SCHEDULE A

Please prepare a statement addressing the following matters:

THE ANGLICAN DIOCESE OF BUNBURY

1. The date the Diocese was established.
   17 July 1904

2. The Province in which the Diocese is located.
   The Province of Western Australia, which includes the Dioceses of Perth, Bunbury and North West Australia.

3. The current number of parishes in the Diocese.
   31 Parishes and 5 Anglican Communities

4. The approximate number of Church members in the Diocese.
   3,867

5. The number of clergy currently licensed to officiate in the Diocese, including retired clergy with permission to officiate.
   Active clergy 42, permission to officiate, including retired clergy 39: Total 81.

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).
   The vast majority of assets and liabilities held by the Diocese are subject to specific trusts and are therefore not available for general use.

   The Financial Statement for the year ended 30 June 2015 is annexed as “SGB001”

   The Diocese does not consolidate parish assets or liabilities in its financial report. (See response to question 7 below).

7. A description of the general relationship between the Diocese and parish asset holdings.
   The Diocese through its body corporate entity The Bunbury Diocesan Trustees (“BDT”) is the legal owner of all parish assets. Each parish is the beneficial owner of the assets and therefore these assets are not consolidated into the financial report of the BDT.
GOVERNANCE OF THE ANGLICAN DIOCESE OF BUNBURY

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

The names, employment status, and periods of appointment of the Bishop is annexed as "SGB002".

(b) Assistant Bishop

There are no assistant Bishops in this Diocese.

(c) Chancellor

The names, employment status, and periods of appointment of the Chancellor is annexed as "SGB003".

(d) Deputy Chancellor

There are no Deputy Chancellors in this Diocese.

(e) Registrar / General Manager

In the Diocese of Bunbury this position is described as the "Diocesan Secretary".

The names, employment status, and periods of appointment of the Registrar/General Manager is annexed as "SGB004".

(f) Professional Standards Director

The names, employment status, and periods of appointment of the Director of Professional Standards ("Director") is annexed as "SGB005".

(g) Chair of the Professional Standards Committee or similar body

The names, employment status, and periods of appointment of the Chair of the Professional Standards Committee ("PSC") or similar body is annexed as "SGB006".

(h) Diocesan Solicitor, or any person appointed to advise the Diocese on legal matters relating to child sexual abuse

The Diocese does not have a Diocesan Solicitor specifically appointed to advise the Diocese on legal matters relating to child sexual abuse.

The Diocesan Solicitor for the Diocese is Young & Young Lawyers of 5 Spencer St,
Bunbury, WA, 6230. The current partner responsible is Mr Simon Jacob.

(i) Diocesan Advocate, or any person appointed to represent the Diocese in disciplinary proceedings for clergy and other Church workers

The names, employment status, and periods of appointment of the Diocesan Advocate is annexed as “SGB007”.

(j) Presiding members of the Professional Standards Board, Panel of Triers, Disciplinary Tribunal, Diocesan Tribunal or similar bodies, and

The names, employment status, and periods of appointment of the presiding members of the Professional Standards Board (“PSB”), Panel of Triers, Disciplinary Tribunal, Diocesan Tribunal or similar bodies is annexed as “SGB008”.

(k) Trustees on any Boards of Trustees established to manage the real property of the Diocese.

The names, employment status, and periods of appointment of the current members of the Trustees on any Boards of Trustees established to manage the real property of the Diocese is annexed as “SGB009”.

9. The current function, composition, and legal status of the:

(a) Bishop-in-Council or Bishop in Council

The Bishop in Council (“Bishop in Council”) of the Anglican Diocese of Bunbury (“Diocese”) is established by the Bishop in Council Statute 1986-2010 (refer “SGB010”). The Bishop in Council is responsible for the “temporal affairs” of the Anglican Church of Australia (“Church”) in the Diocese and acts for and on behalf of the Synod of the Diocese when Synod is not in session (section 8 of the Diocesan Statute).

Section 8 of the Bishop in Council Statute includes the following duties and powers:

(a) To act as the Standing Committee of Synod within the framework of the Constitution of the church and the Statutes of the Diocese.

(b) To consider all matters pertaining to the temporal affairs of the church; these shall be taken to include:

(i) All financial arrangements for encouraging and extending the work of God within the Diocese.

(ii) All other matters relating to Clergy emoluments, finances and property within the Diocese which are not by statute the specified concern of the Diocesan Trustees.
A list of the current members of the Bishop in Council is annexed as "SGB011".

(b) Board of Trustees established to manage the real property of the Diocese, and

The BDT is a body corporate established by a Western Australian Act of Parliament namely the Anglican Church of Australia (Diocesan Trustees) Act 1918 ("BDT Act"). A copy of the BDT Act is annexed as "SGB012".

The BDT is governed by the Diocesan Trustees Statute 1985 - 1991 ("BDT Statute"). A copy of the BDT Statute is annexed as "SGB013".

The BDT is the registered proprietor of all real property in the Diocese which it holds as trustee for the relevant beneficiaries. The BDT administers the respective trusts of which it is the trustee under the provisions of the BDT Act, the BDT Statute and the relevant trust deed (if any).

The BDT also pays the stipends of all clergy and the wages and salaries of all lay employees engaged by the Diocese.

A list of the current members of the BDT is annexed as "SGB014".

(c) Synod of the Diocese of Bunbury.

The Synod of the Diocese meets annually and is comprised of both clerical and lay members and representative of each agency, school, entity and association in the Diocese. The functions of Synod are described in The Constitution Act of the Diocese of Bunbury 1904-2005 ("Constitution Act"). A copy of the Constitution Act is annexed as "SGB015".

A list of the current lay and clerical members of Synod is annexed as "SGB016".

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 Diocese is governed by the Fundamental Declarations of the Constitution of the Anglican Church of Australia which states under Part 1, Chapter 1, section 3: "This Church will ever obey the commands of Christ, teach His doctrine, administer His sacraments of Holy Baptism and Holy Communion, follow and uphold His discipline and preserve the three orders of bishops, priests and deacons in the sacred ministry."
We refer you to the Canon concerning Holy Orders 2004 annexed as “ABE001”.

Responsibilities

Deacons
Deacons are ordained as representatives of the servant Christ, authorised to act liturgically and pastorally in the name of his servant Church. “Take authority to exercise the office and ministry of a deacon in the Church of God, in the name of the Father, and of the Son, and of the Holy Spirit.” The deacon may not preside at the Eucharist, and may not absolve or bless. In addition to inviting the congregation to confess their sins, reading the Gospel, leading the intercessory prayer of the Church, and sending the people out to be Christ’s Body in the world, deacons may be authorized to baptise and preach, to administer Holy Communion, and to conduct funerals. In the Diocese deacons are not authorised to conduct marriages.

Refer to the Exhortation within the Ordination of Deacons annexed as “ABE002”, and Ordination Service for Deacons Canon 1985 annexed as “ABE003”.

Priests
The priest is ordained following a period as a deacon and is authorized to baptize, be responsible for presiding over the Holy Communion, to pronounce the Absolution (statement of God’s forgiveness after confession), and give the blessing. Priests may be placed in charge of parishes or undertake other forms of ministry such as chaplaincy. A priest continues to hold the authority of a deacon as well as that of priest.

Refer to the Exhortation within the Ordination of Priests annexed as “ABE004”.

Bishops
The diocesan bishop has oversight over all the Anglican churches in a particular diocese. Dioceses may also have assistant bishops who help the diocesan bishop with his/her ministry.

Bishops care for the clergy and the lay people within their diocese. They ordain priests and deacons, assist in the ordination of other bishops and perform confirmations. Bishops are the link for the local church and allied ministries within the diocese.

Refer to the Exhortation within the Ordination of Bishops annexed as “ABE005”. Refer also to Bunbury Bishopric Election Statute 2001-2012 annexed as “ABE006”.

Theological Training for People in Holy Orders in the Diocese of Bunbury

Pathways to Ordination

Enquiry stage
A person who feels called to serve God in ordained ministry needs to talk with their parish priest or chaplain. If they support the person’s sense of call the clergyperson will contact the
Bishop. The Bishop is supported by the Ordination Council who are lay people and clergy appointed by the Bishop to discern vocations and make recommendations to the Bishop.

**Interviews**
The Bishop will meet with the person to determine if their “call” should proceed further. If the Bishop believes that matters should be considered further they will arrange for formal application to be made together with the written support of parish priest and parish council. This is followed by an interview with two members of the Diocesan Ordination Council. Following the interview they make a report with recommendations to the next usual meeting of the Ordination Council. The Ordination Council will make a decision at that meeting which will then be conveyed by the Bishop to both the person and their parish priest or chaplain.

A person who is invited to take the next step is referred to as an Aspirant.

**Aspirants Program**
During the time of discernment, the Aspirant is set a series of readings which are considered in conversation with an ordained priest. After a period of between two and three months the Aspirant submits a substantial essay on the nature of ordination and their own life journey.

**Candidate Interview**
Following the Aspirant’s Program, the Aspirant attends an interview with members of the Ordination Council.

Psychological assessments and police checks are undertaken for each Aspirant before acceptance as a Candidate for Ordination.

If the Aspirant is married, the spouse attends this interview with them. Subsequent to the interview a recommendation is made by the Ordination Council to the Bishop if a possible vocation to ordained ministry is discerned; the Candidate will be advised accordingly.

**Study and Formation**
The Candidate undertakes a Degree or Diploma in Theology. Degree studies are normally taken through Charles Sturt University School of Theology. Studies from other institutions may in some cases be recognised by the Bishop; however, it may be necessary for such study to be supplemented by undertaking particular subjects.

The Candidate receives Formation through the St Marks National Theological Centre Advanced Diploma in Christian Ministry and Theology. Formation includes a number of activities including supervised field placements, and continuing Spiritual Direction.

During this process of Formation, regular reports are received by the Ordination Council from the parishes, supervisors and the Candidates themselves.

The Ordination Council consider each Candidate twice a year during training and make
recommendations regarding their on-going suitability to continue formation for the ordained
ministry.

Ordination
The Ordination Council recommends candidates to the Bishop for ordination as deacons
normally at the end of their third year of Formation for The Ordained Ministry or otherwise
as the Bishop has determined. Candidates have a verbal examination with the Bishop. The
Bishop notifies those candidates whom he is willing to ordain. Deacons continue in formation
and in a placement.

Those Deacons discerned for ordination as Priests will continue under supervision with reports
from parishes, supervisors and the Candidate. These reports are considered by the Ordination
Council. Normally such Deacons will be ordained as Priests after a year.

Most Priests become curates or curates-in-charge in a parish and work under supervision.
Those who work in allied ministries will also be under the supervision of an experienced priest
for these years.

Charles Sturt University
Charles Sturt University is the primary provider of tertiary training in Theology for the Anglican
Diocese of Bunbury.

The three-year Bachelor of Theology (BTh) course at Charles Sturt University is administered
in association with the St Marks National Theological College. In addition competency training
is conducted by St Marks using the Advanced Diploma in Christian Ministry and Theology
which is a three year part time course.

The BTh is a professional degree in Theology; suitable for those preparing for professional
ministry in Christian churches. It is ideal for those seeking a deeper, critical understanding of
the Christian tradition as it requires study and interpretation of the sources, history, beliefs
and practices of the Christian religious tradition. Study units include: Biblical Studies, Church
History, Systematic Theology and Practical Theology.

St Marks National Theological Centre
St Marks is based in Canberra but offers online training and local intensive training for
theoretical and practical skills in ministry and theology.

Qualifications
The Candidate undertakes a Degree or Diploma in Theology. Degree studies are normally
taken through Charles Sturt University School of Theology. Studies from other institutions
may in some cases be recognised by the Bishop; however, it may be necessary for such study
to be supplemented by undertaking particular subjects.

The Candidate receives Formation through the St Marks National Theological Centre
Advanced Diploma in Christian Ministry and Theology. Formation includes a number of activities including supervised field placements, and continuing Spiritual Direction.

During this process of Formation, regular reports are received by the Ordination Council from the parishes, supervisors and the Candidates themselves.

The Ordination Council consider each Candidate twice a year during training and make recommendations regarding their on-going suitability to continue formation for the ordained ministry.

**Licensing**

No deacon, priest or assistant bishop can hold office in the Diocese without a licence from the Bishop whether in a parish or chaplaincy.

Please find attached the form a licence takes for a:

(i) Deacon annexed as “SGB017”;

(ii) Priest annexed as “SGB018”; and

(iii) Bishop Certificate of Election annexed as “SGB019”.

**Employment Arrangements**

When a person is called to a stipended (paid) ministry within a parish or allied ministry (chaplaincy), the Bishop writes a letter of offer to the person in Holy orders. If the offer is accepted, the person must read and sign that they accept all the requirements and expectations placed on clergy within the Diocese.

Please see attached:

(i) Letter of offer from the Bishop annexed as “SGB020”;

(ii) The Licensing Statute 2001-2009 annexed as “SGB021”.

The call to ministry in Holy Orders in the Diocese is seen as a vocation, as such it is indelible and lifelong. A person in Holy Orders does not work for pay and is not seen as an employee, but is given a living allowance (Stipend) while they fulfil their calling as deacon, priest or bishop.

Some clergy are non-stipendiary, they derive an income from another source which allows them to minister within the church without monetary support.

No person may hold office in the Diocese without holding the Bishop’s licence. Once licensed as rector, it is difficult to remove a person from their position as they are not employees.
Clergy who minister in parishes and are not rector (in other words who do not have tenure) can be removed from their ministry with three months’ notice.

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;

   The Bunbury Diocesan Trustees (“BDT”).

   (b) the date of incorporation;

   As previously advised the BDT is a body corporate established by a Western Australian Act of Parliament namely the Anglican Church of Australia (Diocesan Trustees) Act 1918 (“BDT Act”).

   (c) the mode of incorporation; and

   Please refer to our response to Question 11(b) above.

   (d) any assets held by the corporation.

   The vast majority of assets held by the BDT are held on trust for the beneficiary of the relevant trust. The BDT owns and holds minimal assets in its own right.

THE CHURCH OF ENGLAND BOYS’ SOCIETY (CEBS)

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

   (a) legal, financial, and/or administrative relationship

   (b) governance arrangements

   (c) staffing arrangements, and

   (d) record-keeping and archiving arrangements.

CEBS – The Anglican Boys’ Society (W.A.) Incorporated (“CEBS WA”) is a separately incorporated association under the Associations Incorporations Act (WA) 1987 (“AI Act”). The relationship between the CEBS WA and the Diocese is as follows:

   (i) There are no legal, financial, administrative or staffing relationships between the Diocese and CEBS WA; and
(ii) all existing records relating to CEBS WA are held by Mr Chris Oliver the Secretary of CEBS WA who can be contacted on mobile REDACTED and email REDACTED. We understand that Mr Oliver has already responded to several queries from the Royal Commission and sent copies of the CEBS WA records to the Royal Commission.

CEBS WA is currently dormant and in the process of being wound up as it has insufficient members.

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.

The Diocese has no records relating to CEBS. The Diocese is aware of a branch at Jerramungup in the years 1971 to 1974 and 1979 to 1985. To the best of our knowledge, information and belief there have been no active branches within the Diocese since 1985.

We have received advice that CEBS WA conducted camps in the geographical region covered by the Diocese. However CEBS WA operated as a completely independent organisation and no reference was made to the Diocese and no permission was sought from Diocesan authorities for these camps.

Any records relating to camp sites or camping activities operated by either CEBS WA or the Anglican Boy's Society may be obtained from Mr Chris Oliver whose contact details appear in the response to Question 12 above. The Diocese does not currently hold any of these records.

**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.

There are no restrictions on Anglican schools or agencies which are associated with the Diocese using the Anglican Church name in their title or brand.

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

(a) any para-church Diocesan youth groups, such as the Crusaders or Youthworks;

The para-church Diocesan youth groups such as the Crusaders or Youthworks in this Diocese are:
Nurtureworks – an initiative of the Parish of St Mary's Busselton – operates camps and other children's ministry through the BUZ programs. This ministry is overseen by the local parish.
(b) Anglicare, or entities known as Anglicare

Anglicare WA (Inc) ("Anglicare WA") is a separately incorporated association under the AI Act. The relationship between Anglicare WA and the Diocese is as follows:

(i) the Diocese of Bunbury has one appointment to the Anglicare WA Board

(c) Anglican schools, and/or

There are three Anglican schools in the Diocese, one of which is separately incorporated under the AI Act.

The Anglican Schools Commission Inc. ("ASC") is an Approved System Authority under the Commonwealth Government and owns and operates low tuition fee Anglican schools in the Diocese and beyond. Currently there are 2 ASC Schools in the Bunbury Diocese. is separately incorporated under the AI Act.

The separately incorporated school in the Diocese is Bunbury Cathedral Grammar School.

The separately incorporated Anglican school and the ASC are related to the Diocese as follows:

(i) the Bishop is the Visitor of the relevant school;

(ii) the Bishop, Bishop in Council, Synod, School Council and Parents’ Association/Old Boys’, Old Girls’/Former Students/Friends and the relevant Board have the right to appoint members to the Board of Directors of some (but not all) of these schools; and

(iii) each of these schools reports to Synod annually and have the right to appoint representatives to Synod.

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

There are no Anglican run or affiliated children’s homes in the Diocese.

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

**Diocesan Requirements**

(i) The Diocese as resolved by Bishop in Council requires that all parishes comply with the Duty of Care Policy.

(ii) Parishes are to comply with any requirement to obtain and maintain relevant records of internal approvals and other information as required in this Policy;
(iii) Reporting of information as defined in the 2004 Professional Standards Statute is mandatory for all Churchworkers and other persons who fall within the scope of this Policy. A 'Churchworker' includes any person who is or who at any relevant time was a member of the clergy; a person employed by a Church body; or a person holding a position or performing a function with the actual or apparent authority of a Church authority or Church body; and

Parish run youth groups operate under the authority of the Parish Priest.

Any person involved with ministry with young people must comply with Safe Church and Duty of Care Diocesan Policies, have a Working With Children Check ("WWCC") and police clearance.

Refer to:

(i) Safe Church Policy annexed as "SGB022";
(ii) Duty of Care Policy annexed as "SGB023";
(iii) Diocesan Children & Youth Council Statute 2001-2003 annexed as "SGB024" and
(iv) Professional Standards Statute 2004 is annexed as "SGB025".

THEOLOGICAL PERSPECTIVES

17. Your understanding of your Diocese's practices and theological perspectives in relation to:

(a) marriage of clergy

Marriage is governed by the doctrine contained in the Book of Common Prayer, by the Solemnization of Matrimony Canon 1981, Marriage of Divorced Persons Canon 1981, and the Matrimony Prohibited Canon 1981. The Church understands the Sacrament of Marriage to be a life-long union between a man and a woman. We acknowledge however, that because of the frailty of humanity, on occasion marriages break down.

(b) celibacy, and

The Church understands that some people of faith, whether ordained or lay are called to a life of celibacy which is in itself, a gift. There are others among the faithful who are single, but not always by choice.

(c) homosexuality.

The Church is governed by the primary truth that all human beings are made in the image of God and that at 'the deepest ontological level there is no such thing as a
‘homosexual’ or a ‘heterosexual’. Human beings are called to redeemed humanity in Christ, endowed with a complex variety of emotional potentialities and threatened by a complex variety of forms of alienation’. (Quote modified and source unknown).

We recognise that there are among us persons who experience themselves as having a homosexual orientation. A number are members of the church who seek pastoral care, moral direction and God’s transforming power for the living of their lives and the ordering of relationships.

The dioceses are governed through synodical processes. The Bishops invite the dioceses to be attentive to and respond to the theological and structural issues facing the Church.

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.

All dioceses at the General Synod level are aware of the need for common action that provides a ‘safe environment’ for all who access ministry in the church. Theological differences in themselves have not interfered with the desire to work together in the Professional Standards area.

The Constitution of the Church sees the “diocese to be the unit of organisation of this Church”. Each diocese, like the State structures in a Federal arrangement, guards their independence and are suspicious of centralised systems. This is a cultural overlay from Australia’s governance model and is fed by theological differences which accentuates the hermeneutics of suspicion.

The significant differences in theology across the country with regard to theological understanding has the potential to breed a culture of division and mistrust between dioceses that creates an atmosphere of competition along theological lines. Within such a culture it can be difficult to work together, hence the conferencing approach which has been put in place to help build a culture of trust and co-operation among dioceses. Thus the statement:

“... served to improve mutual understanding and co-operation on matters of considerable importance”

The Diocese continues to improve its processes, policies and statutes in an attempt to do
everything within its power to keep children safe within its many and varied communities.

ORDINATION AND THEOLOGICAL TRAINING

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

The Diocese has had relationships with a number of the theological colleges in Australia – chiefly the Perth Clergy Training College (Wollaston) and the Australian College of Theology. Candidates for ordination were, in times past, sent to a number of theological colleges interstate – including St Michael’s and St Barnabas’ Colleges, Adelaide, St John’s, Morpeth (N.S.W.), Trinity and Ridley Colleges in Melbourne and St Mark’s National Theological Centre in Canberra. The current preferred theological college is Charles Sturt University School of Theology.

The Diocese of Perth established ‘The Perth Clergy Training College’ in 1899, which continued until 1929 (known as ‘St John’s College’ from 1909). From at least 1904, this College was associated with the Australian College of Theology (an institute that, now, derives its existence from General Synod). After the closure of St John’s College in 1929 (and until the opening of John Wollaston Theological College in 1956), those in training for ordination for the Diocese were sent to other Australian theological Colleges, chiefly St Barnabas’ College, Adelaide and St John’s College, Morpeth. Again, throughout these years candidates for ordination in the Diocese chiefly received their academic credentials – usually the Th.L – from the Australian College of Theology.

In 1956, Bishop Moline established the John Wollaston Theological College (JWTC) in Perth. This institution was, de facto, a constituent member of the Australian College of Theology, but was also an independent theological college, constituted by an act of Synod of the Diocese of Perth.

Degrees were taken through either ACT, Melbourne College of Divinity or, since 1985, at Murdoch University through the Perth College of Divinity. In later years, candidates have continued to study at MCD (now University of Divinity), Murdoch and Charles Sturt Universities. All, however, undertake ‘Formation’ through the St Marks National Theological Centre Advanced Diploma in Christian Ministry and Theology.

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.

We have been unable to locate any documents relating to psychological assessment of candidates going back to 1960.

Since 2000 this Diocese required all those seeking to enter the training program, to see a psychologist as part of the selection process. The psychologist gives a report to the Bishop as part of the selection process and the Bishop advises the Ordination Council if particular concerns have been raised.
The most recent letter sent to aspirants asking them to submit to a psychological assessment prior to being accepted as a candidate is annexed as “ABE007”.

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 Diocese adopted the model Professional Standards Ordinance in March 2004 as the Professional Standards Statute (“2004 PSS”) without any significant changes to the model Ordinance.

The Diocese has adopted the majority of the General Synod legislation on professional standards, the main exception being the Model Episcopal Standards legislation which is under consideration in 2016. We have, as part of our response to question 22, identified in Schedule B those General Synod policy guidelines and resolutions on child protection which have been adopted or responded to by the Diocese.

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.

Refer completed Schedule B enclosed.

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.

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

(a) maintain its own, unique professional standards framework

As the 2004 PSS and the Pastoral Care and Assistance Package (“PC&A”) have operated quite successfully in Western Australia, the Diocese wishes to continue to maintain its own unique professional standards framework.

We refer you to our response to Question 38 for the key features of the PC&A.

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

The 23 dioceses of the Church are all constitutionally independent and quite unique in regard to governance, legislation and methods of operation etc. Accordingly, the Diocese considers that a nationally consistent professional standards framework is not practical.
(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

We refer you to Section 1 on page 2 of the Church’s Royal Commission Working Group Consultation Paper – Redress and Civil Litigation Submission under the heading “Structural Issues – 1. Should there be a single, national redress scheme led by the Australian government or an alternative approach”, which the Diocese supports, for a response to this question.

Refer Annexure “SGB026”.

(d) adopt any other approach for managing professional standards.

We refer you to our response to Question 24(c) above.

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.

The situation of complaints of child sexual abuse involving more than one Anglican diocese is dealt with in Part 4 Clause 16 of the PS Statute (2004)

The Diocese of Perth Policy 40.2 – Section 15 outlines a process for responding to complaints received outside of the Diocese. This is the process followed in the Diocese of Bunbury.

Where a complainant advises that they have been abused by a Churchworker, in multiple dioceses, each director who has jurisdiction would work collaboratively with the other director’s to ensure that the appropriate response was provided as outlined in questions 21 – 24.

While not documented, the costs of counselling and compensation would be the responsibility of the diocese in which the offence occurred and risk management would be applied by the diocese where the perpetrator resides.

Nationally, the general practice is that the diocese where the Respondent was licensed or authorised when the events occurred assumes responsibility for the complaint, disciplinary proceedings and any redress. If the complainant currently resides in another diocese then that diocese will assist in providing a contact point and care for the complainant.

If the Respondent now resides in another diocese, and/or is licensed or has an authority through another diocese other than where the events occurred, then that diocese must have
a close connection to the proceedings as that diocese will have responsibilities with disciplinary proceedings. In each situation any director who has jurisdiction would work collaboratively with the other director's to ensure that the appropriate response was provided as outlined in questions 21 – 24.

The Director for the Perth Diocese assumes the role of the director for the dioceses of Bunbury and North West Australia.

The Provincial Protocol applies where the Bishop in Council or equivalent of a diocese in the Province of Western Australia has determined that the Director may act for that diocese either generally or for a particular case or matter as outlined in Part 26 Section 1 of the 2015 PSS.

When a matter arises in another diocese which falls (or may fall) under the Professional Standards Statute in place in that diocese, the Bishop of that diocese, or a nominee of the Bishop, may refer the matter to the Director. By accepting the referral, the Director commences to act as the director of Professional Standards for the referring diocese.

**PROFESSIONAL STANDARDS IN THE ANGLICAN DIOCESE OF BUNBURY**

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.

**Background to Professional Standards in the Diocese of Bunbury**

The Diocese of Bunbury had, for many years, developed standards and practices that have advanced alongside societal expectations. Throughout the development of the various policies and procedures, two fundamental principles have remained constant, namely:

(i) Any person coming forward who alleges child sexual abuse or sexual misconduct can be assured that they will be believed, their complaint will be heard, they will be taken seriously and the matter investigated; and

(ii) Any person accused of child sexual abuse or sexual misconduct can expect the presumption of innocence until such time guilt is admitted or proved.

Prior to 2004 the Grievance Committee instigated by Bishop Hamish Jamieson was responsible for the management and resolution of all complaints involving allegations of sexual abuse and misconduct in the Diocese.

**The Bunbury Diocesan Sexual Grievance Council**

Following the introduction of the Archbishop's Panel in the Diocese of Perth in 1993 the Diocese of Bunbury separately developed the Bunbury Diocesan Sexual Grievance Council as an initiative led by Bishop Hamish Jamieson.
During 1993 and 1994 the Diocese established a council comprising the Bishop and four publicly named contact people (of the four people three were laywomen and one was an ordained male priest).

The process was that any complaint (sexual grievance) was to be referred to the council. If the council were unable to deal with the matter in conversation with the accuser and the accused the matter was to be referred to mediation using council members and others.

If the council and mediation processes were unsuccessful the matter was to be referred to the Complaints Committee. The Complaints Committee was regarded as a formal tribunal able to hear evidence and make a decision. The Committee comprised the Bishop as President, one priest and one layperson from the Diocesan Tribunal (all members of the Tribunal are elected by Synod), plus one other layperson. The Diocesan Advocate acted as advisor to the Committee.

The process is outlined in notes of a meeting held on 10 September 1993. (Annexure “SGB031”)

The Diocese does not hold any minutes or other documents relating to the proceedings of the Grievance Council during the period 1994 to 2004.

Professional Standards in the Anglican Church: Developments at a national level
As part of the background to the development of Professional Standards systems and processes in the Diocese of Bunbury particularly prior to 2004 when General Synod adopted a suite of measures to deal with sexual abuse including child sexual abuse, it is worth noting the developments occurring within the Church at a national level.

Background
By 2001, the issue of child protection was being discussed by the Standing Committee of General Synod (Standing Committee). Further discussions at the national Bishop’s Conference of that year saw the establishment of a ‘Child Protection Committee’ to develop benchmarks in relation to protocols for managing complaints, appropriate screening procedures, discipline guidelines and suggested model legislation for dioceses.

At its meeting held in March 2002, Standing Committee made a public apology to all those who had suffered child sexual abuse. It also resolved to establish the Sexual Abuse Working Group to report and bring forward appropriate recommendations for structural change within the Church. These included the development of benchmarks for protocols to deal with sexual abuse, screening procedures, discipline guidelines and model legislation (canons).

In its Work in Progress report to Standing Committee in March 2003 the Sexual Abuse Working Group recommended procedures for the handling of information concerning sexual abuse and sexual misconduct by clergy and church workers, a new approach to discipline and the development of a model ordinance, and the preparation of a national protocol.

Standing Committee accepted the recommendations and resolved to establish the National Abuse Protocol Working Group to undertake further preparation of the National Protocol in accordance with
the principles and structures outlined in the report.

The Sexual Abuse Working Group is responsible for much of what has been developed by the Church in the area of Professional Standards.

In 2004 Professional Standards was introduced into the Diocese and the following occurred:

(a) the 2004 PSS that was based on the model ordinance was adopted by Synod;
(b) the first Director of the Province was appointed; and
(c) the PSC was appointed.

The Archbishop of the Diocese of Perth directed that all provincial schools, colleges, agencies, aged care providers and the Dioceses of Bunbury and North West Australia make an annual financial contribution to fund the Professional Standards budget. This Diocese continues to make an annual contribution to Professional Standards.

All Policies, Processes and Procedures with reference to the protection of children in this Diocese are as follows:

Licensing Statute 2001-2009 – annexed as “SGB021”
Children and Youth Ministry Council Statute 2001-2003 - annexed as “SGB024”
Professional Standards Statute 2004 - annexed as “SGB025”
Tribunal Statute 1985-2013 - annexed as “SGB026”

Diocese of Perth Professional Standards Policies that are used in Professional Standards matters in the Province are annexed with the prefix “TCC”. Where applicable the statutes of the Diocese of Bunbury rather than those of the Diocese of Perth are used, (PSS 2004 rather than Perth PSS 2015). The relevant Diocese of Bunbury statutes and policies are annexed with the prefix “SGB”.

Annexures

Duty of Care Policy “SGB023”
Clergy Safe Ministry Declaration “SGB025”
Volunteers Safe Ministry Declaration “SGB026”
Offences Canon “SGB031”
Diocesan Worshipping Agreement “TCC 1”

Diocese of Perth Policies 40 – 40.7
40 Professional Standards “TCC 4”
40.2 Protocol for Reporting and Responding to Allegations of CSA “TCC 5”
40.3 Pastoral Care Policy “TCC 6”
40.5 Safe Ministry Policy “TCC 7”
40.6 Known Adult Sex Offenders in Parishes “TCC 8”
40.7 Protocol for Disclosures of a Child Sex Offender “TCC 9”
The Provincial Protocol “TCC 20”
Complaint Form for Sexual Misconduct – “TCC 26”

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:

Between 1990 and 2004, there was no statutory process or policy in place for screening applicants for any role in the Diocese.

When a member of Clergy from another diocese or Overseas applied for a Licence, there was generally an exchange of correspondence between Diocesan Bishops and a letter of good standing was obtained.

School chaplains, however, were required to have a Federal Police Clearance in keeping with state legislative requirements.

The name of a Priest or person of concern was noted by the Bishop and this information was shared among Diocesan Bishops. There was no process for checking lay people and volunteers. If a person of concern was identified or discussed there was no process for regular monitoring or supervision.

However, as awareness of child sexual abuse involving churches increased, the Diocese realised that there was a need to be proactive in areas of seeking out suitable and safe Clergy, Leaders and Volunteers.

In 2005, the state of Western Australia introduced the Working with Children (Criminal Record Checking) Act 2004 and Working with Children (Criminal Record Checking) Regulations 2005 as a proactive measure to protect children.

As a consequence, it was then a requirement for any person who worked with children to apply for a WWCC.

All Clergy and any person engaged in children’s ministry and activities are required to have a WWCC. The Diocese has a database that records information relative to screening. Reminders are sent at varied intervals that the WWCC or other relevant screening needs to be renewed. If no renewal is received the Churchworker is advised that they can no longer be involved in children’s ministry. Clergy are advised that their licence will be withdrawn until such time a renewed check is received.
The Safe Church Manual, the Clergy Safe Ministry Declaration and Volunteers Safe Ministry Declaration forms outline the requirements for each category of Churchworker and Volunteers. Refer Annexures “SGB030”, “SGB028” and “SGB029”.

(a) officiating as a member of clergy

All candidates for ministry undertake a psychological assessment before entering the programme. This is reviewed by the Bishop and the conclusions reported to the Ordination Council.

A Safe Ministry Declaration Form “SGB028” is completed; They must provide a National Police Clearance; Overseas Candidates must provide the equivalent from their country of residence; References between Bishops of each Diocese; Telephone and written references; Information sharing through the National Director’s Network; National Register checks.

(b) participating in activities involving children

Any person in Western Australia who works with children is subject to the Working with Children (Criminal Record Checking) Act 2004 and must provide a WWCC that is renewed every three years.

The Diocese has a database that generates reminders that the check is due for renewal. Any person who does not provide a WWCC is advised that they cannot be actively involved in any child related work in the Diocese.

(c) holding positions of authority in relation to the formulation of policy on professional standards matters, and/or

Any person in this capacity may be subject to the requirements in paragraph (a). Others would be required to provide a National or Volunteer Police Clearance. Reference checking is also done to ascertain the suitability of candidates.

(d) presiding over or participating in disciplinary proceedings.

As per paragraph (c).
For clergy who participate in these proceedings, refer to paragraph (a). Others would be required to provide a National Police Clearance. Reference checking is also done to ascertain the suitability of candidates.

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

**Safe Ministry Training**

In November 2004, child protection training was provided to Clergy of this Diocese at a Clergy Conference and Retreat in Katanning. This awareness called 'Child Protection Essentials' was presented in two parts:

1. Introduction to Child Protection
2. Dynamics of Sexual Abuse

It was a requirement that all Clergy attended this session.

In 2014, in partnership with Safe Ministry Resources, Safe Church was introduced into the Diocese. The content included:

**Safe Church**
- Foundations
- Overarching principles

**Protecting vulnerable people**
- Vulnerable people
- Understanding abuse
- Responding to concerns
- Self-protection and awareness

**Safe leaders**
- The right type of people
- Recruitment of leaders
- Supervision for leaders
- Responding to grievances, allegations of ministry misconduct and/or abuse

**Safe programs**
- Safety in programs
- Emotional and spiritual environments
- Physical environments
- Responding to Incidents

A copy of the updated 2014 Safe Church Manual is annexed as “SGB030”

Over 500 Churchworkers have received training to date.

**DISCLOSURE AND RESPONSE**
28. Internal reporting processes following a disclosure of child sexual abuse.

In the period prior to 2004 there was not a structured and funded response to allegations of sexual abuse.

Many leaders in the Diocese were naïve to child sexual abuse and responses made lacked an awareness of the recidivist nature of this behavior. Those who initially came forward to tell their stories were often responded to with disbelief. Little was known about the impact of abuse and the mental health issues, anger and emotions of complainants was something not experienced before by senior Clergy and some Panel members. It was also very difficult for Clergy to believe that their colleagues were capable of such behavior and as a consequence, doubt was sometimes cast over the allegations made.

Since 2004, with the introduction of a formalised Professional Standards Process, policy and procedures and financial and human resources, specifically allocated to this area of pastoral need has allowed the Diocese to respond in a way that provides a journey of healing to those who have been abused. Learnings from complainants, the availability of skilled professionals with experience in child sexual abuse and trauma and worldwide attention has shaped a response that is transparent, pastoral, sensitive and respectful.

Set out below is the summarised process of the current response to those who make a disclosure.

(i) Any person who makes an allegation or disclosure of sexual abuse or assault is responded to in a sensitive, respectful pastoral and timely manner;

(ii) Complaints are received in varied forms – verbal, written, via the Diocesan Website, emails, Legal Providers or referral from community based organisations who provide support services for those who have been abused;

(iii) The Director meets with each complainant to hear their complaint and will assist where necessary to record the information if the complainant has limited literacy skills or find the experience to traumatic to write about;

(iv) If the complainant presents with written documents that was prepared for Redress WA (2009), that information is acceptable to make certain that the complainant is not re-traumatised in re-telling / re-writing their account of events;

(v) Each complainant is provided with information of what is available to them and a copy of the PC&A document outlines what is available to assist them in their journey of recovery. The complainant is called upon to choose the pathway that they consider most appropriate.

This includes:
• Counselling or other therapeutic options;
• Pastoral Care and Support;
• An apology from the Bishop or Assistant Bishop / Administrator; and
• Compensation.

(vi) All information received and any action taken is presented to the PSC for action, advice or direction;

(vii) All information provided to the PSC in electronic form is password protected to maintain confidentiality;

(viii) If, in the opinion of the Director, the information received identifies risk to children or young people, the following may need to be actioned:

• Arrange an extra-ordinary PSC meeting to seek guidance on the information provided;
• Make recommendations to the Bishop or Administrator that the alleged perpetrator is removed from active ministry;
• Seek direction from the Police or Department of Child Protection and Family Services (DCPFS).

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

Any sexual abuse that is current must be reported to Police.

All teachers in Anglican Schools are mandatory reporters under State legislation and must report regardless of no consent being given.

In Western Australia, complaints of historical child sexual abuse or assault must be made directly by the complainant.

The police will not accept a third party complaint unless the complainant has written a statement given the third party permission to report.

(b) the information was disclosed in the context of a ‘confessional’.

The Diocese is governed by the General Synod Canon on Confessions.

The Bishop has argued that theologically when a person comes for confession, the seal of the confession is not to do with confidentiality but rather to do with the person’s eternal salvation. The confessional is not to be used as an evasion of responsibility or as a place for seeking refuge from the consequences of sin. It is
therefore the responsibility of the person who is hearing the confession to enable the sinner to follow through on their need for salvation by reporting the offence to the relevant authorities. Absolution requires amendment of life.

If the person does not accept responsibility for their offence, then for the sake of their eternal salvation, and the wholeness of the Church community, the offence must be reported to the relevant authority.

The guidelines for the hearing of confessions which include admission of sexual abuse have been set out by the Bishop. Refer Annexure “ABE008”.

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

Between 1990 and 2004, there was no established process in place for how an approach would be made to an alleged perpetrator.

In 1994, the Grievance Council was established which set out a process with the aim of resolving the issue. (Refer Annexure “SGB031”)

In 2004, the Professional Standards Statute and Protocol (Policy 41 amended to Policy 40.2) outlined the process for notifying the alleged perpetrator. Refer Annexures “SGB025” and “TCC 5”.

When allegations of child sexual abuse are received, the Diocese applies the principles of natural justice.

After receiving information that alleges that a member of clergy or Churchworker has sexually abused a child, the Director makes contact with the alleged perpetrator and a meeting is arranged.

Preliminary inquiries are made to ascertain where the person was providing ministry at that time.

The Director also seeks out a suitable person to act as a pastoral support person and who will provide support at the meeting and to the alleged perpetrator and his/her family throughout the disciplinary process.

The Director outlines the complaint and the name of the complainant is not provided until such time that the Director is satisfied that they are safe.

If the complainant has advised the Director that they can be identified, their name is provided to the alleged perpetrator but they are advised that no contact is permitted.

If the alleged perpetrator denies or admits to the offence, the Director advises them that a recommendation will be made to the Bishop that they are suspended from ministry until such
time that an investigation and disciplinary process takes place.

The Director notifies the DCPFS for the purpose of having the WWCC withdrawn.

The Director then advises the Bishop or Administrator in writing that the person should be suspended from active ministry.

The Bishop or his Administrator then formalises a letter suspending the person from ministry.

Further information and formalized process is outlined in the 2003 Diocese of Perth Professional Standards Statute (Part 6, Sections 30 - 34 and Policy 40.2) Refer Annexure “TCC 5”.

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

Prior to 2004, the Diocese had limited financial resources allocated for counselling to be offered to those who had made allegations. As well, there were very few Psychologists or Counsellors with skills in child sexual abuse and trauma.

However, as time progressed and budget allocations were made, counselling was offered and this process was formalised in the first PC&A package (now Diocese of Perth Policy 40.3 – Refer Annexure “TCC 6”).

When a complainant advises they have been sexually abused and where an alleged perpetrator is advised that a complaint has been made, both parties are offered:

(a) Counselling or other therapeutic options (for the complainant, alleged perpetrator and their families); and

(b) Pastoral Care and Support is offered to the complainant and alleged perpetrator.

For the majority of those making a complaint, they accept the offer of counselling. Initially, 8 – 10 sessions are authorised and the complainant has the following options:

(a) attend the Sexual Assault Referral Centre;
(b) maintain their own counsellor or Psychologist if a good relationship has been established; and
(c) attend a Therapist is well regarded in the area of historical or current sexual abuse and trauma.

Not all complainants accept the offer of counselling.

All complainants are provided with a reference number that is used for invoicing purposes so that their privacy is protected.
Not all alleged perpetrators accept the offer of counselling but the same applies for invoicing purposes.

For the majority of those who have been abused by Clergy, a Churchworker or in an institution, they generally have a deep seated resentment of the Church and decline any offers of Pastoral Care and Support.

The alleged perpetrator is advised to seek out the support of a colleague or friend.

INVESTIGATION

32. Investigating allegations of child sexual abuse.

Between 1990 and 2004, there is no documented process in place for investigating child sexual abuse in the Diocese.

With the introduction of the PSS in 2004 a formalised process was outlined.

If the allegations received relate to current child sexual abuse, the matter is reported to Police and no investigation is undertaken by the Professional Standards Unit ("PSU") until such times that the Police have completed their investigation and a judicial process has taken place.

When allegations of historical child sexual abused are received, there is provision in the Diocese of Perth PSS (Part 6) and Policy 40.2 for the PSC to engage a professional investigator to investigate the matter further.

However, in most cases, the Director pursues the matter.

If the alleged perpetrator has died, any investigation is only carried out to the extent that information is available and may include:

(a) establishing dates and places that the alleged perpetrator provided ministry or was employed; and

(b) any other allegations made about the perpetrator.

The alleged perpetrator may have previously gone through a disciplinary process prior to their death.

Generally, an investigation would involve:

(a) The Director providing the investigator with a copy of the complaint;

(b) Interviewing the complainant if the complainant was willing to speak to the Investigator
and invite their support person to be present;

(c) Interviewing any other persons who may be of assistance in determining the facts of the alleged sexual misconduct or abuse;

(d) Interviewing the alleged perpetrator and have their support person or another person present during the interview;

(e) Documenting the interview and recording where the alleged perpetrator has refused to answer any questions; and

(f) The investigator would be expected to advise the Director / PSC where the complainant or alleged perpetrator had failed to co-operate with the investigation and provide the reasons why.

The investigator must remain objective and must not make any threats or intimidate any person involved in the investigation.

The investigator must not interview anyone more than is necessary to establish the facts. This is particularly so for complainants to make certain they are no re-traumatised by re-telling their story.

All interviews involving a child will be done in the presence of the parent or guardian and in consultation with DCPFS—this would only occur once the Police or DCPFS have completed all their investigations.

Any person who is intellectually impaired will not be interviewed without the prior written authority and in the presence of a family member or guardian.

When all facts had been investigated, the Director / investigator will provide a written report of the findings to the Director / PSC. These findings are based on the ‘balance of probabilities’ i.e. based on all information provided, and taking into account the significance of the allegations, would a reasonable person believe that the alleged misconduct occurred.

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

Prior to 2004, there was no process in place for imposing restrictions on a perpetrator’s involvement in the Church.

In 2004, the Professional Standards Statute outlined the appropriate restrictions pending an investigation.

When allegations are received, a verbal recommendation is made to the Bishop or the Administrator that the alleged perpetrator is suspended from Ministry until such time that an
investigation and disciplinary process takes place.

The Director notifies the DCPFS who may withdraw the Working with Children Check.

The Director then advises the Bishop or Administrator in writing that the person should be suspended.

The Bishop or his Administrator then formalises a letter suspending the person from ministry.

If the person indicates that they wish to continue attending a Parish, they would be required to participate in a Safety Plan and sign a Worshipping Agreement.

DISCIPLINE

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

Between 1990 and 2005, there was no documented code of conduct for Churchworkers.

In 2005, Faithfulness in Service which is the national code of conduct for the Anglican Church was adopted as the Code of Conduct for the Diocese. It outlines the expected conduct by Churchworkers which includes:

- Pastoral Relationships
- Children
- Personal Behaviour
- Sexual conduct
- Financial Integrity
- Refer Annexure "SGB033"

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

(a) allegations of child sexual abuse have been made, or

Between 1990 and 2004, any disciplinary proceedings would be applied in accordance with the Licensing Statute, the Tribunal Statute or the Offences Canon — Refer Annexures "SGB021", "SGB027" and "SGB032".

This was a process that involved a Tribunal or Panel of Triers to determine whether the member of Clergy was guilty of:

(i) Unchastity;
(ii) Conduct, whenever occurring,
   (A) Which would be disgraceful if committed by a member of the clergy, and
   (B) Which at the time the charge is preferred is productive, or if known
publicly would be productive, of scandal or evil report.

(iii) Another offence prescribed by a Statute of the Synod of the Diocese.

Since 2004, the Professional Standards Statute of 2004 outlines the relevant disciplinary proceedings.

Following an investigation by the Director or Investigator, and, if the PSC are satisfied that the offence identifies examinable conduct and there is a case to answer, a report is prepared and provided to the PSB. This report outlines the offence, the investigator’s findings and all supporting documents and requests that the PSB make a determination on the Churchworkers’ fitness to remain in ministry or Holy Orders.

The qualifications of the PSB and the process that takes place is outlined in the 2004 PSS Parts 7 and 8. Refer Annexure “SGB025”.

If the Churchworker has been convicted in a court of law, the PSB President advises the Churchworker that there will be no determination made regarding their guilt as there is no “going behind the convictions” and they have already been found guilty in a court of law, however, the Board will make a recommendation to the Bishop based on the consequences of the conviction which has been upheld in the court of law.

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

If any allegations were received regarding the handling of a complaint, the Director will report any alleged procedural failures to the PSC at its next meeting. “Procedural failure” means that the church authority or body appointed to investigate and manage the complaint or allegation did so inappropriately.

The PSC would consider replacing the investigator if that person appears to be contravening the Policy or breaching confidentiality;

Any procedural failures will be regularly reported by the Director to the Bishop in Council.

In addition, the PSC may recommend that an independent reviewer or investigator be sourced to investigate this matter.

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

Prior to the introduction of the Professional Standards Statute in 2004, Church law offences were referred to in the Licensing Statute, the Tribunal Statute and the Offences Canon (Refer Annexures “SGB021”, “SGB027” and “SGB032”) and directed at Clergy who were licensed by the bishop of the diocese or is in Holy Orders resident in the diocese. While not outlining
specific offences, Section 1 of the Offences Canon makes reference to the following with relevance to child protection and includes:

(i) Unchastity;
(ii) Conduct, whenever occurring,
    (A) which would be disgraceful if committed by a member of the clergy, and
    (B) which at the time the charge is preferred is productive, or if known publicly
       would be productive, of scandal or evil report.
(iii) Another offence prescribed by a Statute of the Synod of the Diocese.

In 2004, the Professional Standards Statute outlined offences that included Child Abuse inclusive of sexual, physical, spiritual, emotional abuse and neglect.

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

The standard of proof applied in our Diocesan disciplinary proceedings relating to sexual abuse is that of a balance of probabilities. The same standard of proof is also applied in assessing claims for compensation made by claimants of child abuse ie. based on all the information provided and taking into account the significance of the allegations would a reasonable person believe that the alleged misconduct occurred.

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.

Financial Compensation

The first approach made to the Diocese by a complainant seeking redress was in 2013.

In 2004, a financial schedule was attached to the PC&A package that was based on the offence committed and the psychological harm that had been done. This package was capped at $75,000 and, in 2011, the cap was increased to $80,000.

However, not all complainants of child sexual abuse seek financial compensation. Some have requested counselling but others have wanted to tell their story and sought no further assistance.

Determination of redress is conducted independently of the Diocese by an assessment panel comprised of a Barrister and Psychologist /Mediator who are not members or have any association with the Church. Neither the Bishop, the Director, the PSC or the Executive Officer are involved in negotiating any financial settlement with a Claimant.

Any person who is seeking redress is given the option to meet with the Panel to tell their story
and the impact that the abuse has had. Any statements, Psychologists report and any other supporting documents are provided to the Panel to assist in the determination of the amount that should be paid.

The Panel provide a preface and comprehensive report supporting their reasons as to the amount they have determined.

When their report is received, the Director:

(i) advises the claimant of the amount pending approval by the BDT and the Bishop in Council;

(ii) writes to the Executive Officer of the Diocese and requests that the funds be approved;

(iii) organises a Deed of Settlement and Release without any confidentiality obligation ("Settlement Deed") to be prepared by the Diocesan lawyers;

(iv) advises the Claimant when the BDT and the Bishop in Council have approved the funds and provides a draft Settlement Deed for their approval; and

(v) advises the Claimant that the Diocese will meet reasonable costs for independent legal advice on the Settlement Deed and settlement amount.

Civil Litigation
Up to the date of responding to this Schedule, the Diocese has not been involved in any civil litigation with claimants of child sexual abuse.

Counselling
Counselling or other therapeutic needs are made available to each complainant. While the greater majority accept counselling, some do not.

The total amount of counselling is deducted from any financial settlement and this has been supported by members of the PSC three of whom are Psychologists and a Psychiatrist with many years' experience in areas of child sexual abuse and trauma.

We consider that this approach enables the claimant to make a contribution to their journey of healing.

Apologies
Available records indicate that from 2004 apologies have been offered as part of the Diocese's pastoral response and redress.

All current claimants are offered a personal apology by the Bishop and generally this is the
final aspect of the process.

The apology is provided in the following ways:

(i) the Bishop meets with the claimant;

(ii) where requested a letter of apology is provided.

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.

The Diocese of Perth Policy 40.2 Section 14 outlines the process of notification to Churchworkers when allegations against other Churchworkers or Parishioners are received.

The Director would meet with the Priest if the allegations were against a Parishioner or the Archdeacon or Bishop if allegations had been made against a member of Clergy and discuss and plan a pastoral strategy. This would include the following:

(i) determine what members of the Parish are told and when;

(ii) appointment of a support group to assist with the implementation of the strategy;

(iii) addressing confidentiality issues, privacy and natural justice;

(iv) providing education required relating to the matter within the Parish;

(v) providing a strategy for pastoral care, healing, and counselling within the Parish;

(vi) providing a strategy for pastoral care of the individuals affected, i.e. Complainant, alleged perpetrator, their family members and friends;

(vii) organising a critical incident response if a number of people are involved;

(viii) managing and caring of the congregation during the investigation and in recovery for up to five years if required;

(ix) providing professional, pastoral and spiritual support for subsequent clergy in their role of healing the parish; and

(x) the Director will monitor and facilitate implementation of the pastoral strategy as required.
40. Risk managing known or alleged offenders involved in the Diocese as Church workers or Church members.

Prior to 2004, there were no formal processes in the Diocese for managing risk for persons of concern.

In some parishes and, in particular, this diocese, it would be common knowledge if a member of the Parish had been charged and served a jail sentence for child sexual abuse.

Since 2011, there has been an increase in offenders wanting to attend parishes and many attended Parishes without their histories being known. If a known offender did disclose their offending history to the Parish Priest, the matter was often kept confidential as Clergy were conflicted over trust, forgiveness and recidivism.

Known Sex offenders are now subject to a stringent process to determine that their attendance at a Parish does not place children and vulnerable people at risk.

The Diocese of Perth Policies 40.6 (Known Adult Sex offenders and Persons of Concern) and 40.7 (Protocol for Disclosure and management of Known Adult Sexual Offenders in a Parish) outline the processes undertaken. Refer Annexures "TCC 8" and "TCC 9".

The Director meets with the offender and advises them that there are certain criteria that need to be addressed before they can attend. This includes:

(i) receiving a full disclosure of their offences;
(ii) outlining the process;
(iii) completing a risk assessment;
(iv) outlining their restrictions based on the risk assessment;
(v) appointing a support and accountability group;
(vi) preparing a Worshipping Agreement;
(vii) strategies if they have thoughts of sexually assaulting a child;
(viii) consequences if they breach the Worshipping Agreement or display behaviours that identify risk;
(ix) the Director then meets with the offender, the support group, the Priest and discusses the management of the offender;
(x) the Worshipping Agreement is signed by all parties and reviewed as required;

(xi) the Director makes ongoing inquiries of the Priest involved whether there are concerns or whether any high risk behaviours have been demonstrated; and

(xii) any person who breaches the Worshipping Agreement or demonstrates behaviours that is high risk is advised they can no longer attend.

Refer to Annexure “TCC 1” for a copy of the Diocesan Worshipping Agreement.

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

We believe that the Professional Standards system operates on the principle that the person who has been abused should make the disclosure.

In the course of investigating a complaint, if other victims are identified they are provided with the support to make an appropriate response which may lead to a disclosure.

The PSS and Diocese of Perth Policy 40.2 section 6 outline the process for complaints being made and it does not include contacting possible victims. There are several reason why this is applied:

(i) there is a risk of re-traumatising the person;

(ii) they may be suffering another traumatic event i.e. major illness or bereavement;

(iii) some victims have made the choice never to disclose;

(iv) they may never have shared the abuse with their partner or family and contact from the Church could result in relationship difficulties; and

(iv) the role of the Director and wider church community is to recognise the harm that has been done to those who have been abused and the priority and main focus must be to assist them to heal and not harm them any further.

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.

Section 4 of Faithfulness in Service outlines appropriate boundaries for Churchworkers.
When providing pastoral ministry, Churchworkers are to act in the best interests of those to whom you are ministering. Any potential conflict of interest should be recognised and steps taken to resolve it.

The responsibility of ministry to one person may conflict with the responsibility to another person to whom the Churchworker is ministering, or with the responsibility to another person to whom the Churchworker is ministering, or with their own needs. Advice should be sought from a senior member of Clergy, colleague or supervisor and consideration should be given to transferring the ministry to another Churchworker.

There are also situations where pastoral relationships can develop into romantic relationships. Churchworkers have a responsibility to acknowledge that the relationship is changing and that the personal and pastoral relationship are at risk of being conflicted.

A disclosure of the nature of the relationship should be made to a senior member of Clergy, supervisor or colleague to ensure accountability and prevent misunderstanding. Alternative arrangements for ongoing individual pastoral ministry should be considered and the Churchworker should cease providing individual pastoral ministry to the person.

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)

Prior to 2004 there was no systematic record keeping. Some correspondence was kept by the Diocesan Secretary and other material by the Bishop alone. No consolidated individual hard copy files were kept.

A professional approach to filing records has been introduced and when a complaint or allegation is received the information is:

(i) entered onto an excel register; and

(ii) a hard and soft copy file is created.

(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

(i) Professional Standards case summary and progress notes;

(ii) any statement or documents that have been provided;
(iii) photos, records and other information from the Institution;
(iv) any records of the Churchworker (alleged perpetrator);
(v) any reports from a Psychologist or other treatment provider;
(vi) any communication between legal providers; and
(vii) counselling sessions and costs are entered onto an excel spreadsheet.

(c) maintenance and archiving of records.

Every file and piece of information relative to complaints of child sexual abuse is kept secure in the Director's office.

44. Information-sharing about or related to instances and allegations of child sexual abuse between your Diocese and:

(a) other Anglican dioceses in Australia

Information regarding perpetrators of abuse is shared between the Directors of Professional Standards at their quarterly meetings.

This information is shared to make certain that if they should seek a licence or volunteer in another Diocese, their history is known and risk is managed.

As well, it may identify whether someone has abused in multiple dioceses’ and if there are multiple victims of abuse.

(b) other Anglican dioceses outside of Australia

Information is shared between international dioceses where a perpetrator may have offended against a child before immigrating to Australia and where the matter has been reported to Police and an investigation is in progress.

(c) the General Synod

Matters regarding abuse are provided to General Synod by means of the National Register which is maintained under the National Register Canon 2007.

(d) other faith-based institutions

If it is known that a person of concern or someone who is known to have offended and left the Anglican church, the Director will contact the equivalent at that institution and advise accordingly. Processes of disclosing confidential information is discussed
at Heads of Churches' meetings.

(e) government and non-government institutions or statutory authorities (to the extent these are not addressed in paragraph 29).

If a known sexual offender demonstrates behaviours that have potential to place a child at risk in a Parish or the wider church community or conduct that may be in breach of Section 557K (6) of the Criminal Code (WA), the Director will notify the Sex Offenders Management Squad. They are responsible for managing offenders for 15 years post release from prison.

A child sex offender who, without reasonable excuse, is in or near a place that is:

(i) a school, kindergarten or child care centre; or

(ii) a public place where children are regularly present, and where children are at the time is guilty of an offence and is liable to imprisonment for 2 years and a fine of $24,000.

If a known sexual offender who attends a Parish is known to participate in regular sporting or other activities that involves children, the Director would notify that organisation of the history of the person concerned. In addition, any person who participates in activities involving children must have a valid WWCC. Sex offenders are ineligible to have a WWCC and it places the organisation at risk of a monetary penalty or imprisonment.

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

All information or complaints relating to child sexual abuse that is known in Parishes, schools and agencies is reported to the Director.

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

We refer to our responses to questions 44(a) to (e) inclusive above.

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.

Whilst there have been no past inquiries into instances and allegations of child sexual abuse in the Diocese, the Diocese was involved in the inquiry conducted by the Government of Western Australia into St Andrew’s Hostel Katanning (“the Blaxell Inquiry”). A copy of the report by The Hon Peter Blaxell entitled “How the System and Society Failed our Children” is annexed as “SGB034”.

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

There have been no independent reviews or legal challenges to the framework of the Professional Standards processes.

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.

While records are kept of all cases of abuse reported, there are no defined processes or procedures for recording statistical data.

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

In 2009, Professor Patrick Parkinson released a report on Child Sexual Abuse in the Anglican Church. The information provided in this report was based on information provided from 17 dioceses. The Diocese provided statistical data for inclusion in this report. A copy of this Report is annexed as “SGB035”.

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.

We refer you to the Church’s Royal Commission Working Group Consultation Paper – Redress and Civil Litigation Submission dated 9 March 2015. Refer Annexure “SGB026”.
Your understanding of any historical or current challenges facing your Diocese in relation to any of the above matters.

We consider that the following historical or current challenges face the Diocese:

(i) the ongoing need to transform attitudes to child protection and build effective safeguarding strategies into our worshipping communities;

(ii) the enormous task of building resilience into children who continue to be vulnerable to abuse and exploitation by those in positions of power and trust;

(iii) acknowledging that those who are skilled at grooming will continue to use their influence, manipulation and position in the Church as a way of targeting children and being vigilant and aware as individuals and as a community;

(iv) our ability to maintain our vigilance and provide safe places for children but still allowing them the freedom to explore and reach their potential;

(v) our ongoing commitment to continue to review and amend processes and look for continuous improvement and best practice in screenings, training and recruitment;

(vi) the need to continue to provide those who make disclosures of abuse a safe place to tell their story and to respond in a manner that is respectful, sensitive, pastoral and confidential;

(vii) access to counselling and therapeutic options for people in regional and remote locations;

(viii) elderly complainants who have limited transport options to access support services;

(ix) the provision of fair assessments when complainants refuse counselling;

(x) possible financial challenges for multiple claimants and the fact that the majority of Diocesan assets are subject to specific trusts and not available to respond to claims for child sexual abuse;

(xi) lawyers who charge excessively and who show very little compassion or care to complainants;

(xii) responding to and managing aggressive and threatening complainants who do not cooperate with policy requirements;

(xiii) working with Governments and finding strategies that focus on better screening processes. WWCC and Police Checks are flawed and only identify those who have been convicted;
(xiv) the lack of appropriate support people for offenders in regional parishes. Police Officers in rural areas who do not have the experience in assessing risk with offenders;

(xv) providing training programs to Clergy and Churchworkers who are located in regional and remote locations in Western Australia;

(xvi) Complainants being referred to lawyers on the east coast of Australia and who are expected to tell their stories of abuse to a total stranger over the telephone and not being provided with any support mechanism; and

(xvii) lack of clarity from Federal and State governments regarding redress.