

Anglican Diocese of the Northern Territory

Response to the Royal Commission into Institutional Child Sexual Abuse

November 2015 with amendments as
requested November 2016

Schedule A

The Anglican Diocese of The Northern Territory

1. The Northern Territory Diocese was established in 1968.
2. The Northern Territory Diocese is part of the province of Queensland.
3. There are currently 15 Parishes in the Northern Territory Diocese.
4. There are approximately five hundred Church members in the Diocese.
5. There are 39 clergy licensed to officiate in the Diocese.
6. There are no other entities for which the Northern Territory Diocese is financially responsible. The assets of the Diocese as of September 2015 stand at approximately \$7m (not including depreciated buildings) with \$2m liabilities. Cash reserves currently stand at approximately \$1.2m. Financial Statements are readily available through the Australian Charities and Not For Profits Commission website.
7. The Diocese remains the owner of all buildings in the Parish. The Parishes are responsible for all funds and bank accounts, however they are required to inform the Diocese if they hold more than \$10,000 in savings.

Governance of the Anglican Diocese of The Northern Territory

8. The names and period of employment for the following positions are listed. Employment status for all positions is full time, employed by the Diocese unless stated otherwise. Positions and office holders since 1990 are as follows:
 - a. Bishop

i.	Clyde Maurice Wood	1983 -1991
ii.	Richard Franklin Appleby	1992-1999
iii.	Philip Leslie Freier	1999-2006
iv.	Gregory Edwin Thompson	2007-2013
v.	Gregory David Anderson	2015-
 - b. Assistant Bishop – NIL
 - c. Chancellor – voluntary

Max Ferris Horton	1990 –
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 - d. Deputy Chancellor – NIL
 - e. Registrar

i.	David Martin	1990-1993
ii.	Ann Lundberg	1994-1995
iii.	Robert Rutter	1996-1998
iv.	Michael Sparrow	1999-2010
v.	Jacqueline Pearse	2010-2013
vi.	Leeanne Zamagias	2014-

- f. Professional Standards Director – employed by Brisbane Diocese.
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| i. Rod McLary | 2004-2012 |
| ii. Sheleagh White | 2012-2013 |
| iii. Rod McLary | 2013-2014 |
| iv. Greg Milles | 2014- |
- g. Chair of Professional Standards Committee – voluntary
(The PSC has comprised of local Northern Territory residents since 2014).
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| i. Brisbane Professional Standards Committee | 2004-2014 |
| ii. Very Rev Dr Keith Joseph | 2014- (NT Chair) |
- h. Diocesan Solicitor
- | | |
|--------------------------|----------------|
| i. Martin & Partners | 1990 - 2004 |
| ii. Cridlands Solicitors | 2004 – Present |
- i. Advocate NIL
- j. The Northern Territory Diocese does not have its own Professional Standards Board, but refers all matters to the Professional Standards Director in Brisbane Diocese, who in turn refers matters to the Professional Standards Board in Brisbane.
The Diocesan Tribunal (voluntary) members since 1999 are as follows:
- | | |
|-------------------------------|-----------------|
| Max Horton | 1999 to Present |
| Rev Jim Taylor | 1999 – 2002 |
| Rev Pat Williams | 2000 - 2002 |
| Rev Colin Griffiths | 2002 – 2005 |
| Rev Steve Etherington | 2002 – 2012 |
| Rev Jeremy Greaves | 2006 – 2013 |
| Rev Bruce Southwell (reserve) | 2006 – 2011 |
| Tony Errity (reserve) | 2006 – 2014 |
| Rev Jenni Weekes | 2015 – Present |
| Rev Bruce Chapman | 2015 - Present |
- k. Real Property Trusts – NIL
9. Functions, compositions and legal status of Diocesan Council and Synod of the Diocese of the Northern Territory.
- a. The function of the Diocesan Council, as set out in ordinance, consists of the Bishop, Registrar, Administrator, Chancellor, Treasurer, three clergy and three lay persons (each being at the time of their election, members of Synod).
- Synod may delegate powers and functions to the Diocesan Council as they see fit and may revoke any such delegation.
Functions include but are not limited to:
- appointing and dismissing employees of the Diocese;
 - receive and expend moneys;
 - acquire and dispose of any property in the name of and on behalf of Synod;
 - affix the Seal of Synod to any documents; appoint any appropriately qualified person to any position the election or appointment to which is a function of Synod in the events either that Synod fails to exercise the function or the person concerned ceases to hold the position.

The Bishop is the Chairman of the Diocesan Council.

Diocesan council is always subject to: the Constitution of the Anglican Church of Australia and the enactments of General Synod; the Constitution of the Synod of the Diocese of the Northern Territory; and the Ordinances and resolutions of Synod. The current Diocesan Council members are Bishop Greg Anderson, Mrs Leeanne Zamagias, Mr Max Horton, The Very Rev. Dr Keith Joseph, Rev Joshua Kuswadi, Rev Jenni Weekes, Rev Kate Beer, Mr Richard Hart, Mrs Bronwyn Russell, Ms Violet Huddleston.

- b. All property owned by The Diocese of the Northern Territory is managed by Diocesan Council.
- c. The Constitution of the Synod of the Diocese of the Northern Territory states that the Synod shall consist of: the Bishop, all clergy licensed by the Bishop, clergy employed as locum tenens rector of a Parish for a period of more than three months, lay representatives, Chancellor, Registrar, Treasurer, persons appointed by the Bishop.

Synod of the Diocese of the Northern Territory is incorporated under the Northern Territory Associations Act. The Constitution of the Synod of the Diocese of the Northern Territory has been prepared and amended in accordance with the requirements of the NT Association Act and the Anglican Church of Australia.

A session of Synod is convened every two years by summons under the hand of the Bishop to all persons who are members of Synod.

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

- a. Deacons

The cultural diversity of the Diocese of the NT has produced two streams: i. 'mainstream' consisting of Parishes and ministries in the main non-Aboriginal population centres, and ii. Aboriginal communities, which are remote and where Aboriginal vernacular languages are used by local people in preference to English. These will be described separately.

- i. *Mainstream*: Deacons have or have had various roles including but not limited to: general Parish ministry such as preaching, leading services and pastoral care, hospital chaplaincy, palliative care chaplaincy, defence force chaplaincy, school chaplaincy, Aboriginal ministry training, and para-church ministry. Theological training is very varied and has included non-accredited courses from theological colleges (such as the Preliminary Theological Certificate, now known as Preliminary Theological Course, from Moore Theological College in Sydney), diplomas from theological or Bible colleges, periods of study but without award from theological colleges, units of Clinical Pastoral Education, and degrees from theological or Bible colleges. In practice there has been no minimum academic qualification, but rather, adherence to the guidelines set out in the General Synod's *Guidelines for Minimum Requirements for Ordination*. Deacons are usually

licensed to rectors of Parishes, the exceptions usually being when the Deacon is engaged in a wider diocesan ministry such as Aboriginal ministry training. Deacons are required to have an Ochre Card (issued by Safe NT), a police check within the last three years, and not be listed on the National Register. Most Deacons in Parish ministry have worked on a voluntary basis, Deacons in chaplaincy have usually been paid by the institution they work for (e.g. a hospital or school) or by a para-church agency (e.g. Bible Society or Church Missionary Society). In a small number of cases, Deacons have had temporary placements as Deacon-in-charge in a Parish and are either employed by the Parish or work in a voluntary capacity.

- ii. *Aboriginal communities:* Deacons are usually involved in general Parish ministry, including preaching, leading services, pastoral care and evangelism. All present Deacons have undertaken training at Nungalinya College in Darwin, an ecumenical training organisation for indigenous church and community leaders. The courses offered by Nungalinya College change from time to time, but most Deacons have/had completed either the no-longer-extant Certificate or Diploma in Theology (pre-dating the Australian Qualifications Framework) or the majority of the AQF-recognised Certificate III in Theology. Deacons are required to have an Ochre Card (issued by Safe NT), a police check within the last three years, and not be listed on the National Register. Deacons are licensed in Parishes or, in the past, to urban ministry. At present, no Deacons are paid by the church. Some receive Centrelink payments, some have been paid through the former Community Development Employment Program, some work for the church in a voluntary capacity and are in paid secular employment.

b. Priests

- i. *Mainstream:* most priests are/have been employed in Parish ministry, with responsibility as Parish rectors or assistant ministers, including leading services, preaching, pastoral care, training and Parish administration. Some are/have been employed as hospital chaplains, school chaplains, defence chaplains or Aboriginal ministry trainers, in which case, their terms and conditions are determined by the body that pays them, although licensing is required by the Bishop. Some honorary priests work in secular employment, but assist in Parishes on Sundays in preaching and leading services. Most priests have completed a degree at a theological or Bible college. Priests are required to have an Ochre Card (issued by Safe NT), a police check within the last three years, and not be listed on the National Register. Priests are mostly licensed to Parishes, while some hold a general licence because their work occurs across a wider range in the Diocese (e.g. Aboriginal ministry trainers). Retired priests may hold a Permission to Officiate licence. The stipend of paid priests is set by the Diocesan Council. Under the Diocese's Clergy Appointment and Regulation Ordinance, the licence of a Parish priest is terminated on his or her 65th birthday, with year-by-year extension of licensing possible. Under the same Ordinance, after serving in the same Parish for seven

years, the priest must receive permission from the Bishop to continue in the same place on a year by year basis.

- ii. *Aboriginal communities*: Priests are involved in general Parish ministry, including preaching, leading services, pastoral care and evangelism. All present priests have undertaken training at Nungalinya College in Darwin, an ecumenical training organisation for indigenous church and community leaders. The courses offered by Nungalinya College change from time to time, but most priest's have/had completed either the no-longer-extant Certificate or Diploma in Theology (pre-dating the Australian Qualifications Framework) or the AQF-recognised Certificate III in Theology. Priests are required to have an Ochre Card (issued by Safe NT), a police check within the last three years, and not be listed on the National Register. Priests are licensed in Parishes. At present, no priests are paid by the church, although in the past some have been. Most receive Centrelink payments, and some have been paid in the past through the former Community Development Employment Program.

c. Bishops

The responsibilities of the Bishop include preaching throughout the Diocese, pastoral care particularly of other clergy, leading services throughout the Diocese, presiding at Diocesan Synod, ex officio participation on Diocesan Council and the Board of Anglicare NT, other Board participation including at times Nungalinya College and Kormilda College, and participation in diocesan committees such as Property and Finance Committee and the Ministry Resource Unit/Ministry Development Team. As the chief pastor of the Diocese, the Bishop expresses a vision for the Diocese, and works on developing a strategic plan for developing the vision. The Bishop is involved in recruiting new clergy, and in presenting the situation of the Diocese to those who might be interested as partners in mission in the Diocese. The canonical requirement for Bishops is that they have been in priest's orders for five years and have attained the age of thirty. The first three Bishops of the Northern Territory trained at either Trinity College, Melbourne or St John's College, Morpeth and held a Licentiate in Theology from the Australian College of Theology. The remaining three Bishops trained at three different theological colleges and have a degree in theology. Bishops are elected by a Board of Electors chosen by the Synod. The Bishop is required to have an Ochre Card (issued by Safe NT), a police check within the last three years, and not be listed on the National Register. The Bishop is treated as an employee of the Synod of the Northern Territory Incorporated, with terms and conditions set by the Diocesan Council from time to time. One of the previous Bishops of the Diocese lives in retirement in the Diocese and holds a general licence. He is currently paid part-time by Anglicare NT as chaplain.

- 11. No corporate entities have been created by the Diocese to respond to any legal claims arising from allegations of child sexual abuse.

The Church of England Boys' Society (CEBS)

- 12.

a,b,c & d.

The Diocese of the Northern Territory has never formally established any relationship with The Church of England Boys Society or the Anglican Boys Society. There is no evidence of any legal, financial or administrative relationship, or any governance, staffing or record keeping or archiving arrangements.

A search of the Diocesan office records and history books written on the Anglican Church in the Northern Territory shows no evidence of any formal CEBS work being carried out in the Diocese. Long-standing members of some of the clergy in the Diocese also confirmed that there was no formal arrangement however we have evidence that there may have been at least two occasions when groups have been running under the name of Church of England Boys Society in the 1960's; one in Ngukurr, and one in Alice Springs. The group at Ngukurr appears to have gone under the name of CEBS even though it was not formally established as such whereas the group in Alice Springs may in fact be a misnaming.

Ngukurr: We were advised by retired Church Missionary Society missionary, Lance Tremlett who resided in Ngukurr, Oenpelli, Groote Eylandt and Darwin that he started a CEBS group at Ngukurr in 1962. He advises that this was a local decision run by the superintendent of the mission station, Percy Leske who gave permission for this to go ahead. Lance Tremlett left Ngukurr in 1963 and is not sure who (if anybody) may have taken over the running of the group but when he returned to Ngukurr in 1964, he married one of the other CMS missionaries and the CEBS group formed a guard of honour for the wedding celebrations. Uniforms were organized for the event. After the Tremlett's departure, the CEBS group was run by Mary Harris. It is not known how long the group continued to meet for and there are no records beyond this memory.

Alice Springs: There is no record of CEBS operating at Alice Springs however an abuse claim was made in 2005 for an incident that occurred in the late 1960's where the respondent advised that one of the perpetrators ran the local CEBS group (see also question 38). During the investigation the Rector of the Parish at the time of the incident advised that there was no CEBS operating at this time. The only other reference to CEBS was when one of the other perpetrators was questioned and denied that he was involved in CEBS but was aware that a group was running at that time. It would appear that the group meeting at Alice Springs during this time may have been loosely referred to as a CEBS group by some but not all.

13. See question 12. There is no evidence of any CEBS camps or any other formal ministry occurring in the Diocese from 1965.

Church and para-church institutions

14. There are three registered entities that are permitted to use the Anglican Church name in their brand. Mothers Union also uses the Anglican name and operates in the Northern Territory but is affiliated with Mothers Union Australia.
- a. Kormilda College is a transition to Year 12 day and boarding college. Kormilda College is managed by a Board comprising members of both the Uniting Church and the Anglican Church of the Northern Territory.

Kormilda College is promoted as a combined Anglican and Uniting Church School.

- b. Nungalinya College is an indigenous training college, which trains Anglican, Uniting and Roman Catholic students. It is promoted as an Anglican, Uniting and Roman Catholic training college. The board consists of board members from each member Church.
- c. Anglicare NT is now a separate entity but still heavily associated with the Diocese and promoted as part of the Anglican Church.

15.

- a. There are no registered Anglican youth programs however some Parishes carry out youth activities within their churches. A Diocesan youth worker is provided part time to the Diocese through funding by Bush Church Aid and employed part time and managed by one of the Parishes in the Diocese. The Youth Worker is also a Safe Ministry trainer within the Diocese. An MOU determines the relationship and parameters of employment between Bush Church Aid, The Diocese and the employing Parish.

There is no formal partnership with Scripture Union, however some Scripture Union employees and affiliates attend and participate in activities of the Anglican Church.

- b. Anglicare NT was established as part of the Northern Territory Diocese in 1989. It became a separately incorporated body in July 2015, with the Northern Territory Diocese being the sole member.

While there is no financial obligation, there is still a strong governance, and to a lesser extent, administrative relationship between Anglicare and the Diocese. The Diocese is the sole member of Anglicare and has oversight over board appointments.

- c. Kormilda College is a combined Anglican and Uniting Church School, with the Anglican and Uniting Church being the corporate members of the entity, with each Church appointing five board members.
- d. There are currently no Anglican run children homes in the Northern Territory however Anglicare NT operates two models of Out of Home Care Services in the Northern Territory (OOHC) – General Residential Services and Family Group Homes. Both models are funded by the NT Department Children & Families (DCF). Across the NT Anglicare NT provide four General Residential Care (2 x Alice Springs, 1 x Katherine and 1 x Darwin) and two Family Group Homes (1x Alice Springs and 1 x Katherine).

Anglicare NT has a strong commitment to Indigenous Employment and Aboriginal staff are employed in each of the OOHC services. Anglicare NT is also strongly committed to implementing Trauma Informed Practice across the OOHC services and have a partnership arrangement in place with the Australian Childhood Foundation to provide in service training, casework advisory and staff mentoring. At a minimum all OOHC staff are required to:

- Hold a Working with Children Clearance (Ochre Card)
- Undertake a National Criminal History Check (which must be renewed every 3 years)
- Hold a current NT Drivers License and a First Aid Certificate
- Be trained in the Therapeutic Crisis Intervention (TCI) course (de-escalation and prevention techniques)
- Undertake the Applied Suicide Intervention Skills Training (ASIST) course (an intensive practical skills building course focused on suicide intervention)
- Complete the ACF online Safe Guarding Children Program.

OOHC staff are also required to have or be in the process of obtaining a Certificate 3 in Youth Work or equivalent studies, this is in addition to ongoing professional development, in-service training and on the job mentoring.

In 2013 Anglicare NT entered into a voluntary external Accreditation process with QIP to be assessed against the Health and Community Service Standards, as part of this process Anglicare NT has introduced a mechanism to undertake a desktop analysis and gap review of the organisational wide systems including 'Keeping Children Safe'. This has entailed substantial work around reviewing and updating the internal documentation, processes and practice requirements which relate to the work done with children and young people.

Anglicare NT OOHC services are supported through a regionally based line management system; this is augmented by a designated OOHC Development Officer who works with a member of the Executive Manager team to hold and resource a OOHC portfolio function. This helps build consistency of documentation, procedures and practices across the vastness of the NT whilst recognising regional differences and embedding place based management. The funding body DCF undertake 6 monthly 'unannounced' on site audits of each service, the NT Children's Commissioner can schedule visits at any time and members of the Anglicare NT Executive Management Team are 'mandated officers' able to conduct site visits and/or interview children/young people placed in the OOHC services at any time. Below is a summary of Anglicare NT's OOHC services as at November 2015:

i. General Residential Services (24/7 service)

The GRS model provides a 24/7 trauma informed culturally safe homelike environment for up to 4 older children/ young people aged 12-17 years. The service is staffed by 2 x Residential Youth Workers on rotating 8 hour shifts, who are supported by a Team Leader on a day to day basis. There is regional management structure and 24/7 back up On Call service supporting the OOHC operations in each location.

- *Forrest House – Alice Springs*
- *Leslie House – Alice Springs*
- *Katherine Alternative Care Service – Katherine*
- *The DEPOT – Darwin*

ii. Family Group Home

The Family Group Home (FGH) model provides a 24/7 trauma informed culturally safe homelike environment for up to 4 children 5- 12 years, with a focus on sibling groups. The service is staffed by a Residential Care Workers on rotating shifts with sleepovers, who are supported by a Team Leader on a day to day basis with some provision for double staffing at peak times. There is a regional management structure and 24/7 back up On Call service supporting the OOHHC operations in each location.

- *Burnette House, Family Group Home – Katherine*
- *Family Group Home – Alice Springs*

16. The Diocese of the Northern Territory requires that all who work with children in any Parish should have current police checks and Working with Children Ochre Cards, with records kept by the Parish and forwarded to the Diocese yearly. All leaders are required to adhere to Faithfulness in Service along with fulfilling all of the necessary checks. Each individual Parish determines the content of their youth group activity. The Diocesan Youth Worker travels around the Diocese running training seminars for those working with children.

Theological perspectives

17. Theological perspectives

a&b. Marriage of clergy and celibacy

In practice in the present, all but two of the clergy (including retired and permission to officiate) are married or widowed. There is no diocesan requirement that clergy be married or not married. The first theological perspective underpinning this is that Bible presents marriage as a gift of God for the proper expression of natural instincts and affections between a man and a woman, for the procreation of children, and for mutual companionship. The married state mirrors the relationship between Christ and the Church. The second theological perspective is that the life of celibate singleness is also set out in the Bible as a valid and valuable lifestyle and useful for Christian ministry. In the history of the Anglican Church in the Northern Territory, one group of influence was the Brotherhood of the Good Shepherd (the 'Bush Brothers') that established or provided ministry to Parishes along the Stuart Highway from the 1930s. Brothers took the traditional monastic vows, including chastity. The first Bishop of the Northern Territory (1968-1983) was originally a Bush Brother. There has been some connection between the Diocese and the Society of the Sacred Mission (SSM), another Anglican religious order whose members took monastic vows. The third and fourth Bishops of the Northern Territory (1991-2006) had a governance role for the SSM, and there were three SSM priests in the Diocese in the 1990s. The Diocesan code of conduct, Faithfulness in Service, sets out that sexual expression of church workers, including clergy, must be confined to marriage.

c. Homosexuality

Faithfulness in Service is the code of conduct accepted by the Diocese. It sets out that sexual expression of church workers, including clergy, must be confined to marriage. The code of conduct makes no reference to homosexual orientation, and the Diocese does not have a policy on this.

In practice, two Parishes regularly include on their weekly pewsheets, and in other Parish material, that they seek to share God's love with all people regardless of their age, sex, marital or family status, sexual orientation, ability or wealth. A nuanced reading of this statement would recognise that it does not endorse homosexual practice. In the past, some clergy have spoken out advocating a 'pro-gay' stance. My view is that it would be inappropriate, and against the code of conduct, for a church worker or church leader within the Diocese to engage in homosexual conduct. It is very likely that there are or have been clergy in the Diocese who experience a homosexual orientation. Complaints have been received through the Professional Standards process of same-sex sexual abuse, of both children and adults. It is not clear whether this abuse has been perpetrated by people who identify as homosexually oriented.

18. Theological differences between this Diocese and other Dioceses.

The Diocese of the Northern Territory has a mixed theological heritage, and has no particular alignment with or lack of alignment with other Dioceses. Historically, before the inception of the Diocese in 1968, when the Northern Territory was part of the Diocese of Carpentaria, Anglicanism in the Northern Territory was characterised by Anglo-catholicism in the mainstream Parishes, largely due to the influence of the Bush Brothers, and evangelicalism in the Aboriginal communities, which were founded and operated by the evangelical Church Missionary Society from 1908. Since 1968, one mainstream Parish has been led by only evangelical clergy, and the rest have had a mixed theological heritage, ranging from conservative to 'open' evangelicalism through to conservative to liberal Anglo-catholicism. The Aboriginal Parishes have historically been evangelical. For practical reasons, the child protection and professional standards protocols have often drawn on Brisbane Diocese, as the Metropolitan Diocese of the Province of Queensland which the Northern Territory is part of. There are regular discussions among the Bishops of the Province of Queensland, which include Professional Standards matters. Other Dioceses and agencies have provided help through advice and expertise on an ad hoc basis. The factor which is of greater significance for child protection policies in the Northern Territory is the cultural distance between mainstream practices and understanding, and that of the remote area non-English-speaking-background Aboriginal Parishes. Steps have been taken to engage Aboriginal church leaders in discussions and training around safe ministry, but the process of cross-cultural communication is not straightforward.

Ordination and theological training

19. Relationship between Diocese and theological colleges.

There is no particular relationship between the Diocese of the Northern Territory and any theological college. Bishops and clergy have been trained at Moore College Sydney, Ridley College Melbourne, St Barnabas' College Adelaide, Trinity College Melbourne, St Francis' College Brisbane, St Michael's Crafers, St John's Morpeth, Sydney Missionary and Bible College and Bible College of Victoria.

20. Diocese's approach, policies and practices regarding psychological assessment of candidates for ordination training and for ordination since 1960.

The Diocese began in 1968. For the most part, there are few candidates for ordination training – most clergy in the history of the Diocese have come from elsewhere and come already trained, rather than being candidates for ordination training sent by the Diocese. For the small number of people who embark on ordination training from the Diocese, there has not been a policy or practice of conducting psychological assessment. There has not been a policy or practice of psychological assessment for theologically trained people who come to the Territory for ministry and are subsequently ordained. Because of the particular psychological pressures attached to ministry in the Northern Territory, such as remoteness, isolation, violence and cross-cultural dynamics, attention is being given to this gap. A package of Safe Ministry practices is being adopted, and implementation is beginning. This includes psychological screening for applicants for ordained ministry.

National approaches to professional standards and inter-Diocesan cooperation

21. As a small young under-resourced Diocese, our approach has always been one of willingness to adopt models that are presented by General Synod. As a culturally diverse Diocese, such models are not always suited to remote area non-English-speaking-background Aboriginal Parishes, but our practice is usually to adopt where we can and tailor our practice as necessary. This usually requires more training and a higher level of communication for those involved.

The Diocese has always been proactive in ensuring child protection, instigating police checks before General Synod and Diocesan Professional Standards Ordinances were in place.

22. Refer to Schedule B

23. The Diocese of the Northern Territory adopted the national model of Professional Standards Ordinance in 2005 with only minor amendments to the Model Ordinance so as to make it applicable to the Northern Territory. For example, as we do not have our own Professional Standards Director but use the services of the Diocese of Brisbane Professional Standards Director. The following is an excerpt of our Diocesan Council Minutes from 3 Sep 2004.

The Chancellor spoke regarding the Professional Standards Ordinance for this Diocese.

It was moved that:

- 1. there be introduced at the next Diocesan Synod a bill relating to professional standards after the style of legislation on that topic presently enacted in the Diocese of Brisbane;*
- 2. pending such legislation coming into effect in this Diocese, the principles and procedures of the Diocese of Brisbane enactment be adopted, and applied as far as practicable, in this Diocese;*
- 3. for the purpose of the foregoing, this Diocesan Council appoints:*
 - (a) the members of the Professional Standards Committee of the Diocese of Brisbane (or any*

successor of them) to be members of the Professional Standards Committee of this Diocese;

- (b) the Director of Professional Standards of the Diocese of Brisbane (or any successor thereof) to be the Director of Professional Standards of this Diocese.

CARRIED

It was agreed that the Bishop write to Mr Rod McLary, the Director of Professional Standards and the Professional Standards Committee of the Diocese of Brisbane advising them of their appointments. Diocese of Brisbane and General Synod also to be notified.

It was further moved that:

information concerning the Professional Standards Ordinance and the appointments of Director of Professional Standards and the Professional Standards Committee be communicated to

- (a) all Parishes*
- (b) all licensed persons*
- (c) all church agencies and ecumenical cooperatives such as Nungalinya and Kormilda Colleges*

CARRIED

Since 2014 we have established a Northern Territory Professional Standards Committee which is headed up by a convenor. Excerpt from 29 Aug 2014 Diocesan Council Minutes follow:

The Diocesan Council establish the Northern Territory Professional Standards Committee for an initial period of three years and the Professional Standards Committee will meet at least once a year. The Diocesan Council will seek to have nominations brought to the next Diocesan Council.

Carried

The Diocese of Brisbane Professional Standards Director still attends meetings by electronic means in his capacity as Director.

Although the Northern Territory Professional Standards Ordinance is mostly based on the 2004 Canon, it incorporated 74A as listed in the 2008 Canon. The NT PSO also incorporated some of the definitions (such as sexual assault) that were included in the 2008 model ordinance but not the 2004 model ordinance. So although the 2008 model ordinance was not formally adopted, and there is email communication to confirm that the NT Diocese practice is to accept model ordinances, it would appear that this was because the changes that occurred between the 2004 and 2008 model ordinances had already been incorporated into the Northern Territory Professional Standards Ordinance of 2005.

24. Parity with professional standards frameworks elsewhere
- a. My view is that the Diocese of the Northern Territory does not have adequate resources to maintain its own unique professional standards framework. It would be more helpful for small Dioceses like the Northern Territory not to maintain their own unique professional standards framework. If we had a stronger resource base, it would be helpful to build up the professional standards framework to make it more accessible and comprehensible to remote area non-English-speaking-background Aboriginal people.
 - b. My view is that each Diocese should adopt a nationally consistent professional standards framework. There are good reasons for it to be administered by each Diocese, but practically, for small Dioceses like the Northern Territory, co-operation with larger Dioceses may be necessary. The Director of Professional Standards (DoPS) for the Northern Territory, for example, is the DoPS for Brisbane Diocese.
 - c. I would have no objection to the professional standards framework being centralised, with two caveats. First, the cultural diversity of the Northern Territory is very different from almost every other Diocese (with the exception of the Diocese of North Queensland), and southern Dioceses tend not to be able to grasp the significance of this diversity. The level of English used in the Faithfulness in Service code of conduct, for example, makes it incomprehensible to remote area non-English-speaking-background Aboriginal people; and the concepts expressed in it are not readily translated into Aboriginal languages. Second, theological differences between Dioceses may mean that some aspects of clergy/church worker fitness for office are not agreed on. I would not want the Diocese of the Northern Territory to be forced to change its code of conduct in a more theologically liberal direction under pressure from a centralised authority
 - d. I have no view about the adoption of any other approach for managing professional standards.

25. Multi-jurisdictional matters.

A number of complaints of child sexual abuse in the Northern Territory predate the formation of the Diocese in 1968. The Diocese has reached agreement with the Church Missionary Society (CMS) that matters that occurred on its mission stations in Arnhem Land until the handing over of the missions to government control in the period from 1973 to 1978 would be dealt with by CMS, including redress. The Diocese has in practice accepted the responsibility for dealing with complaints about matters that occurred in the Northern Territory even when the Northern Territory was under the jurisdiction of the Diocese of Carpentaria (which was amalgamated with the Diocese of North Queensland in 1996).

Apart from the agreement with CMS, where it has come to the attention of the Diocese that a complaint has been made about a church worker who works in the Diocese, from a time when the church worker was working elsewhere, the Diocese has sought to enquire as to whether the church worker has acted improperly also in the Northern Territory. When allegations have been made about a church worker in the Northern Territory, regardless of whether the alleged improper conduct occurred in the Northern Territory, the Diocese has accepted responsibility for following the diocesan protocols.

Professional Standards in the Anglican Diocese of The Northern Territory

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 and staff from 1990 to date.

- a. Clergy are appointed and licensed by the Diocese in accordance with The Clergy Appointment and Regulation Ordinance 1974 – 2005. There have been minor amendments to this ordinance since 1990 with the requirements largely unchanged. Clergy must sign an oath of Canonical Obedience as well as declarations of assent to the rules of the Anglican Church. Clergy are appointed for a period up to seven years, up to their sixty-fifth birthday. The Bishop has the authority to give extensions one year at a time.

The Northern Territory Diocese was a missionary diocese until 2001, but even beyond this period we have relied heavily on partnerships with organisations such as Bush Brothers, Society of the Sacred Mission, Church Missionary Society and Bush Church Aid. Such organisations frequently use their own screening and profile testing methods, some of which are quite extensive.

Our current practice in addition to screening workers supplied by such partners, and for those employed directly, is that we follow a checklist to ensure that a police check, a national register check, an Ochre Card and a letter of good standing are in place. These practices have occurred since each of these became a requirement through either Northern Territory law or National Register Canon as is relevant.

- b. In 1996, a sexual Misconduct Protocol was prepared, which was primarily concerned with dealing with misconduct. In 2002 the Diocese introduced prevention measures when the Synod recommended:

...use of the 'Behind Closed Doors Kit' prepared by Anglicare NSW to train Sunday School teachers, scripture teachers and all workers with children and youth in any capacity in the recognition and response to child sexual abuse.

Use of community resources such as the prevention and education of Child abuse Network (PECAN) a department of NT department of Health and Community Services and National Association for the Prevention of Child Abuse and Neglect (NAPCAN NT) to assist in recognition and response to all types of child abuse.

Working With Children and Police Checks have been carried out in the NT Diocese since the implementation of the Professional Standards Ordinance and the availability of the Ochre Card. In 2011 it became a legal requirement in the Northern Territory for all who work or volunteer in 'child related' work to obtain a Working with Children clearance and hold a current Ochre Card.

Training has continued to evolve since 2002 with regular ongoing training occurring in the Diocese before it became a requirement of the NT Government.

The current training program used by the Diocesan Youth worker is based on Anglican Youthworks Sydney safe ministry with children and young people course (version 2.1 2012), tailored to meet NT Government and Provincial Professional Standards and legislation requirements. Presentation of training courses in Aboriginal communities is modified to suit cultural sensitivities.

- c. The Professional Standards Director of the Diocese of Brisbane has been appointed as the Professional Standards Director of Northern Territory. The only appointments we have made regarding Professional Standards in the Northern Territory are the Professional Standards Committee. These appointments are made in accordance with our Professional Standards Ordinance, and are chosen based on the selection criteria listed therein. They are also required to obtain a Working with Children Ochre Card and a police check.
 - d. The Diocese of the Northern Territory has not appointed a Professional Standards Board but, as with our Professional Standards Director, is reliant upon the Professional Standards Board of the Diocese of Brisbane.
27. Our Diocesan Youth worker holds safe ministry training sessions in various Parishes across the Territory. These are coordinated with the Rectors of each Parish. Parishes are required to advise us on a yearly basis through Parish Returns as to who are approved workers with children in each Parish.

The Ministry Development Officer and Diocesan Youth Worker work closely with indigenous clergy and other church workers in the communities to assist them in obtaining the necessary checks.

Disclosure and response

28. When allegations are reported to the Diocese, the matter is immediately referred to our Professional Standards Director. Some matters are reported directly to the Professional Standards Director who then advises the Diocese. Matters are dealt with by our Professional Standards Committee in consultation with the Professional Standards Director, as outlined in our protocol and Professional Standards Ordinance.

There are mandatory reporting laws in the Northern Territory making it a legal requirement that all child abuse is to be reported. All Clergy and Diocesan workers are informed of this in Safe Ministry training as well as through media in the Northern Territory. We have had no allegations of child sexual abuse in the

Territory while the child is still a minor. All of the reports that have been received to date have been after the child has become an adult.

29.

- a. Mandatory reporting laws in the Northern Territory requires that all incidents of child abuse must be reported. Permission from the complainant, parent or caregiver is not required. Section 26 (1) of the Care and Protection of Children Act 2007 imposes a legal responsibility on every person in the Northern Territory to report child abuse and neglect and cases where children have been or are likely to be a victim of sexual offence. It states:

A person is guilty of an offence if the person believes on reasonable grounds any of the following:

- *a child has suffered or is likely to suffer harm or exploitation;*
- *a child aged less than 14 years has been or is likely to be a victim of as sexual offence;*
- *a child has been or is likely to be a victim of an offence against section 128 of the Criminal Code*

- b. The Diocese of the Northern Territory has adopted the 1989 Canon Concerning Confessionals. The Professional Standards Ordinance notes:

A member of the Clergy and a Church authority in the Diocese shall as soon as possible refer any information in his her or its possession or knowledge to a member of the PSC unless there are reasonable grounds to believe that the information is already known to the PSC.

This section does not affect the operation of the Canon Concerning Confessions 1989 of General Synod or any other canon or legislative instrument relating to confessions in force in the Diocese

30. Notifying alleged perpetrators varies according to the nature of the abuse and the age of the complainant. The Protocol states:

2.3 Informing the respondent

Under general circumstances, when a complaint is received about a church worker [the respondent], he/she will be informed as soon as practicable. The respondent will be advised of the nature of the complaint and the name of the complainant except when it is considered that providing his/her name may create an undue risk for the complainant – see 2.4 below. For further information – please refer to Appendix C.

If the complaint is one [see paragraphs 2.2 above and 3.2 below] which must be reported to the police, the respondent may not be advised of the complaint or that the police have been informed. Each complaint of this type will be considered individually as to whether the respondent will be informed.

2.4 Disclosure of complainant's name

If, on consideration of a request for confidentiality, the Committee considers that providing the complainant's name or details may –

- cause undue risk to the complainant or
 - adversely affect an investigation of a complaint
- the Committee may not inform the Respondent about the complaint or may not disclose full details of the complaint to the Respondent.

However, at the commencement of the investigation, the respondent will be advised of full details of the complaint and the name/s of the complainant/s.

2.5 Disclosure of the respondent's name

It may be appropriate to publicly name the alleged respondent in certain circumstances - where allegations have been made about a specific person who may continue to have access to children and where it is considered necessary to protect them from that person.

Information about the named person must be limited to only those who need to know. This would include children who potentially are at risk and their parents.

Appendix C deals with further complexities, and in particular the need to accommodate legal reporting requirements that further request that details of allegations should not be given to the respondent.

31. Pastoral Support is offered to each complainant. The Diocese of the Northern Territory's Protocol for Dealing with Complaints of Sexual harassment, Sexual Assault or Sexually inappropriate Behaviour dated August 2014 reads:

Pastoral support or assistance

Pastoral support or assistance will be offered to a complainant at the time the complaint is made. The complainant may nominate a person of his/her own choosing; or the Director, in consultation with the complainant, may nominate a person. The support will be provided for as long as is necessary.

Pastoral support will also be offered to the respondent when the respondent is notified of the complaint. In certain cases, this may be after the police have commenced their investigation.

*For further information, please refer to **Appendix F**.*

Professional counselling will also be offered to the complainant and the respondent. The person may nominate a counsellor, or the Director may nominate a suitable counsellor. The selected counsellor will be professionally qualified and accredited with expertise in a field of work relevant to the specific circumstances. Costs will be borne by the Diocese”.

Appendix F reads:

Provision for assistance/support to all persons affected

Support to complainant and family:

When a person makes a complaint of sexual harassment or assault, or sexually inappropriate behaviour against clergy or a church worker, the Church is committed to responding with empathy, support and respect. The Church will seek to be compassionate to complainants and provide assistance to them which is relevant, timely and helpful.

As the complainant may have been involved in the church, the impact of the sexual harassment or assault, or sexually inappropriate behaviour may include issues of spiritual concern as well as psychological and emotional distress. It is recognised that appropriate support may need to be available to assist the person deal with the spiritual issues confronting him/her. Therefore, pastoral support will be offered to the person at the time of making the complaint.

In addition, counselling will be offered to assist the person work through the personal and psychological issues and concerns which arise. The counselling will be arranged with an independent counsellor with suitable qualifications and experience. The selection of the counsellor may be made by the complainant or by the Director of Professional Standards. The Director may seek a progress report from the counsellor. Usually, up to four sessions will be offered in the first instance; but in certain cases, further sessions may be offered after consultation with the practitioner. Costs are borne by the Diocese.

If the subject matter of the complaint has significantly impacted on family members or close colleagues of the complainant, counselling and/or pastoral support may be offered to them as well. This will be assessed by the Director at the time of the initial complaint.

Formal apology to complainant:

It is acknowledged that an apology from the Church is an appropriate Christian response to a person who has been abused by clergy or a church worker.

Support for respondent:

An integral part of the Protocol is being just, fair and compassionate to the respondent. Pastoral support and counselling will be offered to the respondent at the time when he/she is advised that a complaint has been against him/her. The counselling will be arranged with

an independent counsellor with suitable qualifications and experience. The selection of the counsellor may be made by the respondent or by the Director of Professional Standards. The person providing pastoral support may be nominated by the Director or by the respondent. Such support will be confidential and the costs will be borne by the Diocese.

Investigation

32. When a complaint is received, the matter is referred to the Professional Standards Director, who also advises and arranges third party investigations. The Protocol's instructions on investigations are as follows:

“Before an Investigation

4.1 Before the investigation

Before appointing an investigator to investigate a complaint, the Professional Standards Committee shall:

- *determine whether the complaint is ‘information’ as defined in the Ordinance;*
- *inform the church worker about whom the complaint has been received of the complaint and the name of the complainant (but see 2.3 and 3.2); and*
- *determine whether the complaint could lead to a finding of **examinable conduct**.*

4.2 Examinable conduct

If the Professional Standards Committee considers that the subject matter of the information constitutes examinable conduct, then the Committee will arrange for the matter to be investigated.

4.3 Allegations of ‘harm’

*If a person making a complaint alleges that harm of a significant nature to his/her psychological or emotional wellbeing has been caused, the Professional Standards Committee may request the complainant to undergo a psychological assessment as part of the investigation process. For further information – please refer to **Appendix H**.*

4.4 Complaints not proceeded with

If the complaint is –

- *considered to be false, vexatious, misconceived or trivial;*
- *under investigation by another competent person or body;*
- *the subject of legal proceedings;*
or the complainant -
- *does not provide further particulars when requested;*
- *does not verify the allegations by signing a statutory declaration;*

or there is insufficient reliable information, then the allegations may not be investigated further.

4.5 Referral to an Investigator

If the allegations are to be investigated by the Committee, they will be referred to an **investigator**.

Investigators are appointed by the Professional Standards Committee to investigate information which may constitute examinable conduct.

Investigators have experience in legal, investigative and administrative matters, and will have high level skills in investigating complex human issues. Investigators to whom these matters are referred are not employed by the Church – they are independent persons whose role is to investigate the allegations objectively and transparently.

5 Process of Investigation

5.1 Authority for Investigations

The authority for investigations under the Protocol arises from sections 19(1), 20(1) (f) and 25 of the Professional Standards Ordinance.

5.2 Details given to Investigator

The investigator will be given full details of the complaint by the Director of Professional Standards; and the names and contact details of the complainant and the respondent, and any other relevant people. The investigator will carry out the investigation in accordance with the Ordinance and Protocol. The process will usually be to investigate the information and provide a report to the Director.

5.3 Interviews - general

The investigator may wish to speak with all parties to the allegations including the respondent; may request statements, reports, documents, and other material relevant to the allegations; and may wish to record conversations between him/herself and the other parties. The provision of this information is necessary to enable the investigator to make a full assessment of the allegations and will assist him/her in determining whether the allegations can be substantiated.

The investigator may request the Director to arrange interviews for the investigator with the complainant, the respondent and any other people who the investigator believes are relevant. Alternatively, the investigator may prefer to contact relevant persons directly to arrange for the conduct of interviews.

Interviewing the complainant is always critical to the process to obtain complete particulars of the allegations.

The investigator will also interview the respondent. As far as possible, these interviews will be conducted face-to-face.

Complainants and respondents will be invited to have another person present during interviews; and it is recommended that all interviews are taped by the investigator. It is preferable that statements be in the form of statutory declarations.

5.3.1 Interviewing the complainant

When interviewing the complainant, the investigator will advise him/her that:

- *the purpose of the interview is to obtain particulars of the allegations*
- *the particulars will be put to the respondent who will have an opportunity to answer them*
- *the interview will be recorded to ensure the details are correct*
- *recordings, statements and other material provided during the investigation may have to be produced to a court if legal action is commenced or the material is subpoenaed*
- *confidentiality of the complaint is to be maintained*
- *he/she may obtain independent legal advice*
- *at the end of the investigation, the investigator will provide a report to the Director for presentation to the Committee.*

5.3.2 Interviewing the respondent

When interviewing the respondent, the investigator will provide full particulars of the allegations and advise him/her that:

- *he/she does not have to say anything*
- *if he/she chooses not to say anything, adverse findings may still be made against him/her*
- *whatever he/she does say will be recorded and may have to be produced in a court if summonsed or subpoenaed*
- *for the purposes of the investigation, he/she is presumed innocent until another conclusion is drawn on the balance of probabilities*
- *confidentiality of the complaint is to be maintained*
- *he/she may obtain independent legal advice*
- *at the end of the investigation, the investigator will provide a report to the Director for presentation to the Committee.*

If the respondent chooses not to participate in any part of the investigation process, the investigation will continue and adverse findings may still be made against the respondent.

5.3.3 Interviewing children

It is required that children are interviewed with a parent or guardian or other suitable adult [with the prior approval of the parent or guardian] being present; and care should be taken when interviewing persons with a disability. The Director may appoint a second investigator – with appropriate qualifications - to assist in such interviews.

6 Outcome of investigation

6.1 Report and findings of the investigation

*At the conclusion of the investigation, the investigator will provide a report to the Director. The report will contain all information relevant to the allegations; and will contain the **findings** of the investigator. These findings are based on the ‘balance of probabilities’ – that is, based on all the available information and taking into account the seriousness of the allegations, would a reasonable person consider that the alleged behaviour did occur or did not occur.*

*The Briginshaw principle is – ‘the seriousness of an allegation made, the inherent unlikelihood of an occurrence of a given description, or the gravity of the consequences flowing from a particular finding are considerations which must affect the answer to the question whether the issue has been proved to the reasonable satisfaction of the [tribunal]. In such matters “reasonable satisfaction” should not be produced by inexact proofs, indefinite testimony or indirect inferences’. *Briginshaw v. Briginshaw* (1983) 60 CLR 336.*

6.2 Outcome of the investigation – no case to answer

The report of the investigator will be taken to the Professional Standards Committee by the Director.

*If the Professional Standards Committee considers that the respondent has **no case to answer** the Director shall inform both the complainant and the respondent. The matter is then closed.*

A copy of the investigator’s report will be made available to both parties. Certain material in the report may be deleted to ensure the privacy of any other persons named in the report.

6.3 Outcome of the investigation – case to answer

The report of the investigator will be taken to the Professional Standards Committee by the Director.

If the Professional Standards Committee finds that the respondent does have a case to answer the Director shall inform both the complainant and the respondent.

A copy of the investigator's report will be made available to both parties. Certain material in the report may be deleted to ensure the privacy of any other persons named in the report.

The Committee will make appropriate reference to the Professional Standards Board under section 54 of the Ordinance.

6.4 The Professional Standards Board

After considering all the relevant material, the Board will determine whether or not the respondent is unfit for office, and whether there should be certain conditions or restrictions placed on him/her. The respondent will have an opportunity to speak to the Board, make submissions and may examine or cross-examine witnesses.

*If the Board determines that the respondent is unfit, it has a number of disciplinary actions which it may recommend to the **Church Authority**. The Church Authority is required to give effect to those recommendations.*

The Board will provide a copy of the determination and recommendation/s to –

- *the Church Authority;*
- *the respondent; and*
- *the **National Register**".*

33. The Diocese's response to imposing restrictions on alleged perpetrators duties or involvement with the Church pending resolution of an investigation is largely governed by our Professional Standards Ordinance 2005 (as attached) which states that an alleged perpetrator is to be stood down, or duties curbed. Further consideration is given depending on the nature of the complaint and police involvement.

Discipline

34. The Diocese of the Northern Territory has adopted Faithfulness in Service: the national code for personal behaviour and the practice of pastoral ministry by clergy and church workers. Produced by General Synod of the Anglican Church of Australia Child Protection Committee As adopted by General Synod, October 2004, revised by General Synod Standing Committee April 2011 and last revised by General Synod Standing Committee November 2011. This document has been adopted without modification.

35.

a&b.

The Northern Territory Protocol that came into effect in 2005 and was modified in 2014 states

*"If the Board determines that the respondent is unfit, it has a number of disciplinary actions which it may recommend to the **Church Authority**. The Church*

Authority is required to give effect to those recommendations.

The Board will provide a copy of the determination and recommendation/s to –

- *the Church Authority;*
- *the respondent; and*
- *the **National Register.***”

There have been no complaints regarding child sexual abuse where the clergy or church worker is still a resident of the Northern Territory since the Protocol came into effect. A complaint was received in the 1980's relating to a Church Missionary Society worker on Groote Eylandt where immediate action was taken and the church worker was removed from the island. A further complaint was received stating that this was not sufficient action as he was still in contact with church members in Darwin. This matter has been dealt with by the Church Missionary Society.

36. The Northern Territory Diocese has adopted the definitions of child sexual abuse as listed in Faithfulness in Service. Due to mandatory reporting laws, the NT Diocese also submits to the Northern Territory Government definition at this point. Mandatory reporting laws require that all sexual offences be reported to the police if any person believes on reasonable grounds that:

1. Any child aged less than 18 years has suffered or is likely to suffer harm or exploitation.
2. Any child aged less than 14 years has been or is likely to be a victim of a sexual offence (includes sexually active).
3. Any child aged less than 18 years has been or is likely to be a victim of a sexual offence occurring in the context of a special care relationship.

Registered health practitioners in the NT have an *additional* responsibility to report to the Department of Children and Families or the police if they believe on reasonable grounds that:

1. A child aged 14 or 15 years has been or is likely to be a victim of a sexual offence and the age difference between the child and the sexual offender is greater than 2 years.

The Government definitions of harm, exploitation, sexual offence, special relationship and reasonable excuse are:

Harm to child Harm to a child is any significant detrimental effect caused by any act, omission or circumstance on:

- (a) The physical, psychological or emotional wellbeing of the child; or
- (b) The physical, psychological or emotional development of the child.

Exploitation of child Exploitation of a child includes sexual and any other forms of exploitation of the child.

Sexual exploitation of a child includes:

- (a) Sexual abuse of the child; and
- (b) Involving the child as a participant or spectator in any of the following:
 - (i) An act of a sexual nature;
 - (ii) Prostitution;
 - (iii) A pornographic performance.

Sexual Offences involving a child	<p>The Criminal Code says that some sexual acts are unlawful by reason of one of the persons involved being a child.</p> <p>Section 127 of the Criminal Code says that any person who has sexual intercourse with or commits any act of gross indecency upon a child who is under the age of 16 years is guilty of a crime and is liable to imprisonment for 16 years.</p> <p>In effect, any sexual activity with a person under 16 years is an offence, as persons under 16 years cannot lawfully consent to sexual activity. It is an offence regardless of whether both persons are under the age of 16 years.</p>
Special Care Relationship	<p>Section 128 of the Criminal Code says it is an offence for an adult who has a relationship of special care with a person under the age of 18 to engage in sexual intercourse with that person. This includes step-parents; guardians; foster carers; school teachers; persons providing religious, sporting, work or musical tuition, correctional services officers and health professionals.</p> <p>It is a defence if the parties are married or in a de facto relationship.</p>
Reasonable Excuse	<p>It will be up to a court to determine if an excuse is reasonable or not.</p>

Information taken from NT government website -
http://childrenandfamilies.nt.gov.au/library/scripts/objectifyMedia.aspx?file=pdf/54/35.pdf&siteID=5&str_title=Reporting%20Child%20Abuse%20and%20Neglect.pdf

The Northern Territory Diocesan Protocol states:

*“If a **church worker** experiences or witnesses sexual harassment or assault, or sexually inappropriate behaviour or receives **information** about alleged conduct of a church worker involving sexual harassment or assault, or sexually inappropriate behaviour, he/she must report it immediately to any **responsible person** in the parish, agency, school or other church body where the behaviour has occurred. The responsible person is then obliged to inform the **Director of Professional Standards** or a member of the **Professional Standards Committee**.*

The person making the complaint may also report the matter directly to either the Director or a member of the Committee.

If the person is unsure whether to report the information or not, then he/she must report the information.

Information about alleged inappropriate or unreasonable conduct or omission of a church worker who had knowledge of the conduct of another worker which may involve the behaviour as above and has not informed the Director must also be reported.

Information mentioned above will be referred to in the Protocol as a complaint.

37. See question 32 – excerpt (6.1) from Protocol. The Northern Territory Diocese uses the balance of probabilities as its standard of proof.

Redress

38. The Northern Territory Diocese has had three instances of redress since the introduction of the Protocol, it is not known if there have been any occurrences of redress prior to this time by the Diocese. There is one other known occurrence of redress, which was carried out by Church Missionary Society.

Two of the instances of redress managed by the Northern Territory Diocese occurred within two years of each other and relate child sexual abuse offences occurring in the 1950's by the same perpetrator.

The Protocol addresses issue of confidentiality, informing the respondent, mediation and conciliation among other matters. In the instance of these two redresses, these matters were further influenced as the allegations were made public during the Royal commission into the stolen generation. One of the perpetrators was deceased and another was of considerable age, living in New Zealand.

Financial compensation, counselling and apologies were offered to both complainants. In both instances, the offer of counselling was not taken up. A deed of release was signed by both complainants and they were advised that the Diocese does not place any restriction on discussing the matter further but the Diocese will respect confidentiality.

An earlier redress occurred in 2005 relating to an incident that occurred in the late 1960's. Along with financial compensation, an apology and counselling was offered. A deed of release was signed. The complainant did not take up the offer of counselling as he was already under the care of a psychiatrist.

Risk management

39. The Northern Territory Diocese has no direct policy regarding the notification of Church members and Church workers of allegations against a particular Church member or Church Worker, however the matter is addressed in our protocol. In dealing with instances where respondents are stood down from the Church, the Protocol advises:

“Appropriate advice should be given to the parish or organisation in a form which is suitable to the circumstances and respects the privacy of both the respondent and the complainant. In some cases, it may be appropriate to invite other persons who may have been affected to come forward in confidence.”

40. The Diocese has approved the use of Memorandums of Understanding for people of concern. The practice of using Memorandums of Understanding first

occurred in the Diocese in 2009, but was not formally adopted until August 2014 when Diocesan Council agreed to the following motion:

“Where there is a risk of sexual abuse by a person of concern, that person shall not be permitted to participate in the Church worship or activities unless a Memorandum of Understanding (MOU) regarding their involvement in the Parish is agreed to by the parishioner, a parish representative and the Bishop or Registrar. The MOU should be along the lines of the General Synod recommended document and adapted to suit the particular situation”.

41. When the Diocese has become aware of alleged perpetrators in the Northern Territory, letters have been sent to Parishes advising of known perpetrators and giving potential complainants the opportunity to come forward. Every Church displays a notice regarding Sexual Misconduct advising the procedure for reporting any abuse and contact details for the Director of Professional Standards.
42. Conflicts of interest are a common difficulty in the Northern Territory due to the limited resources available. This difficulty is a main driver in choosing to use the Professional Standards Director and Professional Standards Board of Brisbane Diocese. It is a requirement of the Professional Standards Ordinance that one member of the Northern Territory Professional Standards Committee is not a member of the Anglican Church.

Information-sharing and record-keeping

43.
 - a, b & c.

Files have been established for each instance of alleged abuse, with case summaries prepared and kept on file as well as being kept electronically in an Excel spreadsheet. Files are kept in a lockable filing cupboard kept by the Registrar. The Excel spreadsheet is also kept by the Registrar and accessed by the Bishop and the Professional Standards Committee as needed.

The Diocese recently contracted a consultant who undertook an audit on our behalf at which time case summaries were prepared and files were updated. Summaries have been prepared in accordance with the recommended documentation as per ANG.0134.022.0001.
44.
 - a & b .

The protocol states the following regarding another Diocese and does not differentiate between Dioceses inside or outside of Australia.

Referral to another Diocese

If the information relates to –

- *alleged conduct which had occurred in another Diocese; or*
- *a complainant who resides in another Diocese; or*
- *allegations about a person who resides in another Diocese;*

the matter may be referred to the Professional Standards Committee of that Diocese for investigation.

- c. The Diocese has adopted the procedures mandated in National Register Canon. Although the General Synod is not specifically stated in the Protocol, the Diocese would not see it appropriate to withhold any information from the General Synod.
- d. The Diocese has no policy or provisions for sharing information with other faith based institutions. Each case would be considered separately after consulting with the Professional Standards Director or Police if relevant. In each instance risk would be weighed with confidentiality.
- e. See question 29. It is mandatory that all incidents of abuse be reported in the Northern Territory.

45.

- a. All Professional Standards matters are referred to the Professional Standards Director, who will advise the convenor of the Professional Standards Committee. Parishes, Schools and other entities will be advised according to the processes outlined in the Protocol, with particular attention paid to areas where others may be at risk as outlined in the NT Government mandatory reporting laws.
- b. See question 44.

Inquiries and reviews

46.

- a, b, c, & d.

There have been no other enquiries into instances and allegations of child sexual abuse in the Diocese of the Northern Territory. The Royal Commission investigation into the Stolen Generation which commenced in 1995 raised some issues of child sexual abuse which led in part, to the Diocese addressing our professional standards practices but there were no actual reports or recommendations to the Diocese of the Northern Territory as a result of this enquiry.

- 47. There have been no independent reviews of, or legal challenges to the Diocese's professional framework or processes. In 2014, the Diocese of the Northern Territory contracted an independent consultant to review and ensure that complaints and claims involving minors have been adequately managed and recorded. They were also asked to make recommendations as to the resolution of any outstanding legacy issues and for improvements in claims and complaint handling.

In addition to this audit, The Diocese of the Northern Territory is likely to take part in an audit that is being arranged for the whole of the Province of Queensland.

Research into prevalence of child sexual abuse

- 48. The Diocese of the Northern Territory has not recorded or maintained any statistical data relating to child sexual abuse in the Diocese.

49. There has been no research into sexual offences against children in the Diocese of the Northern Territory.

Challenges and reform

50. The Diocese of the Northern Territory has not engaged in any dialogue with the Government for changes to civil or criminal law affecting professional standards matters.
51. One of the greatest challenges faced by the Diocese of the Northern Territory is cultural diversity. Aboriginal culture has certain taboos which makes the implementation of child protection policies difficult and the reporting of offences even more so. The issue is compounded by the number of languages and different cultural attitudes as they vary across the communities. The Diocese provides regular safe ministry training for Aboriginal Church leaders which is dependent on strong relationships with the trainers who earn the right to pass information on. The Diocese is constantly seeking to refine our practices through greater understanding of Aboriginal culture.