fostering initiatives have served to improve mutual understanding and co-operation on matters of considerable importance, such as child protection.*

Please set out your understanding of any significant theological differences between your and any other diocese, and the effect, if any, of those differences on the protection of children in the Anglican Church.

Anglican clergy, churches and dioceses traverse a spectrum of theological emphasis between two poles, evangelical and catholic. Historically one or other of these emphases, to greater or lesser degrees, has characterised clergy, churches and dioceses. The balance can shift over time and has done so. Sydney diocese historically has self-identified as strongly evangelical. The Province of Queensland, including Brisbane Diocese, has historically emphasised more the catholic end of the Anglican spectrum. There is an increasing number of characteristically evangelical dioceses in Australia.

Four main areas of theological difference may be identified between ‘evangelicals’ and ‘catholics’. Broadly speaking:

- Evangelicals strongly emphasise the place and authority of the scriptures; catholics, while recognising the ultimacy of the scriptures, give more emphasis to the significance of ecclesiastical authority and tradition and tend to emphasise the place of the sacraments, especially the two dominical sacraments of baptism and the Eucharist, alongside the scriptures.

- Evangelicals tend to emphasise the local congregation as the basic unit of the church. Catholics emphasise more the diocese as the basic unit of organisation – that is, the people gathered around the diocesan bishop.

- In responding to the question ‘what difference does the Cross make?’, evangelicals tend to emphasise the ‘penal substitutionary theory of atonement’, that is, on the Cross Jesus bears in his own person the punishment due to every person by virtue of their own sin thereby substituting himself and securing reprieve for others from the righteous wrath of God at human sin. While some catholics also prefer this theory, others emphasise different approaches which place greater priority on God’s love, for example that the Cross shows the extent of God’s love for all people, revealed in Jesus – he does not withdraw his commitment to human beings even though it requires death on the cross.

- Evangelicals tend to emphasise personal salvation over and above the more corporate implications of the Christian faith for social engagement and social justice, whereas catholics often tend to prioritise the latter. Thus evangelicals can be seen to emphasise the individual and personal dimension while catholics tend to place greater emphasis on the corporate and social dimension.

These theological differences, described here in very brief, broad brushstrokes, make close co-operation between evangelical and catholic dioceses sometimes hard to foster. The point of the above quote is to say that despite these theological differences, in some areas of ‘considerable importance’ such as ‘child protection’ we are much more united and speak with a much stronger common voice. The theological differences do not impede a common desire to see all children in our
Theological perspectives

care protected and safe. They do, however, impede willingness to create shared institutional vehicles. Evangelicals, for example, with a greater focus on decentralised institutional models and dispersed authority are often not keen to see central institutions established. And so they prefer to see individual dioceses conduct their own affairs rather than to see the national bodies of the church strengthened.
Ordination and theological training

Ordination and theological training

19. The relationship, if any, between your Diocese and any of the theological colleges in Australia.

The Diocese of Brisbane owns and operates St Francis’ Theological College, Milton. It is independent of all other Anglican theological colleges. It offers tertiary degrees through an association with St Mark’s Theological College, Canberra, which in turn is part of the School of Theology of Charles Sturt University.

Our theological teaching resonates with that found in other more ‘catholic’ theological colleges such as Trinity College Melbourne, but less so with more evangelical colleges such as Ridley in Melbourne and Moore College in Sydney.

20. Your Diocese’s approach, policies and practices in relation to conducting psychological assessments of candidates for ordination training and ordination itself, since 1 January 1960.

1960 to 1974

No information can be located in relation to psychological testing process prior to 1975.

1975 to 2000

Candidates attended a Selection Panel (also called Selection Conference, Vocation Review, Vocation Discernment Days) for assessment as a potential ordinand. This process included interviews by a number of ‘advisers’. Advisers included ordained and lay people and one of these advisers was a psychologist or psychiatrist. No psychological testing was done, but the candidate was assessed by each adviser in relation to the adviser’s assigned area. For example, Leadership Selector, Intellectual Selector, Personality and Vocational Selector. The psychologist or the psychiatrist on the panel interviewed on ‘Personality’ addressing five criteria.

This process was largely informal. Each adviser interviewed the candidates and at the end of the Conference, the advisers met to write up their recommendations for the Archbishop.

No written psychological report was submitted. All information was discussed and then written up. Dr John Slaughter was on the majority of the selection panels from 1975 to 2000. Evidence of Dr Slaughter’s expertise being sought is in a letter dated 10 October 1977 from the then Archbishop. He is referred to as the ‘psychiatrist member’ of the selection panel.

2001 to 2004

Dr Slaughter is no longer mentioned in the records. A Dr Josephine Sundin is on the Selection Panel. Records do not show if she was the ‘member psychiatrist’. She may or may not have replaced Dr Slaughter.

In 2002, The Reverend Richard Tutin, in his report on each candidate, recommended psychological testing be done on the 2002 Vocational Discernment Candidates as none was carried out during the enquirer process. Richard recommended testing be carried out as it is the ‘usual procedure’. Richard

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27 Interview Background Questions (ANG.0160.001.0213).
28 Refer to document with lists of advisers (ANG.0160.001.0214).
29 Letter dated 10 October 1977 from the Archbishop of Brisbane (ANG.0160.001.0221).
Ordination and theological training

said that he would consult with The Reverend Alan Soares (a registered psychologist) to arrange this testing\(^\text{30}\). No records have been found in relation to this.

2004

The General Synod of the Anglican Church of Australia passed resolutions concerning Child Protection and Professional Standards at Synod in October 2004\(^\text{31}\). Relevant to this question is Resolution 35/04, which is:

*The General Synod recommends:*

... (b) that each diocese adopts a system for the selection of ordination candidates that includes:

(i) the Safe Ministry Check including the relevant diocesan or agency privacy policy;

... (iv) some form of psycho-sexual assessment

At the Diocesan Council meeting on 28 October 2004, a Task Group was established to implement procedures for the Protection of Children\(^\text{32}\).

2005

The Professional Standards Implementation Task Group (PSITG) was formed to implement the General Synod resolution. That included addressing the recommended psychological testing and led to current practice of conducting comprehensive psychological assessment prior to a Vocational Discernment Conference\(^\text{33}\). The recommendation was that they be implemented immediately.

2006

I sent an *Ad Clerum* to all clergy advising of the actions taken by the Diocese with regards to the psychological assessment\(^\text{34}\).

2007 onwards

Discussions considered psychological testing\(^\text{35}\) and recommendations were formulated\(^\text{36}\).

Eventually, a policy on Psychological Assessment – Candidates for Ordination Training\(^\text{37}\) was adopted by Diocesan Council on 29 October 2009. Together with the Policy, there are also Procedures\(^\text{38}\) and a Resource Document\(^\text{39}\).


\(^{31}\) 2004 General Synod Resolutions (ANG.0160.001.0223).

\(^{32}\) ASQ.253.005.0116 (DC Minutes).

\(^{33}\) Minutes of PSITG meeting on 15 September 2005 (ANG.0160.001.0269). Letter from PSITG Chairman to Archbishop Phillip dated 5 October 2005 (ANG.0160.001.0268).

\(^{34}\) *Ad Clerum* dated 21 December 2006 (ANG.0160.001.0271).

\(^{35}\) Letter dated 18 September 2007 from The Reverend John Milburn to Judith Hancock, the Executive Director of Ministry Education reporting on meeting with Jacqui Kearney (ANG.0160.001.0273).

\(^{36}\) Letter dated 3 October 2007 from Judith Hancock to Archbishop Phillip (ANG.0160.001.0292); Report of the PSITG dated October 2007 (ANG.0160.001.0294); Letter dated 1 July 2008 from Archbishop Phillip to The Reverend John Milburn and draft Procedures dated 3 February 2009 (ANG.0160.001.0276).

\(^{37}\) ASQ.204.004.0069 (Policy).

\(^{38}\) ASQ.204.004.0071 (2009); ASQ.260.017.0001 (2013); ASQ.261.005.0246 (2015) (Procedures).

\(^{39}\) ASQ.204.005.0535 (Resource Document).
Ordination and theological training

The Policy established the principles by which the candidates for ordination training undergo psychological assessment. A psychologist conducts one element of the assessment. The basic psychological areas which require assessment are:

(a) general personality and maturity;
(b) psychiatric and psychological wellbeing;
(c) ability to cope with tertiary level study; and
(d) psychosexual history and maturity.
National approaches to professional standards and inter-diocesan cooperation

21. Your Diocese's approach to adopting the Anglican Church of Australia General Synod model ordinances and policy guidelines on child protection.

The national General Synod recommended that dioceses adopt 'The Professional Standards Ordinance'\(^{40}\) (the model ordinance). It was the model ordinance to deal with information about alleged sexual abuse in a diocese. From 2004 many dioceses used the model ordinance as their template and some replaced earlier protocols and procedures with new forms based on the model.

The Diocese of Brisbane adopted the General Synod’s model. *The Professional Standards Canon* was assented to by Diocesan Synod on 20 June 2004 and was a fundamental change in the way complaints were handled within the Diocese. It created / adopted the Professional Standards Committee, the Professional Standards Board and a Code of Conduct. With some refinement over the years, this Canon remains in force.

Towards the end of 2004, the national General Synod adopted a number of resolutions that reflected the national Church concern for the protection of children and vulnerable people in the Church. These resolutions included:

(a) Protection of children and vulnerable people.

(b) Introduction of a Code of Conduct for clergy and church workers.

(c) Enhanced selection processes (for clergy and lay staff).

(d) Policies and procedures specifically aimed at ensuring that children are safe.

(e) Sanctions against perpetrators.

(f) Implementation of a national system of reporting and recording allegations and abuse.

These resolutions were in turn adopted by the Anglican Diocese of Brisbane, with the Archbishop appointing the Professional Standards Implementation Task Group (PSITG). The PSITG was responsible for recommending implementation steps in Brisbane. This resulted in a range of new policies, procedures and practices.

In 2011 the national Professional Standards Commission produced a ‘Roadmap’ overview of Professional Standards Resources, approved by the General Synod and its Standing Committee. It is a guide to the use of the various resources (30 in all) provided by the national Professional Standards Commission.

22. Please indicate which General Synod model ordinances, policy guidelines and resolutions on child protection have been adopted or responded to by your Diocese, and how, by completing the table at Schedule B.

Please refer to Schedule B, attached.

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\(^{40}\) 2004 Professional Standards Ordinance (ANG.0160.001.0349).
National approaches to professional standards and inter-diocesan cooperation

23. The key differences, if any, between the national model Professional Standards Ordinance (as amended 2008) and your Diocese’s equivalent ordinance/s, and the reasons for your Diocese either adopting the national model, not adopting it, or partially adopting it.

Key differences

The ‘information’ in the 2008 national model Professional Standards Ordinance\(^{41}\) dealt with different types of abuse (emotional abuse, neglect, physical abuse, sexual abuse and spiritual abuse) and sexual misconduct (in relation to an adult).

The Diocese of Brisbane adopted the Professional Standards Canon Amendments Canon 2008 at Synod 2008\(^{42}\), but limited its scope to allegations of sexual assault of a child or an adult. An assault:

(a) in relation to a child includes any abusive behaviour with a child for the sexual gratification of the respondent; or

(b) in relation to an adult, includes any abusive behaviour with an adult for the sexual gratification of the respondent where the respondent is in a position of authority over the adult.

Brisbane also provided for direct reference to the Professional Standards Board where a church worker had been relevantly convicted\(^{43}\). There is an additional definition for “Certificate of Conviction” in s 2(1).

Reasons

Following the 2004 General Synod recommendation of the Model Professional Standards Ordinance, Brisbane initially adopted a very broad scope which included not only sexual misconduct but also alleged psychological and emotional harm to a child. This led to the Professional Standards Canon being activated in relation to, for example, a school principal suspending a child from school and it being alleged such action had caused emotional harm to the child. Once the Canon was invoked it became a very prolonged and expensive matter to resolve. Brisbane subsequently narrowed the scope of its canon to sexual misconduct.

Where a court of the land has found against a church worker it is appropriate and efficient not to require any additional process of investigation or determination of facts. Rather the facts found by the court should simply be referred to the Professional Standards Board and disciplinary measures recommended on the basis of the court’s decision.

24. Your views on whether each diocese in Australia should:

   a. maintain its own, unique professional standards framework

   b. agree to and adopt a nationally consistent professional standards framework that is administered by each diocese

   c. 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, or

   d. adopt any other approach for managing professional standards.

\(^{41}\) 2008 Ordinance (ANG.0160.001.0365).
\(^{42}\) Agenda Item at Professional Standards Committee meeting on 30 June 2008 (ASQ.259.005.0125).
\(^{43}\) Part 8A Professional Standards Canon 2008 (Brisbane) ASQ.204.005.0026.
National approaches to professional standards and inter-diocesan cooperation

Overall I would tend to welcome standardisation and consolidation of professional standards frameworks across Australia, primarily because I think that would be in the interests of victims/survivors. A single, uniform framework should assist in ensuring consistent and fair responses. However the devil is in the detail.

Fundamental questions include what would be within the scope of such a framework, and on what guiding principles such a framework would be based.

A narrow view might limit a professional standards framework to investigation and discipline processes in relation to alleged misconduct, perhaps even limited to sexual misconduct.

A broad view would see a professional standards framework including auditing of diocesan church bodies such as schools, child protection and ethics training, pre-appointment screening, other preventative measures and so on.

On the face of it, a narrower scheme, with more limited scope, would be easier to implement universally. Correspondingly a scheme narrow in scope would leave more elements to be implemented locally which would lead to greater diversity in respect of those elements.

Where dioceses operate schools, child care facilities, children’s homes, foster care or other children’s services, state legislation impinging on those areas would necessitate differences in policies, procedures and practices as between states.

The operational effectiveness of a proposed national framework would need to be carefully examined. Would it, for example, have case officers based in each state? Accessibility and responsiveness would seem to require it. But machinery would be needed to ensure consistency of approach. How would the overall cost of such a scheme compare with current costs?

How such a scheme would impinge on the existing role, responsibilities and powers of diocesan bishops would need careful thought. Some bishops might see ‘outsourcing discipline’ as a fundamental and unacceptable erosion of a bishop’s responsibility to ‘administer Christ’s discipline with mercy.’

Reaching consensus on such a framework would be challenging given the federal structure of the Australian Anglican Church and the number of dioceses.

Should a range of frameworks continue to operate perhaps each scheme could be required to comply with a set of principles and criteria established independently. Further, recourse to an external, independent ‘ombudsman’ to examine and require action in response to grievances might be a useful addition.

25. Any process, procedure or practice adopted by your 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.

Section 26 of the Professional Standards Canon (first adopted in June 2004)\(^4\) applies when both the Professional Standards Committee and an ‘equivalent body’ have jurisdiction in relation to a complaint of child sexual abuse. It provides for the referral of complaints to the Committee-like body of another diocese in these circumstances, and for the settling of any jurisdictional disputes.

\(^4\) This section remains current under the 2015 version. ASQ.261.005.0218 (2015).
National approaches to professional standards and inter-diocesan cooperation

Section 27(b)\textsuperscript{45} of the \textit{Professional Standards Canon} further provides that the Professional Standards Committee may cease the investigation of a complaint, if that complaint is under investigation by another competent person or body, or if the complaint is subject to legal proceedings\textsuperscript{46}.

Mr Rod McLary was the Director of Professional Standards from 2004 to 2014 (with a gap of approximately six months in 2013). Sometime between the years 2004 to 2005 Mr McLary together with other Directors of Professional Standards agreed that in situations where more than one diocese has jurisdiction, the Director of the diocese in which the perpetrator resides will manage the investigation and have carriage of the complaint. The Director of the diocese in which the complainant lives will adopt the role of supporting that party.

Generally, this practice has worked satisfactorily.

On one occasion, the Brisbane Director conducted an investigation into a complaint concerning an offender who lived in Brisbane, while the victim, who lived in Newcastle, received support from the Director of that diocese.

In another instance, the Brisbane Director provided support for a victim in the Northern Territory, while the Melbourne Director investigated a complaint concerning a perpetrator living in Melbourne.

Difficulties can arise if a complainant is dissatisfied. There is no process for resolution as the Primate has no power to intervene, other than as provided for in s 26 \textsuperscript{3} to settle a dispute about which Director and/or body has responsibility for a particular matter.

\textsuperscript{45} There were no changes to this section since 2004.
\textsuperscript{46} ASQ.204.005.0073 (2004); ASQ.204.005.0050 (2006); ASQ.204.005.0026 (2008); ASQ.204.005.0002 (2009); ASQ.261.005.0218 (2015).
Professional Standards in the Anglican Diocese of Brisbane – Prevention

Professional Standards in the Anglican Diocese of Brisbane

Please provide a chronological account of your Diocese's approach to professional standards from 1 January 1990 to the date of this letter, with reference to all key policies, procedures, processes, practices and legislation (if any) relating to the protection of children.

In providing your account please address each of the following matters:

Prevention

26. Screening and assessing suitability of Bishops, clergy, lay and volunteer staff (collectively for the purpose of this Statement, Church workers), prior to:
   a. officiating as a member of clergy
   b. participating in activities involving children
   c. holding positions of authority in relation to the formulation of policy on professional standards matters, and/or
   d. presiding over or participating in disciplinary proceedings.

Records are not readily available in relation to professional standards from 1 January 1990 to 2001. Readily available records are from 2001. It is likely that in the Diocese of Brisbane, there were some practices regarding officiating as a member of clergy from 1990.

2001

On 16 August 200147, the Diocesan Council adopted the recommendation of the Clergy Wellbeing Task Group Report, to advise all current clergy and parish employees of the new legislative Blue Card and Criminal History Check requirements, including provision of an information sheet provided by the Queensland Government Commission for Children and Young People. It was further resolved that all new clergy appointments within the Diocese would be subject to successful application for a Blue Card.

2002

In October 2002, the Diocesan Council adopted the Protocol for Dealing with Complaints of Abuse48. Both Organisation Heads and the Protection Co-Ordinator had responsibility to ensure that each Church worker who had contact with children had a current Blue Card49, and to ensure that all Church workers engaged since the Protocol commenced, had acceptable references50.

2003

In September 2003, the Diocesan Council adopted the Protection Policy for Children and Young People (Version for Schools)51. In addition to requiring all school workers to comply with legislated obligations and Diocesan screening requirements, the Protection Policy also provided that each

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47 DC Minutes (ASQ.249.014.0062).
48 2002 Protocol (ASQ.204.006.0002 ).
49 Refer to sections 14.4 and 15.5 Protocol.
50 Refer sections 14.4 and 15.5 Protocol.
51 Protection Policy – version for School (ASQ.204.006.0207).
school must establish selection procedures for assessing the appropriateness of workers and ensure that each new worker (including all teachers) signs a declaration of suitability.\textsuperscript{52,53}

The selection procedures for assessing the appropriateness of workers include careful interviewing and reference checking of employment history [as allowed under Section 9 of the Privacy Amendment Act 2001]\textsuperscript{54}. This was in addition to legislative screening requirements (application for and obtaining of a positive suitability notice under the then Commission for Children and Young People Act) and the Diocesan screening requirement of a declaration of suitability.

Each new worker was required to sign the Diocesan 'declaration of suitability'. It is a declaration as to the suitability of the worker to be in contact with Children and Young people\textsuperscript{55}. The declaration was a form of Diocesan screening additional to that required under the legislation.

A sample of the 'Diocesan Screening Declaration Form' is within the policy document. The questions within the declaration were as follows:

- Has the worker ever been convicted of an offence against a child/children/young people.
- If so, the nature and date of such offence.
- Has the worker ever been charged with an offence against a child/children/young people.
- Has the worker's conduct ever caused or been likely to cause harm to a child at risk, or to the worker's knowledge, has it ever been alleged that the worker's conduct resulted in any of those things.
- Details of such conduct/allegations.
- Confirmation that the worker knew of no reason why he or she was not a suitable person to work with children/young people.

In September 2003, the Diocesan Council also adopted the Protection Policy for Children and Young People (Version for Parishes, Faith Communities and Agencies Relating to Children and Young People)\textsuperscript{56}. The Protection Policy provided that each parish, faith community and agency had to establish selection procedures for assessing the appropriateness of workers\textsuperscript{57} and ensure that each new worker, falling within the relevant legislated requirements, held a Blue Card and signed a suitability declaration.\textsuperscript{58,59}

The suitability declaration referred to in the Protection Policy for Children and Young People (Version for Parishes, Faith Communities and Agencies Relating to Children and Young People) forms part of the Diocesan Form 1 (Details of Worker with Children and young people) contained in the policy. The declaration contains the same wording as that in the schools version of the policy (set out above).

\textsuperscript{52} Refer s 10.1.2 version for School.
\textsuperscript{53} This remains current in the 2005 Procedures Manual (ASQ.204.006.0182).
\textsuperscript{54} Refer s 10.1.1 version for School.
\textsuperscript{55} Refer s 10.1.2 version for School.
\textsuperscript{56} ASQ.260.005.0001 (Protection Policy – version for Parishes etc).
\textsuperscript{57} Refer s 10.1.1 version for Parishes etc.
\textsuperscript{58} Refer s 10.1.2 version for Parishes etc.
\textsuperscript{59} This remain current for the 2005 Protection Policy (ASQ.211.012.0002)
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2005

In January 2005, Brisbane Diocese amended the Requirements for Blue Cards policy\(^6^0\). This policy provided that all volunteers and paid employees who worked with children and young people in the Diocese were required to hold a Blue Card, unless they were subject to legislated exemptions. In addition, this policy required all clergy and all parish council members, regardless of whether they worked with children and young people, to hold a Blue Card. Updated processes for obtaining, renewing and auditing Blue Cards were also set out under this policy.

On 28 April 2005, the Diocesan Council passed a Safe Ministry Policy Statement\(^6^1\), including a commitment carefully to recruit and train its clergy and Church workers\(^6^2\).

On 18 June 2005\(^6^3\), the Synod of Brisbane Diocese adopted the National Register Canon 2004\(^6^4\), as enacted by the General Synod of Australia. This was a General Synod instrument, available for adoption by each Diocese within the Anglican Church of Australia, which provided for the creation of a register of Church workers who faced allegation or had been found to have engaged in sexual misconduct, including child sexual abuse offenders\(^6^5\).

On 15 December 2005 the Child Protection Risk Management Plan\(^6^6\) was adopted, with the purpose of ensuring that adequate systems were in place to manage the risk of harm to children and young people and to encourage good practice through accepted Diocesan standards. The Plan does not extend to any ministry of the Community Services Commission or the Anglican Schools Commission.

Anglican schools are obliged to comply with the requirements of the Child Protection Act 1999 and the Education (Accreditation of Non-State Schools) Regulation 2001 in responding to issues of actual or suspected harm. In addition, the Procedures Manual for the Protection from Harm of Students in Anglican Schools states the legal and diocesan compliance requirements for child protection matters within Anglican schools.

Ministries within the Community Services Commission are subject to relevant state and federal government legislation and the screening and selection requirements of the Child Protection Act.

2006

In August 2006, the Diocesan Council passed the Protocol for Dealing with Complaints of Sexual Harassment, Sexual Assault or Sexually Inappropriate Behaviour\(^6^7\) (replacing the Protocol for Dealing with Complaints of Abuse). The Protocol removed previous references to screening workers as these were included elsewhere as explained below.

\(^{60}\) Blue Card policy (ASQ.211.009.0003).
\(^{61}\) (ASQ.253.005.0122).
\(^{62}\) A formal version was published 23 June 2007 (ASQ.204.005.0246).
\(^{63}\) National Register Canon 2004 adopted by Diocese of Brisbane on 18 June 2005 (ANG.0050.004.1706) pursuant to s 5 General Synod Legislation Canon (ANG.0160.001.0574). The National Register Canon 2004 is referred to in Schedule 2 of the General Synod Legislation Canon.
\(^{64}\) (ANG.0050.004.1706).
\(^{65}\) All subsequent versions of the NR Canon have been automatically adopted as ‘ordinary resolutions’ (years 2007, 2010 and 2014).
\(^{66}\) (ASQ.210.015.0014).
\(^{67}\) 2006 Protocol (ASQ.204.006.0066).
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The screening requirements were included in the Protection Policy for Children and Young People (Version for Parishes, Faith Communities and Agencies Relating to Children and Young People) and the Protection Policy for Children and Young People (Version for Schools).

They were also included in the Child Protection Risk Management Plan, which expressly adopted the principles outlined in the Commission for Children and Young People and Child Guardian Act 2000, including the requirement of background screening of all people before they worked with children and young people (clause 6.5(a)) The Plan also establishes safe ministry criteria to be adopted by diocesan ministries, which included:

- selecting workers through adequate selection procedures and reference checking; and
- screening of all potential workers and receipt of positive suitability notices from the Commission for Children and Young People.

The Procedures for Issuing a Licence to Clergy – New Appointment require that prior to each new appointment, clergy must have a current blue card and obtain a clearance from the Director of Professional Standards, who first conducts safe ministry checks, as follows:

(a) under the policy

- letter of good standing and confidence from the clergyperson’s current Bishop;
- sighting of original Letters of Orders;
- sighting of verified academic transcripts;
- curriculum vitae;
- letter of resignation [where necessary]; and
- if coming from overseas, completion of “Sponsorship for temporary residence in Australia [non-business] Form 55 and other documentation required by the Department of Immigration.

(b) in addition

- Safe Ministry Check;
- National Register check;
- Confirmation with Directors of Professional Standards of other dioceses that there are no matters of concern on the person’s file that do not appear on the National Register, and
- Blue card.

2007

In 2007, the Diocese further amended the Requirements for Blue Cards policy providing for further Blue Card requirements, particularly in relation to Liturgical Assistants

Under the original policy (2005) all clergy, parish council members and religious education teachers in schools and all laity (paid or volunteers) and who work with children were required to obtain a blue card. The amended policy added a new group of workers who were required to obtain blue cards – Liturgical Assistants, only if they are working with children.

The further requirements under the amended policy were:

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68 Procedures (ASQ.204.004.0098).
69 Blue card policy (ASQ.204.004.0066).
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- Express stipulation that all clergy required to hold Blue Cards under the policy must hold them before commencing any exercise of ministry;
- The requirement for Liturgical Assistants to hold a blue card depends on whether it is likely that they:
  - may be responsible for the supervision or training of children such as servers; or
  - may have regular contact with children; or
  - from time to time, may be required to care for children.

Further, regardless of whether a Liturgical Assistant is responsible or not for children in that role, a blue card is required if they hold another role in which they work with children, such as youth leader or Sunday school teacher.

In August 2007, the Diocesan Council adopted the Protection Policy for Children and Young People – Parishes and Planning and Safety Procedures for Children’s Activities, which replaced the 2005 version of the Protection Policy for Children and Young People (Version for Parishes, Faith Communities and Agencies Relating to Children and Young People) and removed the relevant provisions on screening and selection.


2009

In October 2009, the Diocesan Council adopted the Professional Standards Checks – Candidates for Ordination Training and Ordination policy. This policy provided that candidates for ordination training were required to obtain a Blue Card, complete a Safe Ministry Questionnaire, and have their named checked against the National Register. Candidates for ordination were further required to complete training in Professional Ethics and the Protection Policy for Children – Parishes.

Accompanying the above policy, the Diocese also enacted a Safe Ministry Check – Manual and Questionnaire, and accompanying procedural document, setting out necessary screening steps. Under the Manual, a safe ministry check questionnaire must be completed by all clergy, and certain lay workers before appointment.

In October 2009, the Diocesan Council adopted the Psychological Assessment – Candidates for Ordination Training policy, which provided that each candidate for ordination is required to undergo a psychological assessment by an experienced psychologist as part of the process of determining suitability. This policy was accompanied by a procedural document, setting out the necessary screening steps. For the time prior to the adoption of the policy, please refer to my response to question 20 above.

2010

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70 ASQ.204.004.0104 (2007 – version for Parishes etc).
71 ASQ.210.015.0014.
72 ASQ.204.004.0056.
74 ASQ.204.005.0395.
75 ASQ.204.004.0069.
76 ASQ.204.004.0071 (2009); ASQ.260.017.0001 (2013); ASQ.261.005.0246 (2015).
In April 2010, the Requirements for Blue Cards\textsuperscript{77} policy was further amended to comply with legislated amendments concerning teachers undertaking non-teaching roles.

In June 2010, the Diocese amended the Protection Policy for Children and Young People (Version for Schools. It was renamed the Procedures Manual for the Protection from Harm of Students in Anglican Schools)\textsuperscript{78}. The manual addressed the prevention of inappropriate behaviour, harm and sexual abuse of students, the obligations of the schools and their employees; and appropriate responses when allegations are made.

In October 2010, the Diocese adopted a procedure, entitled Permission to Officiate on a Single Occasion or Short Term for Which a Blue Card Cannot be Obtained\textsuperscript{79}, providing for permissions to officiate to be granted to clergy visiting the diocese for a single occasion, such as a wedding or a funeral, for which a Blue Card cannot be obtained.

The Policy contains a safeguard that the Archbishop’s Chaplain must include appropriate wording in the letter of permission to visiting clergy who do not hold a blue card to the effect that they must be accompanied by a current blue card holder at all times while ministering to children or young people.

2011

In December 2011, the Diocese passed the Professional Standards Checks for Persons to be Licensed or Appointed to Positions in the Diocese policy\textsuperscript{80}, providing for screening of candidates for ordination, candidates for formation, clergy, school workers, and persons to be appointed to nominated positions within Diocesan disciplinary bodies. Screening requirements vary but include the requirement to obtain a Blue Card (for clergy and candidates), completion of a Safe Ministry Check (for all but school workers), and checking against the National Register (for all)\textsuperscript{81}.

The above policy was accompanied by a number of procedural documents, providing further guidance on the processes to be followed regarding the various persons covered by the policy\textsuperscript{82}.

2012

In February 2012, the Diocese adopted a procedure entitled, Verifying Currency of Blue Cards Held by all Licensed Clergy\textsuperscript{83}. This procedure is to ensure that all licensed clergy in the Diocese continue to hold current and valid Blue Cards.

2013

In December 2013, the Requirements for Blue Cards or Exemption Notices policy\textsuperscript{84} was amended to provide that members of Parish Council must hold a Blue Card before commencing as a Council member, whereas previously it was sufficient for them to have applied for a Blue Card.

\textsuperscript{77} 2010 Blue Card policy (ASQ.204.004.0062).
\textsuperscript{78} 2010 version for Schools (ASQ.204.006.0150).
\textsuperscript{79} ASQ.204.005.0544.
\textsuperscript{80} ASQ.204.005.0788.
\textsuperscript{81} This also remained current for the 2013 Policy (ASQ.253.006.0314).
\textsuperscript{82} ASQ.204.004.0101 (2011); ASQ.204.005.0794 (2011); ASQ.204.004.0052 (2011); ASQ.204.004.0044 (2011); ASQ.204.004.0047 (2011); ASQ.204.004.0050 (2011); ASQ.204.004.0041 (2011); ANG.0160.001.0441 (2013); ASQ.204.005.0791 – Changes to procedures have not affected the policy.
\textsuperscript{83} ASQ.204.004.0093.
\textsuperscript{84} 2013 Blue card policy (ASQ.204.004.0058).
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2015

In March 2015, the Diocese passed the Student Protection in Anglican Schools – Policy and Procedures 2015\(^{85}\), replacing the Procedures Manual for the Protection from Harm of Students in Anglican Schools. The Student Protection Policy maintains the requirements for a selection screening process\(^{86}\) and to ensure that all potential employees have a Blue Card or exemption notice\(^{87}\) and are checked against the National Register\(^{88}\) (check to be carried out by the Director of Professional Standards).

27. Training and educating Church workers and Church members on child sexual abuse and responding to instances of child sexual abuse.

2003

In September 2003, Brisbane Diocese passed the Protection Policy for Children and Young People (Version for Schools)\(^{89}\) and a second Version for Parishes, Faith Communities and Agencies Relating to Children and Young People.\(^{90}\) The Protection Policy encourages Church workers to pursue training opportunities within the Diocese and elsewhere\(^{91}\) and serves as a general education instrument on safe work environments and behaviours. It also provides guidance on legislated requirements, including mandatory reporting laws.\(^{92}\)

No training was instigated under the 2003 policies, as the Office of Professional Standards had not been created yet. According to the Director of Professional Standards (who commenced his position in 2004), he met with the people who had been involved in the development of the 2003 policy and revised the policy. He rolled out the training in 2005 and there was no indication that any training had already taken place.

2005

In January 2005, the Diocese amended the Protection Policy for Children and Young People (Version for Schools. It was renamed the Procedures Manual for the Protection from Harm of Students in Anglican Schools)\(^{93}\). It provided clear guidelines for school staff and students in relation to mechanisms for reporting of concerns and complaints. The Manual places an obligation on schools to report any allegation of child sexual abuse to the police and to provide a safe environment for students.

A formal training program on the diocesan child protection policies commenced in around September 2005. It was intended that training would now be provided to school staff on a regular basis\(^{94}\).

This training was delivered by the Director of Professional Standards in conjunction with the Anglican Schools Office. The Director initially attended each of the schools in September/October

\(^{85}\) ASQ.261.005.0247.
\(^{86}\) Refer s 6.2 Student Protection Policy.
\(^{87}\) Refer s 6.4 Student Protection Policy.
\(^{88}\) Refer s 6.3 Student Protection Policy.
\(^{89}\) ASQ.204.006.0207.
\(^{90}\) ASQ.260.005.0001.
\(^{91}\) Refer s 10.2 policy version for Schools.
\(^{92}\) This also remained current for the 2005 Policy (ASQ.211.012.0002).
\(^{93}\) ASQ.204.006.0182.
\(^{94}\) Refer s 10.2.
2005 to conduct the first series of training under the *Procedures Manual for the Protection from Harm of Students in Anglican Schools*. It covered recognising indicators of harm, reporting obligations and responding to disclosures of sexual abuse.

Some schools chose to have all staff in attendance (e.g. St Paul's School), while others selected only staff in senior leadership positions. At the very minimum, all senior staff of all Anglican schools received this round of training. The training sessions ran for a couple of hours and involved an examination of the Manual, together with a power point presentation. Copies of the manual were given to all attendees, and were posted on the school, Anglican Schools Commission and Professional Standards websites.

Subsequent attempts to deliver further training to schools were hampered by the difficulty of requiring teachers to leave class to attend, and attendance numbers were low. Four or five sessions (centralised between a number of schools) were held by an external company (Encompass Training), whose officers were employed by the Department of Child Safety.

Training of clergy and lay workers in parishes under the *Protection Policy for Children and Young People Version for Parishes, Faith Communities and Agencies Relating to Children and Young People* was delivered to over 5000 lay workers from 2005. All clergy since then until 2014 have received training in Faithfulness In Service. Participants have received certificates of attendance and records of attendance are provided to the Office of Professional Standards.

In April 2005, the Diocesan Council adopted a *Safe Ministry Policy Statement*\(^{95}\), including a commitment to carefully recruit and train its clergy and Church workers\(^{96}\).

**2007**

In August 2007, the Diocesan Council adopted the *Protection Policy for Children and Young People – Parishes and Planning and Safety Procedures for Children's Activities*\(^ {97}\) (which replaced the *Protection Policy for Children and Young People (Version for Parishes, Faith Communities and Agencies Relating to Children and Young People)*). The revision removed the specific encouragement to pursue relevant training as child protection training was now provided by the Office of Professional Standards. The policy continued to provide general education on safe work environments and behaviour\(^ {98}\).

In October 2007, the Diocese adopted the guidelines, *Advice to Regional Bishops Regarding Complaint Made under the Professional Standards Canon*\(^ {99}\). These guidelines provided information to clergy on how complaints received by the Diocese would be managed, particularly regarding when the clergy would be informed, and the involvement of the Regional Bishop in the process\(^ {100}\).

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95 ASQ.253.005.0122.
96 A formal version was published 23 June 2007 (ASQ.204.005.0246).
97 ASQ.204.004.0104.
98 This also remained current for the 2010 Protection Policy (ASQ.204.005.0289).
99 ASQ.204.004.0035.
100 The October 2007 version is not available. Information based on May 2009 guidelines (ASQ.204.004.0035).
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2009

The Diocese adopted the Policy Professional Standards Checks – Candidates for Ordination Training and Ordination on 27 October 2009\(^{101}\). Candidates for ordination were required to complete training in Professional Ethics and the Protection Policy for Children – Parishes.

2011

In November 2011, The Path to Safe Ministry and the Road Map\(^{102}\) became available. This provided information to Church workers on the policies, procedures, practices and resources recommended by the national Professional Standards Commission over the years in relation to child protection and other related matters.

2013

In December 2013, the Diocese adopted the Professional Ethics Training for Ordinands and Clergy and Certain Church Workers policy\(^{103}\). This policy provided that clergy, and certain lay workers, were to undertake ‘Professional Ethics and Human Sexuality’ training prior to or within six months of their being licensed or appointed. It also provided for such training to be refreshed at least every three years.

In July 2013, the Diocese published an audit tool under the Procedures Manual for the Protection from Harm of Students in Anglican Schools\(^{104}\). The audit is both educative and compliance focused. It served to remind school workers, particularly executive staff, of their duties and responsibilities under the Manual and importantly, ensured that the Manual was being actively followed in practice.

The Director met with the Heads of schools to explain the audit tool. The schools embraced the audit and an independent auditor, Marlene Norris, was engaged towards the end of 2013 to trial the audit tool on three schools. After some adjustments, the audit tool was officially rolled out in 2014 and audits of the schools are carried out on a rolling 3 year cycle\(^{105}\).

2015

In March 2015, the Diocese passed the Student Protection in Anglican Schools – Policy and Procedures 2015\(^{106}\), replacing the Procedures Manual for the Protection from Harm of Students in Anglican Schools. The Student Protection Policy maintains the requirement for school workers to be provided with regular training in the relevant policies and procedures concerning child protection matters\(^{107}\). The policy incorporates changes in legislation applicable from early 2015 and also provides for additional training for Student Protection Officers\(^{108}\).

On or about the 14\(^{10}\) of January 2015, the Anglican Schools Commission forwarded to all Anglican Schools a USB which contained power point for training all staff together with a PowerPoint designed for all council members. Principals received a letter advising the PowerPoint should be delivered at the Professional Development day prior to the commencement of school and the PowerPoint for school councils to be delivered at the first council meeting of the year. A checklist for

\(^{101}\) ASQ.204.004.0056.
\(^{102}\) ASQ.204.005.0247.
\(^{103}\) ASQ.261.005.0165.
\(^{104}\) ASQ.211.007.0019.
\(^{105}\) Email enclosing revised Audit Tool (ASQ.211.007.0009); Audit Tool (ASQ.211.007.0010); Report following audit (ASQ.211.010.0064).
\(^{106}\) ASQ.261.005.0247.
\(^{107}\) Refer s 7.
\(^{108}\) Refer s 7.
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principals was provided together with the letter. Additionally, a letter was forwarded to all Chairs of Councils advising them of the Diocesan requirements with respect to training and dissemination of the information. A total of 4013 staff from the Anglican schools attended the PowerPoint presentation.

To ensure broader coverage of the diocesan schools, the Child Protection Support Officer has continued to provide newsletters and resource sheets to all Anglican schools to be provided to all staff which set out the new legislative changes and to assist with decision making.\(^{109}\)

Four Student Protection Officer workshops were offered in 2015. A total of 92 Student Protection Officers attended the workshops. The Course outline is attached.\(^{110}\)

As stated in Ms Molloy’s statement, there are plans for further workshops in 2015 and 2016, focused on building knowledge and understanding of child protection issues including understanding the nature and indicators of grooming and sexualised behaviour.

\(^{109}\) Refer to Exhibit "SLM-06" of Statement made by Ms Sherril Molloy to Royal Commission (for Case Study 34) (STAT.0709.001.0200).

\(^{110}\) Building Bridges – Child Protection Practice – Course Outline and Objectives (ANG.0160.001.0445).

\(^{111}\) Paragraph 82 of Ms Molloy’s statement (STAT.0709.001.0001).
Disclosure and response

28. Internal reporting processes following a disclosure of child sexual abuse.

1995

In September 1995, the Diocese adopted the Protocol for Use When Complaints of Sexual Abuse are made against Church Officials\textsuperscript{112}. The protocol provided for the appointment of at least thirteen ‘contact persons’, including the Archbishop and Regional Bishops\textsuperscript{113}. Under s 8(b), any Church worker receiving a complaint of sexual abuse against a ‘Church Official’ was to refer that complaint to a contact person, who would then obtain relevant details in writing from the complainant and communicate that information to the Chairman of the Committee for Complaints of Sexual Abuse\textsuperscript{114}.

At the Diocesan Council meeting on 19 October 1995, four persons were appointed to the Committee\textsuperscript{115}. Letters were sent to the appointees on 30 October 1995\textsuperscript{116}.

1999

In September 1999, the Protocol was adapted for use in Anglican Schools. It was named the Protocol for Use When Complaints of Sexual Abuse are made against Employees and Voluntary Workers in Anglican Schools in the Diocese of Brisbane\textsuperscript{117}. The protocol provided for the referral of any complaint of sexual abuse made against school workers to be referred to ‘contact persons’ (at least thirteen persons, including Regional Bishops\textsuperscript{118}), who would then report the complaint to the Chairperson of the Committee for Complaints of Sexual Abuse\textsuperscript{119}.

2002

In October 2002, the Diocese adopted the Protocol for Dealing with Complaints of Abuse\textsuperscript{120}. This replaced both the Protocol for Use When Complaints of Sexual Abuse are made against Church Officials and the Protocol for Use When Complaints of Sexual Abuse are Made against Employees and Voluntary Workers in Anglican Schools. This protocol provided that any Church worker witnessing abuse, or receiving a report of abuse must report the abuse to their Organisation Head\textsuperscript{121}, who would in turn report the abuse to the Diocesan Protection Co-Ordinator\textsuperscript{122}.

2003

In September 2003, the Diocese adopted the, Protection Policy for Children and Young People (Version for Schools)\textsuperscript{123}. This policy provided that school workers had a responsibility to report abuse.

\textsuperscript{112} ASQ.249.001.0002.
\textsuperscript{113} Refer s 6.
\textsuperscript{114} This also remained current under the 1997 Protocol (ASQ.204.006.0048).
\textsuperscript{115} DC Minutes not scanned (ANG.0160.001.0446).
\textsuperscript{116} One such letter is ASQ.227.005.0002.
\textsuperscript{117} ASQ.248.010.0002.
\textsuperscript{118} Refer s 5.
\textsuperscript{119} Refer s 7(b).
\textsuperscript{120} ASQ.204.006.0002.
\textsuperscript{121} Refer s 13.
\textsuperscript{122} Refer s 14.
\textsuperscript{123} ASQ.204.006.0207.
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to the Organisational Head\(^{124}\) and that Organisational Heads had a responsibility to report abuse to
the Diocesan Protection Co-Ordinator and participate in the subsequent investigation.\(^{125}\)

In September 2003, the Diocese adopted the Protection Policy for Children and Young People
(Version for Parishes, Faith Communities and Agencies Relating to Children and Young People)\(^{126}\).
This policy provided that workers had a responsibility to report abuse to the Organisational Head\(^{127}\)
and Organisational Heads had a responsibility to report abuse to the Diocesan Protection Co-
Ordinator\(^{128}\).

**2004**

In June 2004, the Diocese passed the Professional Standards Canon\(^{129}\). Section 24(1) of this Canon
provided that any member of the clergy, or a Church authority (being the Archbishop and other
persons/bodies with administrative authority in the Diocese) must report any information in their
possession concerning sexual misconduct by a Church worker to the Professional Standards
Committee. This provision is subject to canons regarding confessions\(^{130} \, 131\).

**2005**

In January 2005, the Diocese amended the Protection Policy for Children and Young People (Version
for Schools) (renamed the Procedures Manual for the Protection from Harm of Students in Anglican
Schools)\(^{132}\). The policy provided that workers were to report any information concerning sexual
abuse of a student to the Head of School or other nominated person immediately\(^{133}\) and that the
Head of School was to report to the Director of Professional Standards any allegation of student
harm\(^{134} \, 135\). The Head of School was also required to immediately report any matter of sexual abuse
or suspected sexual abuse to the police\(^{136}\); and in the event that a teacher was dismissed or resigned
as the result of an investigation by the school into alleged harm caused by the teacher to a student,
to inform the Board of Teacher Registration\(^{137}\).

In June 2005, the Diocese amended the Protection Policy for Children and Young People (Version for
Parishes, Faith Communities and Agencies Relating to Children and Young People) (renamed the
Protection Policy for Children and Young People)\(^{138}\). The policy retained the previous reporting
obligations, except Organisational Heads were to report to the Director of Professional Standards\(^{139}\).

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\(^{124}\) Refer s 9.5.2.
\(^{125}\) Refer ss 9.5.1 and 10.4.1.
\(^{126}\) ASQ.260.005.0001.
\(^{127}\) Refer ss 9.5.2 and 10.4.
\(^{128}\) Refer ss 9.5.1 and 10.4.
\(^{129}\) ASQ.204.005.0073 (2004); ASQ.204.005.0050 (2006); ASQ.204.005.0026 (2008); ASQ.204.005.0002 (2009);
ASQ.261.005.0218 (2015).
\(^{130}\) Refer s 24(2).
\(^{131}\) This section has not changed across subsequent amendments and remains current.
\(^{132}\) ASQ.204.006.0182.
\(^{133}\) Refer ss 9.5.2 and 10.3.1.
\(^{134}\) Refer ss 9.5.1 and 10.3.1.
\(^{135}\) This also remained current under the 2010 and 2012 Procedures Manuals (ASQ.204.006.0150;
ASQ.007.001.0068).
\(^{136}\) Refer s 9.5.1(k).
\(^{137}\) Refer s9.5.1(l).
\(^{138}\) ASQ.211.012.0002.
\(^{139}\) Refer ss 9.5.1 and 10.4.
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In April 2005, the Diocesan Council adopted a *Safe Ministry Policy Statement*\(^{140}\) including a commitment to respond promptly to each concern raised about the behaviour of Church workers\(^{141}\).

### 2006

In March 2006, the Australian bishops issued a protocol entitled *Private Confession Pastoral Guidelines with Special Reference to Child Sexual Abuse*\(^{142}\). This protocol provided for bishops to restrict the hearing of child sex abuse confessions to one or more priests specifically trained to do so. It required those specially trained and licensed priests to withhold absolution, other than in exceptional circumstances (such as imminent death) unless the penitent reported the abuse to the police and other appropriate authorities\(^{143}\).

In August 2006, the Diocese adopted the Protocol for Dealing with Complaints of Sexual Harassment, Sexual Assault or Sexually Inappropriate Behaviour (replacing the Protocol for Dealing with Complaints of Abuse)\(^{144}\). Clause 1.1 provided that any Church worker who experienced, witnessed or received information concerning sexual misconduct by a Church worker, had to report the abuse to a responsible person in the parish, agency, school or other body in which the behaviour occurred. The responsible person then had to report the information to the Director of Professional Standards or a member of the Professional Standards Committee\(^{145}\). Reports could be made anonymously\(^{146}\ \^{147}\).

### 2007

In August 2007, the Diocese adopted the *Protection Policy for Children and Young People – Parishes and Planning and Safety Procedures for Children’s Activities*\(^{148}\) (replacing the Protection Policy for Children and Young People). Under this policy, all workers in parishes were required to report any allegation of abuse against a Church worker directly to the Director of Professional Standards\(^{149}\ \^{150}\).

### 2011

In March 2011, the Australian bishops amended the *Private Confession Pastoral Guidelines with Special Reference to Child Sexual Abuse*\(^{151}\) protocol to provide that, for confessions concerning child sexual abuse, absolution could only be granted by priests holding the Archbishop’s special licence. Priests holding special licences were to receive specific training on these matters, and were only to grant absolution when the penitent reported to police, and to church authorities, other than in exceptional circumstances such as imminent death.

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\(^{140}\) ASQ.253.005.0122.
\(^{141}\) A formal version was published 23 June 2007 (ASQ.204.005.0246).
\(^{142}\) ANG.0160.001.0448.
\(^{143}\) Refer s 7.
\(^{144}\) ASQ.204.006.0066.
\(^{145}\) Refer s 1.1.
\(^{146}\) Refer s 1.3.
\(^{147}\) This also remained current under the 2010 Protocol (ASQ.007.001.0108).
\(^{148}\) ASQ.204.004.0104.
\(^{149}\) Refer s 5.2.
\(^{150}\) This also remained current under the 2010 Protection Policy (ASQ.204.005.0289).
\(^{151}\) ASQ.251.002.0282.
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2015

In March 2015, the Diocese adopted the Student Protection in Anglican Schools – Policy and Procedures 2015\(^{152}\), replacing the Procedures Manual for the Protection from Harm of Students in Anglican Schools. This policy describes in detail the legislated reporting requirements on school workers, and provides that all school workers are to report any information concerning the sexual abuse of a student to the school principal or a director of the school’s governing body (or designated delegate)\(^{153}\). The principal is then immediately to report to a police officer, a director of the school’s governing body and the Director of Professional Standards\(^{154}\). Similar reporting requirements are provided in relation to other harm, or suspected harm, to students, including sexual abuse by non-Church workers\(^{155}\). Reporting obligations extend to the Queensland College of Teachers in the event that the school investigates an allegation of harm caused by a teacher to a student, and if a teacher resigns following the report to police of sexual abuse or likely sexual abuse involving that teacher\(^{156}\).

29. Reporting allegations of child sexual abuse to the police, the Ombudsman and/or any government child protection agencies, including where:

   a. a complainant does not consent to such disclosure, and/or
   b. the information was disclosed in the context of a ‘confessional’.

2002

Immediately following my appointment as Archbishop in February 2002, I required all allegations of child sexual abuse to be reported to the police. All matters get reported even if the complainant does not wish that. It is understood that the police will respect the wishes of the complainants who do not want to proceed with their complaint, and survivors are told that by the Diocese when the mandatory reporting is explained to them.

In October 2002, the Diocese adopted the Protocol for Dealing with Complaints of Abuse.\(^{157}\) Under clause 5, the protocol provided as one of its key understandings that all allegations of child sexual abuse would be reported to the police, except where the alleged perpetrator was deceased. Further guidance on reporting to state authorities was provided under clause 15.6, which provided for reporting to the Department of Families and other State Authorities in certain circumstances. There were requirements for investigations/assessment following reporting to police\(^{158}\).

2003

In September 2003, the Diocese adopted the Protection Policy for Children and Young People (Version for Schools)\(^{159}\). This policy provided that Organisational Heads had a responsibility to report any allegation of abuse against a student at the school, concerning a criminal offence, to the police, and any other allegation of abuse against a student to the Department of Families\(^{160}\).

2004

\(^{152}\) ASQ.261.005.0247.
\(^{153}\) Refer s 3.2.1.
\(^{154}\) Refer s 3.2.1.
\(^{155}\) Refer s 3.2.2.
\(^{156}\) Refer s 3.2.3.
\(^{157}\) ASQ.204.006.0002.
\(^{158}\) Refer s 15.6.
\(^{159}\) ASQ.204.006.0207
\(^{160}\) Refer s 10.4.1.
Professional Standards in the Anglican Diocese of Brisbane – Disclosure and Response

In June 2004, the Diocese passed the *Professional Standards Canon*\(^{161}\). Under s 6(2)(j) of the Canon, procedures for working with law enforcement, prosecution and child protection authorities of the States, Territories and Commonwealth, were to be provided by a relevant protocol\(^{162} \)\(^{163}\).

**2005**

In January 2005, the Diocese amended the Protection Policy for Children and Young People (Version for Schools) (renamed the Procedures Manual for the Protection from Harm of Students in Anglican Schools)\(^{164}\). S 10.3.2 requires a Head of School to report immediately to police and to relevant state authorities any report of child sexual abuse or reasonable suspicion of such abuse. Reports of non-criminal abuse or reasonable suspicion of abuse must be reported to the Department of Child Safety\(^{165}\).

**2006**

In March 2006, the Australian bishops issued a protocol entitled *Private Confession Pastoral Guidelines with Special Reference to Child Sexual Abuse*\(^{166}\). The protocol provided guidelines for priests to follow if they received a confession regarding child sexual abuse. The protocol did not require priests to report the abuse, but required them to withhold absolution, other than in exceptional circumstances, such as imminent death, unless the penitent reported the abuse to the police or other appropriate authorities\(^{167}\).

In August 2006, the Diocese passed the Protocol for Dealing with Complaints of Sexual Harassment, Sexual Assault or Sexually Inappropriate Behaviour (replacing the Protocol for Dealing with Complaints of Abuse)\(^{168}\). Clause 3.2 of this protocol provided that any information relating to child sexual abuse will be referred to the police by the Director of Professional Standards, and the matter will not be further investigated until the police have concluded their investigation\(^{169}\). The complainant will be informed when the Diocese reports their complaint to the police\(^{170} \)\(^{171}\).

**2008**

In March 2008, the Diocese adopted a *Reporting Criminal Matters to Police* policy\(^{172}\). This policy provides that Taskforce Argos, of the Queensland Police Service, will always be advised in writing by the Director of Professional Standards of any allegation received regarding child sexual abuse, even where the survivor of the abuse has indicated they do not wish the matter to be dealt with by the police. There is no exception under this policy for offenders/respondents who are deceased.

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161 ASQ.204.005.0073 (2004); ASQ.204.005.0050 (2006); ASQ.204.005.0026 (2008); ASQ.204.005.0002 (2009); ASQ.261.005.0218 (2015).
162 See Protocol for Dealing with Complaints of Sexual Harassment, Sexual Assault or Sexually Inappropriate Behaviour (ANG.0024.001.0001) (also Protocol for Dealing with Complaints of Abuse) (ASQ.204.006.0002).
163 This section has not changed across subsequent amendments and remains current. ASQ.204.005.0073 (2004); ASQ.204.005.0050 (2006); ASQ.204.005.0026 (2008); ASQ.204.005.0002 (2009); ASQ.261.005.0218 (2015).
164 ASQ.204.006.0182.
165 See 10.4.2.
166 ANG.0160.001.0448.
167 See s 7.
168 ASQ.204.006.0066.
169 See also Appendix E.
170 See 2.2.
171 This also remains current under the 2010 Protocol (ASQ.007.001.0108).
172 ASQ.204.004.0083.
Professional Standards in the Anglican Diocese of Brisbane – Disclosure and Response

2010

In June 2010, the Diocese amended the Procedures Manual for the Protection from Harm of Students in Anglican Schools\(^{173}\). The requirement of the Head of School to report to the police or Department of Child Safety was not altered, but there were provisions for further reporting requirements\(^{174} 175\).

A student who was aware or reasonably suspected that harm had been caused by anyone to a student of the school, or who wished to report inappropriate behaviour of a staff member, was to report to a School Safety Officer or any other staff member.

A staff member or School Safety Officer who received such report, or who was aware of, or reasonably suspected, harm caused to a student was to report to the Head or Deputy Head of School.

A staff member aware of or reasonably suspecting that an employee of the school had sexually abused a student was to prepare a written report containing certain required information to the Head of School or a member of the School Council. If the complaint concerned the Head of School, such report was to be made to the director of the school’s governing body and the Diocesan Director of Professional standards.

The Head of School was required to notify the police in the case of a potential criminal offence, and immediately to provide the police with a copy of a written report received from a staff member regarding sexual abuse or suspected sexual abuse of a student by an employee of the school.

The Head of School was also required to notify the Chair of Council and the Diocesan Director of Professional Standards of the sexual abuse or suspected sexual abuse.

The school was also required to inform the Queensland College of Teachers in the event that it conducted an investigation into alleged harm caused to a student due to the conduct of a teacher, and the teacher resigned or was dismissed, and in the event of resignation by a teacher after a report to the police concerning sexual abuse by that teacher\(^{176}\).

2011

In March 2011, the Australian bishops amended the Private Confession Pastoral Guidelines with Special Reference to Child Sexual Abuse protocol\(^{177}\) to provide that, for confessions concerning child sexual abuse, absolution could only be granted by priests holding the Archbishop’s special licence. Priests holding special licences were to receive specific training on these matters, and were only to grant absolution when the penitent reported to police, other than in exceptional circumstances, such as imminent death.

2015

In March 2015, the Diocese adopted the Student Protection in Anglican Schools – Policy and Procedures 2015\(^ {178}\), replacing the Procedures Manual for the Protection from Harm of Students in Anglican Schools. This policy describes in detail the legislated reporting requirements for school employees and provides that all employees are to report any information concerning the sexual

\(^{173}\) ASQ.204.006.0150.

\(^{174}\) Refer page 11.

\(^{175}\) This also remains current under the 2012 Procedures Manual (ASQ.007.001.0068).

\(^{176}\) Refer page 8 of the 2010 Procedures Manual.

\(^{177}\) ASQ.251.002.0282.

\(^{178}\) ASQ.261.005.0247.
Professional Standards in the Anglican Diocese of Brisbane – Disclosure and Response

abuse of a student to the school principal or a director of the school’s governing body (or designated delegate)\(^{179}\). The principal, director or delegate (as the case may be), must immediately report in writing the abuse to a police officer of the nearest Child Protection Investigation Unit\(^{180}\).

30. Notifying an alleged perpetrator of allegations against him or her.

1995

In September 1995, the Diocese adopted the *Protocol for Use When Complaints of Sexual Abuse are made against Church Officials*\(^{181}\). The protocol provided for the respondent to any complaint to be provided with a copy of that complaint by the Chairperson of the Committee for Complaints of Sexual Abuse, following receipt of that complaint in writing by the Chairperson\(^{182}\). It provided for the respondent to be advised of the possibility of, and rights relating to, criminal or civil actions\(^{183}^{184}\).

1999

In September 1999, the Diocese adapted the Protocol for use by Anglican schools (*Protocol for Use When Complaints of Sexual Abuse are made against Employees and Voluntary Workers in Anglican Schools in the Diocese of Brisbane*\(^{185}\)). The Protocol provided for the respondent to any complaint to be provided with a copy of that complaint by the Chairperson of the Committee for Complaints of Sexual Abuse, once the Chairperson received the complaint in writing\(^{186}\). The respondent was to be advised of rights regarding legal action\(^{187}\).

2002

In October 2002, the Diocese adopted the *Protocol for Dealing with Complaints of Abuse*\(^{188}\). This replaced both the *Protocol for Use When Complaints of Sexual Abuse are made against Church Officials* and the *Protocol for Use When Complaints of Sexual Abuse are Made against Employees and Voluntary Workers in Anglican Schools in the Diocese of Brisbane*. Clause 15.6 of the protocol provided that, where the Organisation Head had not already done so, the Protection Co-Ordinator, on receipt of a complaint, was to inform the alleged perpetrator that an allegation had been made against them and, once received, provide full details of the allegations to the alleged perpetrator. Decisions concerning advising a respondent have always been, and continue to be, undertaken in the context of any active police investigation and any requests from police not to advise the respondent. The Diocese of Brisbane is always careful to ensure that church processes do not interfere with any police investigation.

2003

In September 2003, the Diocese adopted the *Protection Policy for Children and Young People (Version for Schools)*\(^{189}\). This policy provided that, among other reporting requirements, Heads of

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\(^{179}\) Refer s 3.2.1.

\(^{180}\) Refer s 3.2.1.

\(^{181}\) ASQ.249.001.0002.

\(^{182}\) Refer s 8(c).

\(^{183}\) Refer s 4(b).

\(^{184}\) This also remains current under the 1997 Protocol (ASQ.204.006.0048).

\(^{185}\) ASQ.248.010.0002.

\(^{186}\) Refer s 7(c).

\(^{187}\) Refer s 3(b).

\(^{188}\) ASQ.204.006.0002.

\(^{189}\) ASQ.204.006.0207.
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School, once they became aware of a complaint, were to inform the alleged perpetrator of the complaint against them and listen to any explanation offered in response to the complaint.190 191

2004

In June 2004, the Diocese adopted the *Professional Standards Canon*192. S 29 of the Canon provided that the Professional Standards Committee had power to provide written notice to the respondent requiring a response to the allegations made. In practice, this has only occurred on a few occasions where the nature of the misconduct was not serious. S 30 of the Canon further provided that the respondent had to be given an opportunity to be heard before being suspended.193

2006

In August 2006, the Diocese adopted the *Protocol for Dealing with Complaints of Sexual Harassment, Sexual Assault or Sexually Inappropriate Behaviour* (replacing the *Protocol for Dealing with Complaints of Abuse*). Clause 2.3 of this protocol provided that respondents were to be informed of complaints received against them as soon as practicable after receipt of the complaint. However, it was noted that the name of the complainant may not be disclosed where this would put the complainant at risk.195 The respondent was to be kept advised throughout the process.196 197

2007

In October 2007, the Diocese adopted guidelines entitled, *Advice to Regional Bishops Regarding Complaint Made under the Professional Standards Canon*. These guidelines provided education to clergy on how sexual complaints against clergy received by the Diocese would be managed, including when perpetrators would be informed and what information would be given to the perpetrator.198

2009

*Policy and Procedures for the Suspension of the Church Worker against whom a complaint has been made and the identification of the worker*199 were approved by the Diocesan Council on 17 December 2009. The Policy is applicable when suspension or standing down of clergy or a Church Worker is being considered following a complaint made under the Professional Standards Canon. Prior to any recommendation for suspension, the respondent will be given an opportunity to be heard.200

2010

In June 2010, the Diocese amended the *Procedures Manual for the Protection from Harm of Students in Anglican Schools*.201 The amended policy provided that the Head of School should only inform the

190 Refer s 10.4.
191 This also remains current under the 2005 Procedures Manual (ASQ.204.006.0182).
192 ASQ.204.005.0073 (2004); ASQ.204.005.0050 (2006); ASQ.204.005.0026 (2008); ASQ.204.005.0002 (2009); ASQ.261.005.0218 (2015).
193 This section has not changed across subsequent amendments and remains current.
194 ASQ.204.006.0066.
195 Refer s 2.4.
196 Refer s 2.8.
197 This remains current under the 2010 Protocol (ASQ.007.001.0108).
198 The October 2007 version is not available. Information based on May 2009 guidelines (ASQ.204.004.0035).
199 ASQ.204.005.0496 (Policy); ASQ.204.004.0091 (Procedures).
200 Refer s 7.
201 ASQ.204.006.0150.
alleged perpetrator of the allegations if they were not required to be reported to the police or Child Safety 202 203.

2015

In March 2015, the Diocese passed the Student Protection in Anglican Schools – Policy and Procedures 2015204, replacing the Procedures Manual for the Protection from Harm of Students in Anglican Schools. This policy removed any explicit duty on the Head of School to advise the alleged perpetrator of the complaint. The Head of School was still to consider matters of standing down 205.

31. Providing pastoral care and counselling to complainants and/or alleged perpetrators following allegations of child sexual abuse.

1995

In September 1995, the Diocese adopted the Protocol for Use When Complaints of Sexual Abuse are made against Church Officials 206. This protocol provided for the appointment by the Archbishop of a panel of six advisers, to assist complainants and respondents, including providing pastoral support and care 207. The protocol further provided that, after the respondent was advised, an Adviser was to be assigned to each of the complainant and the respondent 208 209.

1999

In September 1999, the Diocese adopted the Protocol for Use When Complaints of Sexual Abuse are made against Employees and Voluntary Workers in Anglican Schools in the Diocese of Brisbane 210. This protocol provided for the appointment, by the Archbishop, of a panel of at least six Support Persons with the role of assisting complainants and respondents, including by the provision of pastoral support and care 211. The protocol further provided that, after the respondent was advised of the complaint, a Support Person was to be assigned to each of the complainant and the respondent 212.

2002

In October 2002, the Diocese adopted the Protocol for Dealing with Complaints of Abuse 213. This replaced the Protocol for Use When Complaints of Sexual Abuse are made against Church Officials and the Protocol for Use When Complaints of Sexual Abuse are Made against Employees and Voluntary Workers in Anglican Schools in the Diocese of Brisbane. This protocol provided that the Protection Co-Ordinator, having received an allegation, was to appoint a Pastoral Support Person for each of the victim and the alleged perpetrator 214 and set out the role of the Pastoral Support Person.

202 Refer page 11.
203 This remains current under the 2012 Procedures Manual (ASQ.007.001.0068).
204 ASQ.261.005.0247.
205 Refer s 5.2.
206 ASQ.249.001.0002.
207 Refer s 7.
208 Refer s 8(d).
209 Refer s 8(d).
211 ASQ.248.010.0002.
212 Refer s 6.
213 Refer s 7(d).
214 ASQ.204.006.0002.
215 Refer s 15.6.
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Person\textsuperscript{215}. Where it was considered there was a moral duty to do so, that the Diocese would arrange and pay for counselling for the victim\textsuperscript{216}, and set out the role of a Counsellor\textsuperscript{217}.

2003

In September 2003, the Diocese adopted the Protection Policy for Children and Young People (Version for Schools)\textsuperscript{218}. This policy provided that all school employees, when responding to incidents of student abuse, were obliged to provide pastoral support to the victim\textsuperscript{219} with the responsibility to provide pastoral support also falling on the Head of School\textsuperscript{220}. The policy further provided that, where a complaint was made directly by the victim, the Head of School was to arrange for continuing pastoral assistance and counselling for the victim, as part of a pastoral response\textsuperscript{221} \textsuperscript{222}.

2004

In June 2004, the Diocese adopted the Professional Standards Canon\textsuperscript{223}. Section 6(2) of the Canon acknowledged the importance of providing assistance and support to persons affected by abuse and of dealing fairly with respondents, but referred these matters to the Protocol\textsuperscript{224} \textsuperscript{225}.

2005

In April 2005, the Diocesan Council adopted a Safe Ministry Policy Statement\textsuperscript{226}. This statement included commitments to offer pastoral support to any person who had suffered abuse and provide pastoral support and supervision to anyone known to have abused a child or vulnerable person\textsuperscript{227}.

2006

In August 2006, the Diocese adopted the Protocol for Dealing with Complaints of Sexual Harassment, Sexual Assault or Sexually Inappropriate Behaviour\textsuperscript{228} (replacing the Protocol for Dealing with Complaints of Abuse). Clause 2.6 of the Protocol provided that pastoral support and assistance was to be offered to the complainant when the complaint was made, and offered to the respondent when the respondent was notified of the complaint\textsuperscript{229}. The protocol further provided that counselling was to be offered to both the complainant and the respondent, with costs to be borne by the Diocese\textsuperscript{230} \textsuperscript{231}.

\textsuperscript{215} Refer s 17.
\textsuperscript{216} Refer s 15.6.
\textsuperscript{217} Refer s 19.
\textsuperscript{218} ASQ.204.006.0207.
\textsuperscript{219} Refer s 10.5.2.
\textsuperscript{220} Refer s 10.5.3.
\textsuperscript{221} Refer s 10.4.1.
\textsuperscript{222} This remains current under the 2005, 2010 and 2012 Procedures Manual (ASQ.204.006.0182; ASQ.204.006.0150; ASQ.207.001.0068).
\textsuperscript{223} ASQ.204.005.0073 (2004); ASQ.204.005.0050 (2006); ASQ.204.005.0026 (2008); ASQ.204.005.0002 (2009); ASQ.261.005.0218 (2015).
\textsuperscript{224} See Protocol for Dealing with Complaints of Sexual Harassment, Sexual Assault or Sexually Inappropriate Behaviour (ANG.0024.001.0001) (also Protocol for Dealing with Complaints of Abuse) (ASQ.204.006.0002).
\textsuperscript{225} This section has not changed across subsequent amendments and remains current.
\textsuperscript{226} ASQ.253.005.0122.
\textsuperscript{227} A formal version was published 23 June 2007 (ASQ.204.005.0246).
\textsuperscript{228} ASQ.204.006.0066.
\textsuperscript{229} Refer Appendix F.
\textsuperscript{230} Refer s 2.6 and Appendix F.
\textsuperscript{231} This remains current under the 2010 Protocol (ASQ.007.001.0108).
Professional Standards in the Anglican Diocese of Brisbane – Disclosure and Response

2007

In June 2007, the Diocese formally published its Safe Ministry Policy Statement. The published version included a commitment to provide pastoral support to any person abused, any person accused of abuse and any person found to have abused.

In October 2007, the Diocese enacted guidelines entitled Advice to Regional Bishops Regarding Complaint Made under the Professional Standards Canon. These guidelines provided education to clergy on how complaints of sexual abuse against clergy received by the Diocese would be managed, particularly the provision of pastoral support to the clergy, his or her family and the parish.

2010

In February 2010, the Diocese adopted the Pastoral Care and Assistance Package. This package provided for applications for financial assistance to be made following the substantiation of an allegation of sexual misconduct, either by court proceedings or the Professional Standards Board. This package set out in detail the method by which the provision and amount of financial assistance would be determined, with amount determined by a Schedule of Assistance capped at $75,000. The package further provided that all applicants would be offered pastoral care, an apology and counselling, regardless of whether they were pursuing a claim for financial assistance.

Currently, the PCAP is administered by a panel of two people. Former High Court Judge, Ian Callinan AC QC is the chair of the panel. The other current member is Dr Joan Lawrence, a psychiatrist expert in dealing with child sexual abuse.

In December 2010, the Diocese adopted the Policy for Providing Legal Assistance to Clergy and Church Workers Subject to Proceedings under the Professional Standards Canon. The policy provided for the Diocese to offer pro-bono legal assistance to respondents to complaints dealt with by the Professional Standards Committee or Professional Standards Board. The Diocese adopted procedures to be followed in offering, arranging for and supplying pro bono legal assistance.

2014

In December 2014, the Diocesan Council adopted principles intended to expedite dealing with redress claims in situations where a complaint concerned a known offender or where investigation was unlikely to result in further information and where it was accepted that abuse had occurred. These amendments included provision of an ex-gratia payment of $1,500 to a claimant for the purpose of obtaining initial legal advice, offering an initial ten sessions of professional counselling, with further sessions available after review and the option of direct negotiation with the diocese to reach a settlement. This option sits alongside other options of criminal and/or civil legal action, formal mediation and application to the Pastoral care and Assistance Package.

2015

232 ASQ.204.005.0246.
233 The October 2007 version is not available. Information based on May 2009 guidelines (ASQ.204.004.0035).
234 ASQ.259.007.0056.
235 Refer page 1
236 Refer page 7.
237 Refer page 2.
238 ASQ.204.005.0852
239 ASQ.204.005.0853.
240 STAT.0727.001.0021.
In March 2015, the Diocese passed the *Student Protection in Anglican Schools – Policy and Procedures 2015*\(^{241}\) replacing the *Procedures Manual for the Protection from Harm of Students in Anglican Schools*. This policy provides that all appropriate support must be provided to persons affected by student protection matters, and that the Principal must ensure that any student or staff member involved in a student protection incident is provided opportunities for support\(^{242}\). The provision of appropriate pastoral care and counselling services to students and staff in relation to student protection allegations/concerns, is also listed as a responsibility of the Principal\(^{243}\).

\(^{241}\) ASQ.261.005.0247.
\(^{242}\) Refer s 12.
\(^{243}\) Refer s 5.2.
Investigation

32. Investigating allegations of child sexual abuse.

1995

It appears that the *Protocol for use when complaints of sexual abuse are made against church officials*\(^{244}\) was the first time a policy was implemented by the Diocese to respond to sexual abuse claims. This document does not specifically relate to child sexual abuse, but rather, sexual abuse as a whole. Its focus is on mediation to deal with complaints.

The Protocol sets down the procedures for the Diocese to undertake when a complaint is made against a church worker. It seeks to facilitate the resolution of complaints.

There is a Committee for Complaints of Sexual Abuse ("CCSA"). The role of the CCSA is:

(a) to investigate a complaint of sexual abuse;

(b) to seek a mutually acceptable resolution where possible, utilising the techniques of mediation, conciliation and the like;

(c) otherwise to make its determination on the complaint, recommending any appropriate action to the Archbishop.

The Chairperson of CCSA designates two members of the CCSA to investigate the complaint. Where there is substance to the complaint, the complaint will be mediated.

There does not seem to be much of a change in the 1997 version of the Protocol\(^{245}\), particularly in regards to the way investigations were carried out.

2002

The Protocol was revised and renamed "Protocol for dealing with complaints of abuse"\(^{246}\). It was adopted on 24 October 2002 with a proposed implementation date of 1 December 2002.

The Protocol provides the procedures to be followed following receipt of a complaint.

Where there is an allegation of child abuse, the Protection Co-Ordinator must report to the relevant authorities including the police.

Following any police investigation, there may follow church initiated investigation, disciplinary action and redress. Disciplinary action might include termination of appointment, warning, counselling, and withdrawal of licence.

If the Protection Co-Ordinator believes that the Redress Tribunal should consider the matter, it will be recommended to the Abuse Response Committee. The Abuse Response Committee replaced the previous CCSA Committee (created by the original 1995 Protocol).

The Redress Tribunal may consider all kinds of redress including, for example, therapy, financial assistance, acknowledgement and apology, historical record, educational assistance and self-improvement courses.

\(^{244}\) ASQ.249.001.0002.

\(^{245}\) Protocol for use when Complaints of Sexual Abuse are made against Church Officials (20 November 1997) (ASQ.204.006.0048).

\(^{246}\) ASQ.204.006.0002.
Professional Standards in the Anglican Diocese of Brisbane – Investigation

2004

The Professional Standards Canon 2004\(^{247}\) was adopted by the Brisbane Diocese in June 2004. The Canon dealt with professional standards within the Church and other purposes. The Canon provided for the steps to be taken when information is received about any examinable conduct (behaviour which might call into question a church worker’s fitness for office), through to investigations and disciplinary action.

2006

As a result of the changes in the Diocesan process following the adoption of the Professional Standards Canon, the Protocol was amended to reflect those changes. The Protocol for Dealing with Complaints of Sexual Harassment, Sexual Assault or Sexually Inappropriate Behaviour\(^{248}\) was adopted in 2006.

The revised Protocol provided a step by step process about who is to provide the information (the subject of a complaint), what happens when a complaint is made, referral of complaint to another body, investigations, the outcome and the right for a review\(^{249}\).

2010

The Protocol was amended in 2010 but the investigation procedures remained unchanged.

The amendments related to a minor change of terminology used in 2006 Protocol - words ‘allegations substantiated’ were replaced by ‘case to answer’, because the Professional Standards Board and not Professional Standards Committee was the proper body to make findings of fact. In addition, the Director of Professional Standards was empowered to request a psychological assessment of a survivor and the guidelines for such assessment are set out in the protocol.

33. Imposing restrictions on an alleged perpetrator’s duties or involvement with the Church pending resolution of an investigation.

2002

In the 2002 version of the Protocol\(^{250}\), where an allegation of abuse is made against a worker, in the following circumstances the worker must stand down or be stood down from their position until the allegation has been dealt with:

(a) there is unacceptable risk;

(b) the process under the Protocol may be restricted in any significant way if the worker did not stand down;

(c) the worker’s organisation or other parts of the Diocese may be damaged significantly if the worker did not stand down\(^{251}\).

2004

\(^{247}\) ASQ.204.005.0073.

\(^{248}\) ASQ.204.006.0066.

\(^{249}\) Clauses 5 to 7 of the 2006 Protocol.


\(^{251}\) Clause 12.1 2002 Protocol.
Professional Standards in the Anglican Diocese of Brisbane – Investigation

The Professional Standards Canon was adopted by the Diocese of Brisbane in 2004. Where the Professional Standards Committee ("PSC") has commenced an investigation of information (received regarding an allegation against a worker) and after giving the respondent (worker) an opportunity to be heard, the PSC (under s 30) may recommend to the relevant church authority one or more of the following:

(a) that the respondent should be suspended from the duties or office or employment by a church body;

(b) that a prohibition order be made against the respondent.

Before making such a recommendation the PSC shall take into account:

(a) the seriousness of the conduct alleged in the information;

(b) the nature of the material to support or negate the allegations;

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

(d) after consultation with the relevant Church body or its representative, the effect on the respondent, a relevant Church body and on the Church in the diocese of acting and of not acting under section 30; and

(e) any other allegation of similar examinable conduct previously made to the PSC or to an equivalent body within the previous ten years;

and may take into account any other relevant matter.

During a suspension or prohibition pursuant to the provisions of this Part or during a period when a person voluntarily stands down from a position while conduct the subject of information is dealt with under this Canon:

(a) the respondent shall comply with the terms of any prohibition order;

(b) the respondent is ineligible for appointment to any position or function covered by any suspension or prohibition order;

(c) the relevant Church authority may fill the vacancy caused by any suspension or prohibition order, or while the respondent is standing down; and

(d) the respondent is entitled to whatever stipend, salary, allowances and other benefits that he or she would otherwise have received and which are to be met or reimbursed from funds under the control of the Synod.

There were no amendments to the relevant sections of the later versions of the Professional Standards Canon.

2006

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252 ASQ.204.005.0073.
253 S 30 Professional Standards Canon (ASQ.204.005.0073).
254 S 32 Professional Standards Canon (ASQ.204.005.0073).
255 S 34 Professional Standards Canon 2004 (ASQ.204.005.0073).
Professional Standards in the Anglican Diocese of Brisbane – Investigation

The 2006 Protocol257 provided that if an allegation of sexual harassment or assault, or sexually inappropriate behaviour is made against a worker, the worker may, after being given an opportunity to be heard, be stood down from his or her position until the allegation has been dealt with after consideration of the following:

(a) the seriousness of the conduct alleged in the information;
(b) the nature of the material to support or negate the allegations;
(c) whether any person is at risk of harm;
(d) the effect on the respondent, a relevant Church body or the Church; and
(e) any similar allegation within the previous ten years.

The Professional Standards Committee will recommend to the relevant church authority that the respondent (worker) should be suspended from duties, or that a prohibition order may be made. A decision whether to stand down a worker may be made at any time after an investigation has commenced.

There were no changes to the above in the 2010 Protocol258.

2009

On 17 December 2009, the Policy and the Procedures for Suspension of a Church Worker against Whom a Complaint has Been Made and the Identification of the Worker259 were approved by Diocesan Council.

The policy applied when suspension or standing down of clergy or church worker is being considered when a complaint has been made or information reported under the Professional Standards Canon.

The policy is also applicable when suspension or standing down has occurred and consideration is being given to identifying the person to a parish or organisation.

The criteria for making any recommendation for suspension by the Professional Standards Committee are in the Professional Standards Canon260 as set out above.

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257 Protocol for Dealing with Complaints of Sexual Harassment, Sexual Assault or Sexually Inappropriate Behaviour (August 2006) (ASQ.204.006.0066).
258 Protocol for Dealing with Complaints of Sexual Harassment, Sexual Assault or Sexually Inappropriate Behaviour (January 2010) (ASQ.007.001.0108).
259 ASQ.204.005.0496 (Policy); ASQ.204.004.0091 (Procedure).
260 S 30 Professional Standards Canon (ASQ.204.005.0073).
Professional Standards in the Anglican Diocese of Brisbane – Discipline

**Discipline**

34. Codes of conduct or expected behaviours for Church workers.

**2004**

Clause 4 of the *Professional Standards Canon 2004* provided that the Synod or the Archbishop-in-Council shall from time to time by resolution approve a Code of Conduct for observance by Church workers in the diocese.

*Faithfulness in Service: a national code for personal behaviour and the practice of pastoral ministry by clergy and church workers (first edition)* was approved by the national General Synod in October 2004, as the code of conduct for observance by Bishops. The Diocese of Brisbane recommended the Code for study and discussion in 2005 and adopted it in 2006.

Following the General Synod’s adoption of *Faithfulness in Service* as the national code, the Diocese of Brisbane set up the Professional Standards Implementation Task Group at the Diocesan Council meeting on 28 October 2004.

**2005**

On 19 June 2005, Brisbane Synod resolved to:

(a) commend Faithfulness in Service and any future amendments adopted by the Standing Committee of General Synod to all Clergy and lay workers of the Diocese of Brisbane for study and discussion, and

(b) request the Professional Standards Implementation Task Group to facilitate this study and discussion; and

(c) note the Key Elements of the Diocesan Risk Management Strategy which, when developed, will enable the Director of Professional Standards to facilitate the implementation of Chapter Four of ‘Faithfulness in Service’.

**2006**

In March 2006, in accordance with Resolutions (a) and (b) above, the Task Group prepared and distributed a discussion guide to parishes to facilitate discussion and study of Faithfulness in Service and provision was made for feedback to the Task Group.

*Faithfulness in Service,* was adopted by the Brisbane Diocese as its Code of Conduct in 2006.

**2011**

There was some debate as to how far the Faithfulness in Service code could apply to lay people and a perceived need for a separate code for schools. Two new documents were drafted, consistent

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263 Year Book Diocese of Brisbane 2005 Volume II (ANG.0160.001.0532).
264 ASQ.259.003.0227.
265 March: ASQ.261.004.0035; October: ASQ.261.004.0070.
266 ASQ.208.007.0051 – Memorandum sent by Archbishop Aspinall to all clergy.
267 This stemmed from concerns about discrimination and industrial relations issues.
in principle with the spirit and intent of the original Faithfulness in Service but reflecting the specific contexts of the Anglican Schools and legislation which impinged on those workplaces:

(a) Faithfulness in Service: A Code of Conduct developed for School Principals; and

(b) Faithfulness in Service: A Code of Conduct developed for Members of Governing Bodies of Schools.

The documents were for the purpose of implementing the Faithfulness in Service code and applying it to school circumstances, where most heads, teachers and other staff are employees to whom industrial, anti-discrimination and other law applies. They provided for the personal and professional behaviours consistent with the leadership roles within the Diocese.

The intention of the Code is to identify the personal behaviour and practices of pastoral ministry that will enable clergy and church workers to serve faithfully those among whom they minister.

The Code also provided guidelines which explain and illustrate best practice and highlight practical ways to achieve it.

2012

In March 2012, a Code of Conduct for holders of key lay offices in the Diocese of Brisbane was adopted by the Diocesan Council.

This Code provided valuable guidance to holders of key lay offices in the management of pastoral situations. The Code was intended to be formative and pastoral. It aims to describe the personal and professional behaviours consistent with leadership roles within the Diocese.

35. Conducting disciplinary proceedings in respect of Church workers against whom:

   a. allegations of child sexual abuse have been made, or

   b. allegations have been made in relation to the way a complaint of child sexual abuse has been handled.

The Professional Standards Canon was adopted in 2004. Following an investigation, pursuant to s 54 of the Canon, the Professional Standards Committee may refer to the Professional Standards Board the questions of:

(a) fitness of the church worker to hold office, licence or position of responsibility in the church or to be or remain in Holy Orders or in the employment of a church body;

(b) whether in the exercise of a church worker’s ministry or employment, or in the performance of any function the church worker should be subject to certain conditions or restrictions.

Having considered evidence placed before it, pursuant to s 69 of the Canon, the Board may make a recommendation to the Archbishop regarding matters of discipline.

If the Board is satisfied that, for example, a Church worker is unfit for office pursuant to s 69 of the Professional Standards Canon, it may recommend to the Archbishop appropriate sanctions. The

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268 ASQ.253.006.0222.
269 ASQ.253.006.0215.
270 These versions were presented to the Diocesan Council on 24 February 2011. They were approved with amendments proposed by the Anglican School Commission on 12 April 2011.
271 ASQ.204.005.0905.
Professional Standards in the Anglican Diocese of Brisbane – Discipline

Archbishop is empowered to act on such recommendations to impose a wide range of sanctions that can include:

- counselling the church worker.
- suspending the church worker from office or employment or from performing a function for a period to be determined.
- revocation of the church worker’s licence or authority.
- termination of the church worker’s contract of employment.
- removing the church worker from office.
- a prohibition order.
- placing conditions on the church worker’s office holding, employment or performance of function.
- deposition from Holy Orders.

There were no amendments to the later versions of the Professional Standards Canon relating to the above.

In addition to receipt of allegations of inappropriate behaviour of a church worker, the Director of Professional Standards also receive information (on behalf of the Professional Standards Committee) on an allegation of process failure. Process failure relates to the failure by a Church body or Church authority prior to the Professional Standards Canon coming into effect to deal appropriately with or to investigate matters referred to relating to allegations of assault, sexual harassment or sexually inappropriate behaviour and the conduct of a church worker who had that knowledge.

Part 8A of the Professional Standards Canon was introduced in 2008. It related to a reference of conviction of a church worker to the Professional Standards Board. Where the church worker has been convicted, no further investigation is required but the Board may rely on facts found by a court to make a recommendation under s 69 of the Professional Standards Canon.

36. Church law offences that apply in your Diocese to matters concerning child sexual abuse and the handling of complaints of child sexual abuse.

1990

The Offences Canon 1962 lists the offences that may be committed by church workers.

The Diocesan Tribunal and Provincial Tribunal may hear and determine charges made in respect of the following offences committed by a person licensed by the bishop of the diocese or is in holy orders resident in the diocese:

(a) Unchastity;
(b) Drunkenness;
(c) Habitual and wilful neglect of ministerial duty after written admonition in respect thereof by the bishop of the diocese.
(d) Wilful failure to pay just debts.
(e) Conduct, whenever occurring,
   (i) which would be disgraceful if committed by a member of the clergy, and
(ii) which at the time the charge is preferred is productive, or if known publicly would be productive, of scandal or evil report.

(f) Any other offence prescribed by an ordinance of the synod of the diocese.

In addition, the Special Tribunal may hear and determine charges where there is a breach by any member of the House of Bishops or any bishop assistant to the Primate in his capacity as Primate (that is, the Bishop to the Defence Force) in respect of the following:

(a) Unchastity.

(b) Drunkenness.

(c) Wilful failure to pay just debts.

(d) Conduct, whenever occurring,

   (i) which would be disgraceful if committed by a member of the clergy, and

   (ii) which at the time the charge is preferred is productive, or if known publicly would be productive, of scandal or evil report.

(e) Wilful violation of the Constitution or of the canons made thereunder or of the ordinances of provincial synod or of his diocesan synod.

(f) Any conduct involving wilful and habitual disregard of his consecration vows.

The diocesan Tribunal Canon provides for the procedures to be followed in the Diocese of Brisbane in relation to charges for a breach of conduct.

2004

The Professional Standards Canon was adopted in 2004 which created the position of the Director of Professional Standards. The Director received information on behalf of the Professional Standards Committee. The information includes information of whatever nature and from whatever source relating to:

(a) alleged conduct of a Church worker wherever or whenever occurring involving assault, sexual harassment or sexually inappropriate behaviour;

(b) alleged inappropriate or unreasonable conduct or omission of a Church worker who had knowledge of conduct of another Church worker involving assault, sexual harassment or sexually inappropriate behaviour; or

(c) an alleged process failure. Process failure means the failure by a Church body or Church authority prior to the Professional Standards Canon coming into effect to deal appropriately with or to investigate matters referred to in paragraphs (a) or (b) above.

The Professional Standards Committee is empowered to arrange for the conciliation or mediation of any complaint the subject of information or investigate information in a timely and appropriate manner.
Professional Standards in the Anglican Diocese of Brisbane – Discipline

Over time\textsuperscript{272}, the \textit{Professional Standards Canon} was amended to include offences of grooming and the possession, making or distribution of child exploitation material.

37. The standard of proof applied in your Diocesan disciplinary proceedings relating to child sexual abuse matters.

In general the standard of proof is the balance of probabilities. The greater the potential impact of a finding on a church worker (for example loss of livelihood) the more care is required in exercising the test.

\textsuperscript{272} Amended in 2006, 2008, 2009 and 2015.
Professional Standards in the Anglican Diocese of Brisbane – Redress

Redress

38. A brief overview of your 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.

2002

In 2002 some 25-30 claims arising from child sexual abuse were settled through formal mediation processes.

From 2002 the Diocese ceased requiring confidentiality clauses in settlement deeds, though at times insurers insisted on confidentiality in relation to quantum only. In 2003, the Diocese formally adopted the Confidentiality Clauses Principles. In summary, the principles provided that the Church would not require confidentiality provisions in settlement deeds, that the Diocese would consider confidentiality clauses as to quantum only, where insisted upon by an insurer, but that the Archbishop would be directly involved in any decision to insert such a clause.

Tufnell and Enoggera claims

In 2002, a process (‘Children’s Pathways process’) was developed to ensure sensitive handling of claims by former residents of Enoggera Boys’ Home and Tufnell Children’s Home. This process acknowledged the difficulty of obtaining evidence to prove abuse that occurred over thirty or forty years ago, given the poor state or lack of records. Provided a claimant had been referred by Micah Projects and could provide a form of impact statement, proof of residency and an estimate of quantum of damages suffered, they would be offered any or all of the following:

- a written apology;
- an opportunity to meet with the Archbishop to receive an apology in person;
- pastoral care, either in the form of counselling from a priest or with a social worker or psychologist (of their own choice or selected by the Church if requested);
- financial payment of up to $15,000 (at the discretion of the General Manager, contingent on the type, severity and length of abuse). Occasionally payments of $30,000 have been made, otherwise payments have typically been $5000 for claims of emotional abuse or lack of care, $10,000 for physical abuse and $15,000 for claims of sexual abuse, although each case is determined on its own merits; and/or
- contribution towards the cost of education or training programs.

Following agreement to settle a claim, a deed of release would be required.

Proof of residency was satisfied by a search of diocesan archives or from records kept by the Department of Communities.

Claims pursuant to Personal Injuries Proceedings Act ("PIPA")

PIPA commenced in 2002. If a claimant makes a claim pursuant to PIPA, he or she would generally engage lawyers. The Diocese will be notified of a claim through the claimant’s solicitors or the claimant (if he or she decides not to be legally represented). On receipt of the notice from the claimant’s solicitors or the claimant, the Diocese notifies its insurer. The insurer will appoint its own

273 ASQ.249.016.0007.
lawyers and the insurer’s lawyers will take over responsibility of managing the claim. The lawyers will liaise with the Diocese’s General Manager throughout the process.

Before starting a proceeding in a court based on a claim, there is a compulsory mediation conference of the parties.274 The General Manager would attend the compulsory conference as a representative of the Diocese. At the conference, where appropriate the General Manager will offer a formal apology to the claimant. If the parties are successful in settling a claim at the conference, then payment will be made to the claimant after obtaining clearances from government agencies and the parties will sign a deed of Release. The claimant’s lawyers will file a Notice of Discontinuance in court.

2007

In April 2007, the Diocese adopted the Procedures for Ex-Gratia Payments to Victims of Abuse (Excluding Ex-Residents of Children’s Homes)275. These procedures provided that, once abuse was accepted as having occurred (based on a low threshold test), the Director of Professional Standards was to inform the complainant that an apology is offered, an opportunity to meet with the Archbishop or senior clergy, pastoral support and/or counselling, assistance with educational or training needs, and an ex-gratia payment276. The procedures further provided that, at the conclusion of the internal investigation into the conduct, the Professional Standards Committee might recommend that an ex-gratia payment be made, and that it was for the General Manager to determine the amount of the ex-gratia payment277. Any payment of financial assistance was subject to the complainant signing a deed of release278.

2009

In May 2009, the Diocese amended the Procedures for Ex-Gratia Payment to Victims of Abuse (Excluding Ex-Residents of Children’s Homes)279 by inserting a new step 10. It required the Director of Professional Standards, following the substantiation of a complaint, to write to the complainant, advising him/her of the outcome and offering to provide further support and assistance280.

2010

In February 2010, the Diocese adopted the Pastoral Care and Assistance Package281. This package provided for applications for financial assistance to be made following the substantiation of an allegation of sexual misconduct, either by court proceedings or the Professional Standards Board282. This package set out in detail the method by which the provision and amount of financial assistance would be determined, with amount determined by a Schedule of Assistance capped at $75,000283. The package further provided that all applicants would be offered pastoral care, an apology and counselling, regardless of whether they were pursuing a claim for financial assistance284.

275 ASQ.204.005.0386.
276 See s 2.
277 See ss 9 to 12.
278 See s 13.
279 ASQ.204.005.0503 (as attached to ASQ.204.005.0501).
280 See s 10.
281 ASQ.259.007.0056.
282 Refer page 1
283 Refer page 7.
284 Refer page 2.
Currently, the PCAP is administered by a panel of two people. Former High Court Judge, Ian Callinan AC QC is the chair of the panel. The other current member is Dr Joan Lawrence, a psychiatrist expert in dealing with child sexual abuse.

2012

In June 2012, the Diocese adopted the Claims from Former Residents of Enoggera Boys’ Home and Tufnell Children’s Home procedure\(^{285}\). The procedure provided that claims of abuse by ex-residents of the homes, including claims of sexual abuse, would be considered by the Professional Standards Committee, with a view to determining if the claim was valid and substantiated. If the claim was substantiated, it would then be referred to the General Manager who would approve an appropriate amount to be made as an ex-gratia payment. An apology would also be provided by the Archbishop.

2013

In April 2013, the Diocese amended the Claims from Former Residents of Enoggera Boys’ Home and Tufnell Children’s Home procedure\(^{286}\). The previous requirement for the Professional Standards Committee to substantiate a claim was removed, with the Committee now required only to note the claim before referral to the General Manager for approval of an ex-gratia payment. The procedure was also amended to account for obtaining necessary clearances from government agencies.

Once the application has been assessed by the Director, submitted to, discussed and noted by the Committee, and payment approved by the general manager, the Director is required to obtain a signed deed of release from the applicant and complete appropriate forms for clearances from Medicare, WorkCover, DEEWR and Centrelink. Payment is then made, with a written apology from the Archbishop, and an offer to meet with him if the claimant desires.

2014

In December 2014, the Diocesan Council adopted in-principle amendments to Diocesan policies. These amendments included changes to the Pastoral Care and Assistance Package to allow for applications to be made and the allegation determined under a plausibility test where an allegation is made against a known offender who is deceased, cannot be located, is no longer a Church worker or where investigation is unlikely to yield any further useful information.

The criteria for plausibility are:

- (a) the claimant was likely to have been present where and when the alleged abuse occurred;
- (b) the known abuser is on balance, likely to have been at or near the location of the abuse;
- (c) information of other offending or likely offending;
- (d) the veracity of the abuse statement given by the alleged victim;
- (e) the account of abuse accords with knowledge of the actions of the abuser;
- (f) information of witnesses; and
- (g) any other information that is relevant to determining plausibility.

The options now available for dealing with claims for compensation for abuse are:

1. PIPA including compulsory mediation;
2. Voluntary formal mediation;
3. PCAP;

\(^{285}\) ASQ.204.004.0095.
\(^{286}\) ASQ.204.005.0919.
Professional Standards in the Anglican Diocese of Brisbane – Redress

4. Direct negotiation with the diocese with the provision of legal assistance to the claimant at the diocese’s cost.

Under the option of direct negotiation with the Diocese, the Diocese encourages the claimant to obtain independent legal advice. The principles adopted by the Diocesan Council in December 2014 formalised a process whereby claimants could receive $1,500.00 to access initial legal advice. This is in circumstances where the alleged perpetrator is deceased, cannot be located, is no longer a Church worker or where investigation is unlikely to yield any further useful information.

The Director of Professional Standards considers the circumstances of the claim and makes a recommendation to the General Manager as to whether a claim is plausible. The General Manager determines whether to accept that recommendation. If the General Manager accepts that the claim is plausible the General Manager may negotiate a settlement with the claimant or his or her lawyer through negotiation or mediation. If the General Manager does not determine the claim is plausible, the complainant can appeal to the Professional Standards Committee. The principles are currently in effect. This procedure has superseded that which previously applied to the children’s homes claims.

287 Refer clause 7 concerning principles being treated as current policy.
288 Copies of Agenda Item 6.2, Minutes of Diocesan Council meeting dated 18 December 2014 and Memo from General Manager dated 19 January 2015 are attached as “GM-01” to the Statement provided by Mr Gregory Milles to the Royal Commission for Case Study 34 (STAT.0727.001.0021).
Professional Standards in the Anglican Diocese of Brisbane – Risk Management

**Risk management**

39. Notifying Church members and Church workers of allegations against a particular Church member of Church worker. Where there is such a policy, the level of detail included in any such notification.

In November 2010 procedures were introduced to enable a faith community to be informed when a complaint is made against a member of the clergy or a church worker. The 'Pastoral Guidelines to assist when complaints have been made against clergy and church workers under the Professional Standards Canon' set out the process for holding a meeting at which allegations or findings of sexual misconduct are disclosed and the congregation is assisted to recover from the situation.

The Director of Professional Standards meets with the regional Bishop, Director of Communications and the Rector or Priest-in-Charge to develop a statement to be made to the parish by the Bishop. The statement includes an appropriate level of information and includes responses to likely questions.

Notice of the meeting is circulated in such a way as to notify as many parishioners as possible (pew sheet notice, mention at services) and it is attended by the Regional Bishop, the Director of Professional Standards, a member of the Communications team and a person qualified and skilled in providing personal responses such as a social worker or psychologist. Each member of the team has specific responsibilities. An agenda is provided in the Guidelines, together with details of who should attend, who should provide support for the victim, the congregation and clergy, an outline of congregational stages of grief and the critical points at which to provide information.

Under the National Register Canon, information about the respondent must be entered into the Register immediately and updated as the matter progresses. If the matter involves child sexual abuse, and the police are conducting an investigation, the entry in the Register will be flagged accordingly, to ensure that the respondent is not notified. In these circumstances no parish meeting can be held.

In practice, I issue an **Ad Clerum** with information about those clergy who have been deposed from holy orders and a public statement is issued. I also advise all other diocesan bishops.

40. Risk managing known or alleged offenders involved in the Diocese as Church workers or Church members.

**2006**

On 27 April 2006, the Diocesan Council endorsed the proposal for **System of Support for those Affected by Abuse within the Church**. There were three elements to the system which are:

(a) The provision of pastoral support to all persons affected by abuse;

(b) An agreement between an offender and church leaders of the parish which the person wants to join or attend; and

(c) The establishment of an accountability and support group for the offender.

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289 ASQ.261.005.0153.

290 ASQ.253.005.0234 (DC Minutes); ASQ.251.002.0023 (Agenda Item).
Professional Standards in the Anglican Diocese of Brisbane – Risk Management

2009

The policy Protecting Children and Vulnerable People in a Parish where an Offender or Accused Person Worships was adopted on 17 December 2009.

The policy was concerned with the protection of children and vulnerable people in a parish where an offender or accused person worships. The policy sets out the principles which inform the requirements for such protection, the guidelines to assist parishes in that process, and the details of the Offender Agreement into which the parish and the offender or accused person are required to enter. There were also procedures to follow.

The agreement with the offender or accused person included:

(a) specific prohibitions against robing or dis-robing or changing clothing in any Church building or activity;

(b) specific requirements for constant direct and personal supervision; and

(c) specific prohibitions against being alone with children.

If the offender or accused person refuses to enter into the agreement and thus places children at risk, the Church will exclude the person from its property and the offender will be excluded from worship.

2012

The policy was revised in 2012 and renamed Policy – Protecting Children and Vulnerable People in a Parish where an Offender or person of concern worships.

The words ‘accused person’ were amended to ‘person of concern’. An explanatory note on what ‘vulnerable people’ means was also inserted into the 2012 version. All other provisions in the policy remained the same.

The policy also provides that if the offender or person of concern refuses to sign the agreement, he or she will not be excluded from worship, as long as the restrictions set out in the agreement are observed and the Rector or Priest-in-Charge and Director of Professional Standards is obliged to monitor compliance. Some offenders had declined to sign an agreement on legal advice but were complying with the unsigned document.

41. Identifying any other victims of known or alleged offenders.

The policy on identification of other victims of abuse was formalised on 7 May 2009, although the practice of seeking out further victims of known offenders was followed well prior to this. For example:

(a) in 2000, St Paul’s School sent out Circular letters to past students encouraging them to report to the school if they had any continuing concerns regarding the matter and informing them about the established protocol that was in place.

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291 ASQ.204.004.0006.
292 Procedures – Protecting Children and Vulnerable People (ASQ.204.004.0027).
293 ASQ.204.004.0002 adopted on 29 March 2012.
294 Refer clause 7 Policy.
295 ASQ.204.004.0073.
296 ASQ.002.004.0294.
Professional Standards in the Anglican Diocese of Brisbane – Risk Management

(b) in 2003, St Paul’s School sent out Circular letters to past students encouraging them to provide any available information about abuse and encouraging any former students who had suffered abuse to seek assistance, following criminal charges against a past school teacher related to his time at St Paul’s School. The letter also offers counselling to past students297;

(c) from 2004, whenever a clergy person is found to have abused, notices are placed in pew sheets in all places where that person has served to seek any further information and to encourage people who may have been harmed to seek assistance.

When abuse by clergy or a church worker has been found to have occurred, the Diocese is committed to identifying and locating any other victims and encouraging them to come forward.

In November 2010 procedures were introduced to enable a faith community to be informed when a complaint is made against a member of the clergy or a church worker. The ‘Pastoral Guidelines to assist when complaints have been made against clergy and church workers under the Professional Standards Canon’ set out the process for holding a meeting at which allegations or findings of sexual misconduct are disclosed and the congregation is assisted to recover from the situation298.

The Director of Professional Standards meets with the regional Bishop, Director of Communications and the Rector or Priest-in-Charge to develop a statement to be made to the parish by the Bishop. The statement includes an appropriate level of information and includes responses to likely questions.

Notice of the meeting is circulated in such a way as to notify as many parishioners as possible (pew sheet notice, mention at services) and it is attended by the Regional Bishop, the Director of Professional Standards, a member of the Communications team and a person qualified and skilled in providing personal responses such as a social worker or psychologist. Each member of the team has specific responsibilities. An agenda is provided in the Guidelines, together with details of who should attend, who should provide support for the victim, the congregation and clergy, an outline of congregational stages of grief and the critical points at which to provide information.

If a complainant names other alleged victims at his or her own initiative or in the course of any investigation into the allegations, every effort is made to contact those persons to encourage them to come forward to provide information and/or to receive support and assistance.

42. Declaring and managing actual or perceived conflicts of interest among Church workers involved in developing policy, conducting disciplinary proceedings, providing legal advice, giving pastoral care or otherwise responding to child sexual abuse, where they have a long-standing personal or professional relationship with a known or alleged offender.

S 42(4) of the Professional Standards Canon gives the President of the Professional Standards Board capacity to disqualify any member who has a conflict of interest from serving on a board. There is no similar explicit provision with respect to the Professional Standards Committee. Any member with a conflict is expected to declare it and to withdraw from considering any such matter.

In the case of clergy or church workers regional bishops may well provide pastoral care to a respondent but the regional bishop has no part in any disciplinary proceedings.

297 ASQ.001.002.0084 (past student); ASQ.001.002.0101 (past parent).
298 ASQ.261.005.0153.
Professional Standards in the Anglican Diocese of Brisbane – Risk Management
Professional Standards in the Anglican Diocese of Brisbane – Information sharing and record keeping

Information-sharing and record-keeping

43. Record-keeping in relation to allegations and complaints of child sexual abuse in the Diocese, parishes, para-Church youth groups, and Church institutions, including the:
   a. form of the records (for example, excel database or paper-based case files)
   b. nature of the information contained in the records, including what information, if any, is routinely recorded, and how consistently the information is represented across all records
   c. maintenance and archiving of records.

Note: the response below represents the current practice as developed from June 2014 within the Office of Professional Standards. This practice has developed over time and the below should not be taken to accurately describe all files since 2002. Older files which became, or have remained, active have been updated to match the below practice.

Once a disclosure is brought to the attention of the Office of Professional Standards, it is recorded in a physical file and coded into an electronic database.

Physical files include all documentation received or created in relation to a complaint of child sexual abuse, and may extend into multiple volumes with appropriate cross-referencing. Each file includes a ‘File Management Checklist’, which details necessary steps when opening and closing files. Each file also includes a ‘Case File Checklist’, which sets out each action which may be taken in relation to a complaint file (which may vary depending on the nature of the allegations made) and provides for each action, when taken, to be recorded in one easily accessible document for later reference.

Complaints which become particularly involved are also likely to include a number of summary chronology documents. These allow for quick reference to be made to relevant steps taken and the general progression of the matter, but are not intended to substitute for a thorough reading of the file when necessary to refresh knowledge on complaint specifics.

Pro-forma copies of the ‘File Management Checklist’ and ‘Case File Checklist’ are attached. The Case File Checklist started in 2007. It was not applied retrospectively so there are a number of files without it.

Each complaint of child sexual abuse is also coded into an electronic ‘Professional Standards Database’, (started in August 2004) which records the key details of each complaint, including the names of the complainant and respondent, and assigns a number to the complaint, which is then recorded on the physical file. The database can then be used to identify and cross-reference complaints at a later time and recover the physical files from storage. The information stored on the electronic database is also used for the creation of other electronic records, including statistical records, on child sexual abuse. It is noted, however, that the database does not itself contain full statistical details on complaints received by the Diocese, and statistical records can only be created by combining database records with other records of the Diocese, including documentation on individual files. This has limited the Diocese’s capacity to generate accurate statistics (refer response to question 48 below).

In addition to the database, the Office of Professional Standards also maintains a number of spreadsheets to keep track of active or ongoing complaints and related matters, including entries on

299 Attached as “PJA-05” (STAT.0078.006.00138) (STAT.0078.006.0142).
Professional Standards in the Anglican Diocese of Brisbane – Information sharing and record keeping

the National Register and the creation of related files that do not directly concern child sexual abuse. Examples of these later files include files for offender agreements for known CSA offenders.

2006

In June 2006, the Diocese adopted the Policy for Record Keeping, Office of Professional Standards. This policy required the Director of Professional Standards to keep complete written records in relation to each complaint of abuse (including child sexual abuse) received by the Diocese. Records are required to be kept in a secure location, and individuals other than the Director of Professional Standards, his/her staff, and the Professional Standards Committee, are to be given access only in limited circumstances. Records are transferred to the Diocesan Archives after an appropriate period of time, with access then subject to approval from the Archbishop.

2015

In March 2015, the Diocese enacted the Student Protection in Anglican Schools – Policy and Procedures 2015. Clause 4 of this policy provides guidance on the creation and storage of Student Protection Records, including what should be recorded, and emphasises the need to complete and store reporting forms. Under the policy, records are kept in a secure and confidential file.

44. Information-sharing about or related to instances and allegations of child sexual abuse between your Diocese and:
   a. other Anglican dioceses in Australia
   b. other Anglican dioceses outside of Australia
   c. the General Synod
   d. other faith-based institutions
   e. government and non-government institutions or statutory authorities (to the extent these are not addressed in paragraph 29).

2004

In 2004, the National General Synod recommended that the Model Professional Standards Ordinance be adopted by the dioceses. The same year, the Diocese of Brisbane adopted the Professional Standards Canon, which was based on the model ordinance. S 16 enabled dioceses to disclose information to one another.

The National Register Canon was first adopted by National General Synod in 2004. As development of the National Register proceeded, implementation of the Canon proved challenging and an

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300 ASQ.204.004.0081 (Policy for Record Keeping – Office of Professional Standards).
301 Refer clauses 1 and 2 Policy.
302 Refer clause 6 Policy.
303 Refer clause 7 Policy.
304 Refer clause 8 Policy.
305 ASQ.261.005.0247 (Student Protection in Anglican Schools – Policy and Procedures 2015).
306 Refer s 4.1.
307 Refer 4.2.
308 Refer 4.3.
309 ANG.0160.001.0223.
310 ASQ.204.005.0073 (Professional Standards Canon 2004) (ASQ.204.005.0073).
professional standards in the anglican diocese of brisbane – information sharing and record keeping

extensive revision was proposed and agreed by the general synod in 2007. further amendments as agreed by general synods in 2010 and 2014 have been adopted with the canon continuing to be cited as the national register canon 2007. the national register canon provided for the creation of a register of church workers who have engaged in sexual misconduct and includes child sexual abuse offenders. this canon enables the dioceses in australia to share information relating to child sexual abuse offenders. however access is restricted to certain officers under certain conditions.

2005

in the event that a teacher was dismissed or resigned as the result of an investigation by the school into alleged harm caused by the teacher to a student, the head of school is to inform the board of teacher registration.

2009

in december 2009, the director of professional standards drafted the policy on the public release of information following internal disciplinary action against clergy for consideration. this policy was relevant to the sharing of information between the diocese and other bodies, as it provided for the public release of information, which would then be accessible to other bodies through ordinary public means. the (then) director of professional standards suggests that the policy may not have been formally adopted but has been implemented in practice.

in practice, i would issue an ad clerum with information about those clergy who have been deposed from holy orders, write to all the diocesan bishops in australia advising them of the deposition and make a media statement. a similar approach is taken where a serious offence is found to have occurred but a sanction short of deposition is imposed.

45. information-sharing about or related to instances and allegations of child sexual abuse, directly between parishes, schools and church institutions within your diocese and:

a. each other

b. any of the institutions or bodies listed in sub-paragraphs 44 (a) to (e).

when a finding of child sexual abuse is made against a church worker, or when an allegation is made and it is considered appropriate that the parish or organisation should be informed, any parish or anglican school at which that person worked or ministered is notified on the basis that there may be other victims who need assistance and pastoral support; and there may be others at risk of harm. when a person in holy orders is deposed an ad clerum is sent to clergy of the diocese, the other diocesan bishops in australia are notified and a media statement is made.

information relevant to the national register is uploaded to the national register pursuant to the national register canon and the professional standards canon. if a clergy person is deposed the

312 all subsequent versions of the national register canon have been automatically adopted as ‘ordinary resolutions’. asq.204.005.0419 (2007); asq.261.005.0168 (2010); asq.261.005.0182 (2014).
313 s 9.5.1(i) procedures manual for the protection from harm of students in anglican schools asq.204.006.0182.
314 we have not located an approved copy of this policy. asq.251.002.0128 may be a working draft.
315 protocol for dealing with complaints of sexual harassment, sexual assault or sexually inappropriate behaviour – august 2006 (asq.204.006.0066), january 2010 (asq.007.001.0108).
Professional Standards in the Anglican Diocese of Brisbane – Information sharing and record keeping details are added to the National Register, the Diocesan Bishops in Australia are notified and a media statement is made.

On 27 April 2006, the Diocesan Council endorsed the proposal for System of Support for those Affected by Abuse within the Church316. The Model Guidelines were presented at Professional Standards Committee Meeting on 21 May 2007317. This document sets out procedures to be followed in providing support within a parish or organisation affected by abuse.

In 2009, Identification of Victims policy318 was passed which enabled information to be shared with Church institutions such as Parishes.

On 17 December 2009, the Policy and the Procedures for Suspension of a Church Worker against Whom a Complaint has Been Made and the Identification of the Worker319 were approved by Diocesan Council. It also enabled the sharing of information with bodies such as Parish councils.

In November 2010 procedures were introduced to enable a faith community to be informed when a complaint is made against a member of the clergy or a church worker. The ‘Pastoral Guidelines to assist when complaints have been made against clergy and church workers under the Professional Standards Canon’ set out the process for holding a meeting at which allegations or findings of sexual misconduct are disclosed and the congregation is assisted to recover from the situation320.

The Director of Professional Standards meets with the regional Bishop, Director of Communications and the Rector or Priest-in-Charge to develop a statement to be made to the parish by the Bishop. The statement includes an appropriate level of information and includes responses to likely questions.

Notice of the meeting is circulated in such a way as to notify as many parishioners as possible (pew sheet notice, mention at services) and it is attended by the Regional Bishop, the Director of Professional Standards, a member of the Communications team and a person qualified and skilled in providing personal responses such as a social worker or psychologist. Each member of the team has specific responsibilities. An agenda is provided in the Guidelines, together with details of who should attend, who should provide support for the victim, the congregation and clergy, an outline of congregational stages of grief and the critical points at which to provide information.

316 ASQ.253.005.0234 (DC Minutes); ASQ.251.002.0023 (Agenda Item).
317 ASQ.259.004.0054 (Agenda); ASQ.259.004.0059 (Agenda Item); ASQ.208.007.0556 (April 2007 model guidelines).
318 ASQ.204.004.0073 (2009).
319 ASQ.204.005.0496 (Policy); ASQ.204.004.0091 (Procedure).
320 ASQ.261.005.0153.
Professional Standards in the Anglican Diocese of Brisbane – Inquiries and reports

Inquiries and reviews

46. Details of any past inquiries into instances and allegations of child sexual abuse in the Diocese, including the:
   a. reasons the inquiry was established
   b. determination of the scope of the inquiry
   c. process by which those presiding over the inquiry were selected
   d. report and recommendations of the inquiry
   e. extent to which the inquiry’s recommendations were implemented.

At a media conference on 19 February 2002\textsuperscript{321}, I announced my intention to propose to the Diocesan Council that an independent inquiry be conducted into alleged mishandling of allegations of sexual abuse and associated matters.

I have dealt with Brisbane’s Board of Inquiry at some length in my statement to the Royal Commission dated 15 October 2015 – see paragraph 66 onwards of that document.

The key reasons for establishing such an Inquiry were:

(1) as a result of the intense media interest surrounding the decision of the Supreme Court and other allegations that the Church had mishandled complaints of abuse;

(2) I did not think it was tenable for the church to investigate itself. I felt there was very little trust in the wider community of the church, and it seemed pointless for me to investigate the issues myself as any findings by me would be unlikely to be trusted by the wider community;

(3) I didn’t feel comfortable in investigating myself concerns about my predecessor; and

(4) Significant numbers of fresh complaints were emerging as a result of media attention which required addressing immediately.

At the Diocesan Council meeting on 21 February 2002\textsuperscript{322}, the following were decided:

(1) The person to conduct the inquiry will be an eminent, skilled, independent and utterly trustworthy and reliable person. The person has to be independent from the Anglican Diocese of Brisbane. He or she will assess all the available information and to report and make recommendations for action without fear or favour.

(2) Counsel independent of the Anglican Diocese of Brisbane will draw up the terms of reference for the inquiry.

Determination of scope

The Terms of Reference were endorsed by Diocesan Council on 23 May 2002 and the Archbishop was authorised to refine the terms with the person appointed to conduct the Inquiry\textsuperscript{323}. The focus was on the past handling of complaints of sexual abuse or sexual misconduct\textsuperscript{324}.

\textsuperscript{321} ASQ.212.013.0006 (Media Statement by Archbishop Phillip on 19 February 2002).
\textsuperscript{322} ASQ.253.004.0093 (DC Minutes on 21 February 2002).
\textsuperscript{323} ASQ.253.004.0175 (DC Minutes on 23 May 2002).
Selection

The Archbishop in consultation with his issue management group, victims support groups and others considered a number of potential Inquiry heads. Mr Peter O’Callaghan QC was retained to Chair the Board of Inquiry. He was chosen because he had been involved in a number of Royal Commissions. Of particular relevance was Mr O’Callaghan’s experience as the independent commissioner responsible for investigating allegations of sexual abuse in the Roman Catholic Church in Melbourne.325

Professor Briggs was also invited to sit on the Board. Professor Briggs’ is an international expert in the field of child protection and child sexual abuse.326

Recommendations

The Report was finalised on 22 April 2003 and tabled in the Queensland Parliament on 1 May 2003.327

The recommendations made by the Board were as follows:328

1. Look at how the system has operated in the past. While the Board considers that protocols and child protection policies applicable to schools were either non-existent, or not applied, it is unnecessary to undertake a detailed analysis given that they are currently being replaced. Clearly, because of their different needs, there is a case for having separate protocols and policies for (a) the protection of children; (b) reports by adults who were abused as children and (c) adult victims.

2. The Board believes that it is the adoption and the operation of the new protocols (“Protocol for Dealing with Complaints of Abuse” was approved by Diocesan Council 24 October 2002) that deserve analysis and, where appropriate, constructive criticism. The Board recommends that there be a consultative process between Professor Briggs in particular and those in charge of the promulgation and administration of protocols and child protection policies so as to “fine tune” them.

3. With respect to the referral to other authorities, a matter which has been placed in prominence is the availability of co-operation and assistance from the police, when they deal with complaints of sexual abuse occurring for example in schools. As appears from the correspondence which the Queensland Police Division, in respect of the St Paul’s complaints, there does appear to be a problem in the sense that there cannot be an immediate response to enquiries made but rather the making of applications under the Freedom of Information legislation, which necessarily takes time.

4. Board considers that the appropriate and best method of ensuring co-operation between the police and school authorities in the aftermath of the discovery of sexual abuse, its prosecution, and the need for remedial action, is for discussions to take place between the two bodies.

324 ASQ.249.007.0043 (Terms of Reference).
325 ASQ.249.007.0038 (Media Statement by Archbishop Phillip on 27 June 2002).
326 ASQ.249.007.0038.
327 ASQ.210.016.0002 (Media Statement by Archbishop Phillip on 1 May 2003).
328 ASQ.210.016.0016 (Board of Inquiry Report).
Professional Standards in the Anglican Diocese of Brisbane – Inquiries and reports

(5) A clearly defined relationship between the police and school authorities or any other Diocesan authority. There can be no substitution for the police force in the context of investigating and prosecuting, crimes of sexual abuse. The only way that perpetrators of sexual abuse can be brought to justice is through the machinery of those who investigate, prosecute and have the charges determined by relevant Courts. Anything which detracts from the efficiency of that process must be eschewed.

(6) The recommendation of the Board is that there be an exchange between the relevant persons in authority in the Police department, and those representing the schools to investigate ways and means whereby the existing situation can be improved, so as to better detect and deal with the perpetrators of sexual abuse, and thereby assist the victims.

(7) The Board believes that many of the problems for the Diocese and child sex abuse victims has been the lack of clear guidelines for reporting suspicions and reports of child sexual abuse. The Board wishes to emphasise that senior teachers and clerics are not usually trained or skilled to assess whether a child or young person has been sexually abused or whether a member of staff is innocent or guilty. The Board believes that it is vital that all suspicions and reports are referred to Police or the statutory child protection service for an independent investigation and assessment.

Implementation

Policies and procedures with the emphasis on the protection of children and vulnerable people have been implemented in the Diocese of Brisbane (since the announcement of the Board of Inquiry and continued to be rolled out following the publication of the Report). The response of the Diocese to the Board of Inquiry report is discussed in some detail in my 15 October 2015 statement to the Royal Commission – see paragraph 90 onwards of that statement.

47. Details of any independent reviews of, or legal challenges to, your Diocese’s professional framework or processes.

So far there have been no independent reviews of or legal challenges to our Diocese’s professional standards framework or processes.

The Diocese of Brisbane has engaged an organisation known as Nexia to conduct an audit of the Professional Standards framework in 2016.

The Diocese has consulted various people in the development of our frameworks, these include victims, victims’ advocates, experts in the field of child protection, other dioceses, the national Professional Standards Commission and others.

The Diocese is now in its second cycle of child protection, risk management and professional standards audits of its parishes. Each parish is audited every three years.

The Diocese is rolling out independent third party audits of child protection compliance in each of its schools.
Professional Standards in the Anglican Diocese of Brisbane – Research into prevalence of child sexual abuse

Research into prevalence of child sexual abuse

48. Your processes and procedures, if any, in relation to recording statistical data on child sexual abuse in your Diocese.

At this time, the Diocese of Brisbane is not able to generate comprehensive statistical records in relation to complaints of child sexual abuse received by the Diocese. The Diocese has recently implemented a number of changes that, it is hoped, will facilitate the generation of statistical records for future time periods, but these will not assist in the generation of historical records. As mentioned above (in the response to question 43), the database kept by the Office of Professional Standards can, when combined with other records, including those on individual files, be used to generate some basic statistics, but the accuracy of these statistics is difficult to guarantee.

49. Your involvement in any research or study on sexual offending against children in your Diocese, and the results of any such research.

At the 2004 General Synod the Anglican Church of Australia took a proactive approach to the issue of child protection around the country. As part of the effort, the Professional Standards Commission\(^{329}\) requested a report on child sexual abuse since 1990. Professor Patrick Parkinson and Emeritus Professor Kim Oates (both from the University of Sydney) were asked to conduct the study. The research assistant was Amanda Jayakody. Their report Study of Reported Child Sexual Abuse in the Anglican Church\(^{330}\) was published in May 2009.

The researchers referred to the Diocese of Brisbane’s Board of Inquiry Report (2003).

Seventeen dioceses, including Brisbane, participated in the study\(^{331}\). The participating dioceses returned data on the files within scope, although it was possible that a small number of files were not accessible (for example, because the files were with lawyers).

The report provided a total of eight recommendations to the Church on improving its child protection strategies. The recommendations are:

1. Each Diocese and Church body undertaking youth work should introduce a system of selection and accreditation of people involved in youth work that complies with the Model System for the Selection and Accreditation for Lay Parish Church Workers approved by the Standing Committee as a resource in October 2006, if they have not already done so.

2. Each Diocese should ensure that its system for the licensing of clergy and for the selection and accreditation of leaders of youth groups includes a check on the National Register if it has not already done so.

3. Each Diocese should review its protocols for youth work, and where applicable, the role of servers, to ensure opportunities for adults and young people to be alone together in contexts that would allow sexual activity to occur without discovery are restricted to stations of

\(^{329}\) National General Synod.

\(^{330}\) ASQ.251.002.0165.

\(^{331}\) All twenty dioceses were invited to participate. Three rural dioceses declined to participate and the balance three did agree to participate but were omitted from the study due to the dioceses not having any relevant cases.
unplanned necessity and where necessary amend its protocol to ensure that this requirement is explicitly stated.

(4) The Professional Standards Commission should review *Faithfulness in Service* as to whether it adequately addresses the risk of sexual abuse in youth work in parishes and other organisations such as CEBS and in the relationship between clergy and servers.

(5) Each Diocese should review its safe ministry policies and structures to ensure that a person or persons other than a member of the clergy or their spouse is responsible for ensuring that *Faithfulness in Service* and other Diocesan protocols are enforced in each parish.

(6) Each Diocese should ensure that there is adequate education of church workers concerning the risks of child sexual abuse in any organisation that works with children and young people, and in particular, the risk of abuse of boys demonstrated by this study.

(7) The Professional Standards Commission in conjunction with Professional Standards Directors' Network develops a common form for the recording of information about child sexual abuse.

(8) All dioceses should develop protocols for a pastoral response to victims of child sexual abuse who may make complaint to the Church many years after the events occurred. This pastoral response should include elements of apology, reparation and payment of counselling expenses as is appropriate in the circumstances of each case. The Professional Standards Commission should assist the dioceses by developing a recommended model for best practice.
Challenges and reform

50. Any dialogue you have sought or engaged in with government for changes to civil or criminal law affecting professional standards matters.

I have long been concerned with the statute of limitations as it affects survivors of child abuse, given insurers’ common reliance on limitation periods. In this regard I refer to the oral evidence I provided to the Royal Commission as part of Case Study 34, and my written statement dated 15 October 2015.

There is very commonly a long delay between abuse occurring and survivors reporting that abuse. The research commissioned by the national Professional Standards Commission and undertaken by Professors Patrick Parkinson, Kim Oates and Ms Amanda Jayakody confirmed this fact. Survivors are therefore often outside prescribed limitation periods.

Regardless, it was thought by me and the Diocesan Council that people should have their matter heard in court should they so wish. Reliance by the insurer’s lawyers on limitation periods often prevented that. This was a significant difficulty for the Diocese – I did not want to see a survivor’s claims denied by the technicality of a limitation period.

On the other hand should the Diocese require insurers to forgo the limitation defence then insurers would not indemnify the Diocese, denying the Diocese insurance cover.

The Diocese tried repeatedly to persuade and encourage insurers not to rely on any limitation defence. The insurers refused to give the Diocese a blanket promise that they would not rely on limitation periods, saying only that it would be a matter of consideration in each case. The uncomfortable result was that where the Diocese accepted abuse had occurred, and the insurers insisted on the limitation defence, the Diocese would maintain a commitment to settlement and financial redress even when there was no legal obligation to pay and the insurers refused to contribute. This has certainly occurred on occasions.

The Diocesan Council’s minutes of 15 December 2006 shows the Diocese’s decision to agitate politically for a change in the law surrounding limitation periods.

I recall that I made two approaches to successive Queensland Governments in respect to relaxing limitation periods. I recall at one stage approaching then Premier Peter Beattie who declined my request. Some two years later I wrote a letter to then Premier Anna Bligh on 7 December 2007 lobbying again for a change in the law. I received a response dated 9 September 2008, some 9 months later, again rejecting my proposal.

There have also been approaches to governments to close the loop hole in blue card legislation as it applies to schools. A parent of a child in a school is not required to have a blue card if that parent volunteers at the school. For example, a parent volunteers in an activity (school, parish, football team, etc) in which his or her child participates, under the legislation, that parent is not required to have a blue card. In about 2013, the Director of Professional Standards was invited to a round table discussion at the Commission for Children to discuss the removal of the exception (that is, that that

332 ASQ.251.002.0165 ‘Study of Reported Child Sexual Abuse in the Anglican Church’ and ASQ.251.003.0014 (media release on publication of the Report in May 2009).
333 ASQ.253.005.0141.
334 ASQ.208.007.0019.
335 ASQ.208.007.0012.
Professional Standards in the Anglican Diocese of Brisbane – Challenges and reform

all volunteers should require blue cards). The consensus of the round table was that there should be no exemptions.

At Diocesan Council meeting in July 2015, Council noted that most volunteers in schools are parents, therefore there is no check under the Working With Children (Risk Management and Screening) Act 2000 is capable of being undertaken. This meant that no check is being undertaken on parents prior to them participating on a formal basis in activities with children in our schools. This situation leaves children and the Diocese open to an unmanaged risk. Diocesan Council resolved to direct the Anglican Schools Commission to action the following –

(a) the school assess the risk and, if it is a role with high contact, require a national police check of parents;

(b) the Child Protection Support Officer and the Director of Professional Standards develop risk framework to guide schools when making the assessment; and

(c) lobby the government for removal of this exemption.

51. Your understanding of any historical or current challenges facing your Diocese in relation to any of the above matters.

Civil litigation and insurance

We explain to a complainant or survivor, face-to-face, all the options open to them. Those options include pursuing criminal charges through the courts; their legal right to take civil action in the courts if they wish; and the Church’s own procedures.

We explain that if they decide to take civil action through the courts, then the matter will be handled by our insurers who, under the terms of our insurance contract, have carriage of the matter and instruct their own lawyers. At times the insurers take actions that Brisbane Diocese disagrees with. We explain to survivors that going down this path will be a formal legal process which will become between the insurance company and themselves and that option is open to them. In most historical child sexual abuse matters, the insurance company will use the time limitation defence.

We are currently revisiting learnings about dealing with litigation and insurers to see if we can address this difficulty more effectively. The Diocesan Council in November 2015 asked the General Manager to progress this.

Policies

It is an ongoing challenge for the Diocese to ensure that every relevant agency within this large organisation is properly implementing the current policies, and that is an ongoing matter of priority for the Office of Professional Standards and the Diocese as a whole. The number and complexity of policy and procedures documents also presents a challenge for current and new staff to have full command of them.

Preserving and passing on knowledge and learnings

Knowledge, learnings and understandings which are built up over time and painful experience can be lost to the organisation with staff changes. Preserving that body of knowledge and learnings and effectively inducting new staff are also challenges for us. Equally challenging is sustaining and passing on to new staff and personnel knowledge of past cases and persons involved in them.