

SCHEDULE A

THE ANGLICAN DIOCESE OF BENDIGO

1. The date the Diocese was established.

The Anglican Diocese of Bendigo was established by 'The New Dioceses Act 1901' of the Diocese of Melbourne which was passed on 3 October 1901. The first bishop was enthroned on 5 March 1902.

2. The Province in which the Diocese is located

The Anglican Diocese of Bendigo is part of the Province of Victoria alongside the Dioceses of Melbourne, Wangaratta, Ballarat and Gippsland.

3. The current number of parishes in the Diocese.

The Diocese currently has 36 parishes.

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

The approximate number of active church members is 3000.

According to the 2011 Census there are approximately 50,000 people who nominated that they are Anglican.

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

The Diocese currently has 42 active clergy and 32 clergy with permission to officiate

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).

Bendigo Diocesan Trusts Corporation				
Summary of Financial Position				
As At 30 September 2016				
		Operating Fund	Common Fund	Total
Assets		\$	\$	\$
Cash and Cash equivalents		762,665	2,468,682	3,231,347
Receivables		2,914	450,230	453,144
Financial Assets		85,013	9,919,105	10,004,118
Property Plant and Equipment		925,000	980,000	1,905,000
		1,775,592	13,818,017	15,593,609
Liabilities				
Payables		48,601	192,677	241,278
Borrowings		-	13,625,340	13,625,340
		48,601	13,818,017	13,866,618
Net Assets		1,726,991	-	1,726,991
Funds				
Funds for designated purposes		1,726,991	-	1,726,991
		1,726,991	-	1,726,991
<i>The above figures are extracted from our quarterly management accounts and are unaudited</i>				

Bendigo Anglican Diocesan Corporation		
Summary of Financial Position		
As At 30 September 2016		
Assets		\$
Cash and Cash equivalents		642,835
Receivables		235,817
Property Plant and Equipment		65,752
		944,403
Liabilities		
Payables		87,867
Provisions		382,052
		469,920
Net Assets		474,483
Funds		
General Funds		234,850
Aggregate Deductible Reserve		239,633
		474,483
<i>The above figures are extracted from our quarterly management accounts and are unaudited</i>		

The Bendigo Anglican Diocesan Corporation is responsible for the day to day operations of the Diocese, including the engagement of clergy.

The Common Fund is a pooled investment vehicle for the various express and other trusts held by the Trust Corporation on behalf of the Diocese and Parishes. The full value of these assets is attributable to the underlying Trusts and none of the equity is available to the Diocese other than as a trust distribution where the Diocese/Parish is a beneficiary of an underlying trust.

The various parish properties are held in trust for the respective parishes and the Trustee is not free to realise the asset or use the proceeds other than for the specific parish.

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

The Bendigo Diocesan Trusts Corporation acts as trustee for some 131 property titles across the Diocese. These are primarily Churches, Church Halls and Rectories. The buildings are erected on property that mainly came from government land grants in the late 1880's.

- One property is a clergy retreat house held under the terms of an express trust from a deceased estate.
- There are two commercial properties held as part of the investment portfolio of the Common Fund.
- There is one converted residence in Central Bendigo which is used as the Registry office of the Diocese.
- There is one commercial property held in Central Bendigo which received Commonwealth funding and since August 2015 has no restrictions placed on it.
- All other property is held in Trust for a specified parish.

The only consistent valuation we hold across the property portfolio is our insurance value. This is naturally for full replacement value and given the general age and condition of the portfolio is considered significantly higher than the current market value of the portfolio.

A further limitation is that a high percentage of the property portfolio is subject to Council zoning or heritage listing restrictions which limit or prohibit the alternative purposes that many of the properties can be put to. This restricts and in some cases eliminates a market in which the property could be realised.

Proceeds from the sale of parish property are placed in Trust for the benefit of the specific Parish and are only available for the eventual purchase of a replacement property or for capital improvements on other property in that particular parish. Up to 85% of the interest earned by that trust is available to the respective Parish to cover operating expenses – including ongoing repairs and maintenance to other parish property.

On 16 September 2014 the diocese became incorporated with the establishment of the Bendigo Anglican Diocesan Corporation (BADC), a corporation incorporated under ASIC and limited by guarantee. The operations of the diocese were transferred to this corporate entity from 1 January 2016. The current directors of the Corporation are the members of the Council of the Diocese, of which there are currently 17.

The purposes of BADC as stated in its Constitution are:

- a) In matters pertaining to the affairs of the Anglican Church of Australia in the Diocese of Bendigo in Victoria, and to the extent the purposes are charitable at law, the corporation is established to assist and promote the ministry of the Church, the proclamation of the Word of God, the administration of the Holy Sacraments, and the furtherance of the commission of Christ to His apostles.
- b) In pursuing its purposes, the corporation must act in conformity with and is bound by:
 1. the constitution of the Anglican Church of Australia;
 2. the constitution of the province of Victoria;
 3. the constitution of the Diocese; and
 4. the canons, statutes, ordinances and rules, however described, of the Synod of the Diocese and of the General Synod and the provincial synod or council, which have force in the Diocese from time to time.

GOVERNANCE OF THE ANGLICAN DIOCESE OF BENDIGO

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 Right Reverend Oliver Spencer Heyward	1975 - June 1991
The Right Reverend Benjamin Wright	8 February 1992 - 17 February 1993
Administrator – Canon Alfred Austin	March 1993 – December 1995
The Right Reverend Raymond David Bowden	7 December 1995-2002
The Right Reverend Andrew Curnow AM	28 June 2003 - present

b. Assistant Bishop

The Synod of the Diocese of Bendigo established an Act to provide for an Assistant Bishop in 2012, but to date this position has not been held.

c. Chancellor

Barry Phillips	1976 - 2004
Ian Dallas	2004 - present

d. Deputy Chancellor

Not held

e. Registrar / General Manager

William Proctor	1982 – 1996
Peter Twaddle	29 April 1996 - November 1996
Geoff Chittenden	February 1997 - 1998
Nicole Cox	16 July 1998 – February 2001
Robert Clifton	2001 - 2002
Tony Hickson	6 January 2003 – December 2003
Nicole Cox	1 February 2004 – 2008
Jeff Westbrook	November 2008 – 2011
Anne Baker	6 April 2011 – February 2016
Naomi Fountain	2 May 2016 - present

f. Professional Standards Director

Jane Hendtlass
Claire Sargent

g. Chair of the Professional Standards Committee or similar body

As per Diocese of Melbourne

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

Legal advice when necessary was sought from the Diocesan Chancellor

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

Tim Iser 1976 – 2008

John Henry 2013 – 2016

Damian Neylon 2016 -

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

As per Diocese of Melbourne for Professional Standards Board

Presiding Member of the Diocesan Tribunal: The Chancellor of the Diocese of Bendigo.

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

The Bishop, Chancellor and Registrar of the Diocese are ex-officio Trustees of the Bendigo Diocesan Trusts Corporation, therefore those listed in these roles above were Trustees of the diocese during their time of appointment.

The following people have filled the remaining two Trustee positions:

Wendy Alexander 2007 - present

Jenny Dawson 13 August 2004 - present

Brian Guest 1992 –2007

Ian Morley 31 October 2001 – 2004

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

a. Bishop-in-Council or Diocesan Council

The diocesan council currently consists of 8 ex-officio members (including the Bishop as Chair), and 8 elected ordained and 8 elected lay members. From Synod 2017 its membership will be reduced to 6 clerical members, 6 lay members, 4 ex-officio members and the Bishop.

There is also a diocesan corporation, the Bendigo Anglican Diocesan Corporation, incorporated under the federal Corporations Act on 16 September 2014 (see also question 11). Its members are the Bishop and the Bendigo Diocesan Trusts Corporation, and its directors are the members of the diocesan council. It commenced on 1 January 2016.

The diocesan council and the directors of Bendigo Anglican Diocesan Corporation both meet quarterly to oversee the management and affairs of the diocese within the framework of synod legislation. The allocation of areas of responsibility between the diocesan council and the corporation is determined by the diocesan council but broadly speaking the corporation has assumed responsibility for the appointment and supervision of ordained and lay holders of office and employees of the diocese and its parishes. The corporation is the legal person against which claims against the diocese may be brought. Although any council or board member may initiate business at the quarterly meetings, most business is brought to the meetings by the registrar as the business manager of the diocese or by the executive committee of the council or of the corporation, which in both cases comprises seven people.

The operation of the corporation is funded by the allocation to it of sources of income and financial reserves considered adequate to perform its functions and meet foreseeable liabilities.

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

The properties of the dioceses and its parishes are held in the name of a statutory corporation, Bendigo Diocesan Trusts Corporation, created pursuant to the Anglican Trusts Corporation Act 1884, a separate act of the Parliament of Victoria. The Trusts Corporation's procedures are regulated by an act of synod, and the corporation members are the Bishop, the Chancellor, the Registrar and two other members appointed by Synod. Except where it holds property or money pursuant to the terms of an express trust, it functions as a bare trustee, decisions as to the sale or acquisition of property being made by the diocesan council, and the day to day management of a property "on the ground" being the responsibility of the local parish.

c. Synod of the Diocese of Bendigo.

The Synod of the diocese derives its existence and authority from the *Church Constitution Act* 1854 of the Parliament of Victoria, and the Constitution of the Anglican Church, which was given force and effect in Victoria by the *Anglican Church of Australia Constitution Act 1960*, an act of the Victorian parliament. That act has endowed the synod with legislative authority, analogous to a parliament, which binds all members of the Anglican Church of Australia within the Diocese of Bendigo. The synod comprises the Bishop, all clergy of the diocese and lay representatives of all of the parishes of the diocese, some 120 persons in total, and meets annually. It has passed a body of acts which regulate the affairs of the diocese.

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.

a. Deacons

Deacons are ordained in the Diocese of Bendigo in either a stipendiary, ordained local ministry (OLM) capacity (honorary) or pioneer role (honorary). The responsibility of deacons is essentially to undertake servant ministry with a particular focus on serving those in need. Deacons generally serve in this position for one year before they are considered for priesting.

As deacons they will be supervised and also are required to attend the post ordination Training-in-Ministry program (TIM). In their letter of appointment deacons licensed by the Bishop of Bendigo are also required to attend the Annual Clergy Conference and Clergy Retreat, the Annual Diocesan Synod and Rural Deanery Meetings which are a peer support program. All deacons in this Diocese are involved in parish ministry and as well as assisting the priest with liturgy, undertake general pastoral duties as required by the parish.

With regard to training, deacons are required to have undertaken a formal theological degree, which is usually three or four years. For deacons enrolled in our Ordained Local Ministry program they are required to undertake two years study focused on the Trinity College Ministry Certificate and two years formation following ordination. The fourth year may be undertaken as a priest if they are ordained to that office at the end of the third year of the program.

In 2014 the Diocese introduced Safe Ministry Checks for all active clergy. The check is the Safe Ministry Check approved by General Synod and the examination of the answers is undertaken independently of the Diocese by a forensic solicitor.

Deacons are licensed in the Diocese of Bendigo providing they have:

- Undergone psychological assessment
- Have undertaken Safe Ministry Check
- Have obtained a National Police Check
- Have obtained a Working with Children Check
- Can supply at least three referees
- Have agreed to abide by the Code of Practice Faithfulness in Service

Please refer to the 'Ordination Process Checklist' (Appendix A) for the requirements of the Diocese of Bendigo prior to being ordained as a deacon or priest.

b. Priests

The responsibilities of priests in the Diocese of Bendigo are essentially defined by the ordinal in A Prayer Book for Australia. Their responsibilities revolve around a sacramental, pastoral and teaching role that is defined somewhat by the context or parish in which they serve. 90%

of priests in the Diocese of Bendigo serve in parishes and in their letter of appointment they are required to counter-sign they agree to abide by the Code of Practice Faithfulness in Service, and will attend Clergy Retreat, Clergy Conference, Synod and their local Rural Deanery meeting.

They also are licensed on the condition that they:

- Have undertaken a Safe Ministry Check
- Have a current National Police Check
- Have a current Working with Children Check
- Have no complaint registered against them on the National Clergy Register

Priests in the Diocese of Bendigo will have undertaken full or part time study to achieve a nationally recognised theological qualification of university standard. Priests ordained under the Ordained Local Ministry stream will have met the requirements as set down for a deacon. All priests in their first appointment are required to attend also are required to attend the Training-in-Ministry program (TIM).

A standard letter of offer is included in Appendix B, along with a remuneration package outlining the employment entitlements of a priest in Appendix C.

c. Bishop

The Bishop of the Diocese of Bendigo up until recently has been elected by Synod but in future will be elected by a committee chosen by Synod. The responsibilities of the Bishop are to oversee the functioning of the Diocese, to nurture and grow its health and vitality, to see that pastoral care and training are provided for the clergy, to sustain the life of parishes and to grow the church.

The responsibilities require a knowledge and understanding of risk management, compliance, governance and professional standards. The Bishop has to have a high degree of intellectual and moral integrity. The New Testament and ordinal identify the Bishop as the 'Good Shepherd', who cares for the 'flock', the Church.

The Bishop of Bendigo is currently not licensed but receives a letter of appointment which clearly sets out the roles and responsibilities of the bishop including a grievance procedure. The bishop is required to operate under the Faithfulness in Service Code of Practice and the Episcopal Professional Standards Act 2015.

The current bishop has undergone two very extensive external reviews that have looked at all aspects of his leadership and ministry in his time in the Diocese.

A remuneration package outlining the employment entitlements of the bishop is included in Appendix D.

11. In relation to any corporate entities created by the Diocese to respond to any legal claims arising from allegations of child sexual abuse:

- a. the name of the entity**
- b. the date of incorporation**
- c. the mode of incorporation, and**
- d. any assets held by the corporation.**

The two main legal entities of the Diocese are:

The Bendigo Diocesan Trusts Corporation

- Incorporated 1905
- Incorporated under the Anglican Trusts Corporation Act 1884, Parliament of Victoria
- Assets as per information provided at question 6

Bendigo Anglican Diocesan Corporation

- Incorporated 16 September 2014
- Company Limited by Guarantee under the Corporations Legislation
- Assets as per information provided at question 6

While neither of these entities were incorporated solely or primarily to respond to any legal claim (whatever the cause of that claim), as the corporation responsible for the day to day operations of the Diocese it is likely that this is the first corporate entity that would be joined in any claim should such an allegation from child abuse arise.

THE CHURCH OF ENGLAND BOYS' SOCIETY (CEBS)

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

- a. legal, financial, and/or administrative relationship
- b. governance arrangements
- c. staffing arrangements, and
- d. record-keeping and archiving arrangements.

a. Legal, financial and or/ administrative relationship

CEBS began in the Diocese of Bendigo in the Parish of Maldon from 1916. Two further branches were formed in the Diocese at All Saints Cathedral Bendigo in 1929 and at St Paul's Bendigo in 1930. The Diocese of Bendigo became affiliated with CEBS at a state level in 1929 and participated at the first National Council in 1934. During World War Two CEBS went into recess and was revived again with the establishment of a Diocesan Committee on 29/4/1955.

In 1956 a CEBS constitution was adopted and active branches were formed across the diocese. It was affiliated with the CEBS Victorian State Council and then the CEBS National Council based in Sydney. In 1969 there were 14 branches of CEBS with 330 members. The committee used a CEBS Leaders Handbook as a guide to operating the Bendigo Diocesan Committee and branches. All branches were registered centrally with the Bendigo Diocesan CEBS Committee and covered by insurance.

Financial Reports from 1976 to 1992 show an operating balance of less than \$750.

An indication of the success of CEBS during the 1960's can be seen from the following:

1962	11 branches	300 members	
1963	11 branches	250 members	
1964	10 branches	280 members	
1965	11 branches	300 members	30 leaders
1966	9 branches	242 members	30 leaders
1967	11 branches	250 members	
1968	13 branches	320 members	34 leaders
1969	14 branches	330 members	

Membership declined during the 1970's so that by 1975 there were only 5 registered branches left at the Cathedral, Daylesford, California Gully, North Bendigo and Elmore. By 1998 CEBS in the Diocese of Bendigo had only one branch and this closed, as far as we know, in early 2000.

The legal responsibility for CEBS during the time that it existed was the dioceses responsibility. The legal, administrative and governance arrangements were the responsibility of the Diocesan CEBS committee although the Bishop, it appears, appointed the Chair and Secretary. CEBS was not separately incorporated and at its closure funds in the CEBS account were transferred to the Diocese.

b. Governance arrangements

The CEB branches reported to the Bendigo Diocesan CEBS Committee which met quarterly with representatives from each branch invited to attend. Branch reports were received and membership, activities or events discussed. The Bendigo Committee organised the yearly camp, fundraising dinners, sporting events, badge presentations etc. The Bishop in his role chaired the AGM of the CEBS Bendigo Committee each year. Representatives attended the CEBS State Council meetings which received reports from each Diocese with CEBS groups.

CEBS Diocesan Committee meetings were held 4-5 times a year with an AGM.

In 1990 the Bendigo Diocesan CEBS Committee affiliated with the Melbourne CEBS whilst still remaining affiliated with the CEBS Victorian State Council and National CEBS Council.

c. Staffing arrangements

Each branch was linked to a parish/s and the leaders (members of the clergy and lay men and women) were required to register and pay a small membership fee each year. Training was also provided for a minimum of one day sometimes over a weekend for the leaders each year.

d. Record keeping and archiving arrangements

Diocesan archives have CEBS records (minutes and attendance books) of Bendigo Diocesan Committee from 1976 - 1992.

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 of Bendigo did not maintain a campsite specifically for CEBS. With the amalgamation of the Diocese of St Arnaud into the Diocese of Bendigo in 1977 the Diocese did acquire the Bishop James Memorial Camp at Stuart Mill outside of St Arnaud. This camp was sold in 2011.

There are no records of bookings for the camp going back to 1965 but the CEB minutes books show they had a camp there in 1985 and 1989. The CEBS records in the archives do not show any names of attendees at CEB Camps.

There are records that indicate that the Diocese's CEBS branches did use other camping sites from time to time and did send members of CEBS to the CEBS campsite at Frankston in the Diocese of Melbourne.

There are no clear records which indicate what policies or procedures were maintained by the Diocese in respect of youth attending camps.

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 schools connected with the Diocese.

Anglicare Victoria works across the Diocese and is an incorporated body in its own right with its own policies and procedures.

Benetas Aged Care is another Anglican agency working in the Diocese in the area of aged care services and is also incorporated in its own right with its own policies and procedures.

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

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

The Diocese has an MOU with an organization called SEEDS Bendigo for use of a property that the Diocese makes available for them. SEEDS is an incorporated body in its own right and does work with youth and children and does have its own policies and procedures.

b. Anglicare, or entities known as Anglicare

Anglicare Victoria: The Diocese has an MOU with Anglicare Victoria in relation to supporting the work of the Bishop particularly on welfare matters.

There is no formal relationship with Benetas Aged Care.

c. Anglican schools, and/or

Not applicable

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

Not applicable

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

The Diocese of Bendigo currently has one parish based stipended youth ministry and a number of informal gatherings of Youth in a few Parishes. Each youth group or activity is run by the Parish under the approval of the respective Parish Council. Each Parish exists under the legal entity of the Diocese and operates under the Policies and Procedures adopted by the Synod or Council of the Diocese.

- Parish Administration Act - revised in 2016 (Appendix E)
- Codes of Conduct:
 - Faithfulness in Service (Appendix F)
 - The Joys and Responsibilities of being a Christian in this Parish: Code of Practice for Congregations (Appendix G)
- Safe Church Policies (Appendix H)
- Clearance by independent Checks – Police Check and Working with Children Check
- Reference Checking and other assessments as deemed appropriate by Parish Council
- Compulsory training at Safe Church Awareness Workshops with Safe Church Manual
- Diocese of Melbourne Handbook 'A Duty of Care: Shared Responsibility A Handbook for Leaders of Children and Youth Ministry' (Appendix I)
- Lay Authorisations Policy (Appendix P)

THEOLOGICAL PERSPECTIVES

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

a. marriage of clergy

The Diocese does not have a policy on the marriage of clergy.

b. celibacy, and

The Diocese does not have a policy on the celibacy of clergy.

c. homosexuality.

The Diocese is welcoming of homosexual people in congregations across the Diocese.

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.

The Diocese of Bendigo is a very open and inclusive Diocese and includes a diversity of theological opinion that makes up the rich diversity of Anglican theology and practice. The Diocese of Bendigo from a theological point of view, is built upon the classic Anglican belief that Anglican theology and practice is an embodiment of Scripture, Reason, Tradition and Experience.

This at times could place us at some variance with other Anglican dioceses that would tend to hold a more single minded approach to theological issues. However in the context of Victoria the Diocese has a very good relationship with the other four dioceses and we all share much in common.

The Province of Victoria, which is the body that encompasses the five dioceses, has worked to develop a consistent and holistic professional standards model across Victoria, to come into effect with the incorporation of an independent company in early 2017. This will see a high level of consistent practice across the five dioceses pertaining to professional standards and the protection of children in the Anglican Province of Victoria.

ORDINATION AND THEOLOGICAL TRAINING

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

The Diocese has an official relationship with the Trinity College Theological School in Melbourne as it is constitutionally the Provincial Theological College. There are also informal links with Ridley College and other colleges associated with the University of Divinity in Melbourne.

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.

There are no complete records in relation to the psychological assessment of candidates for ordination since 1 January 1960 until 1 June 2003. Some personal records prior to 1 June 2003 of theological students and clergy in the diocese do indicate that there was a psychological examination but there appears to be no copy of the report to substantiate that claim.

Since 1 June 2003 all candidates for ordination in the diocese have been psychologically examined and records kept of the psychological reports. Appendix A shows the theological candidates flow chart for ordination and it will be noted that psychological examination and testing is mandatory in the Diocese of Bendigo.

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 of Bendigo has at present not passed the model ordinances of General Synod but in fact operates under a protocol Power and Trust in the Church which was adopted by Synod in 2004 (Appendix J). On 28 May 2016 the Synod of the Diocese of Bendigo adopted the Professional Standards Uniform Act 2016 to establish, with the other Victorian dioceses, an independent professional standards company (Appendix K).

The Diocese has adopted the policy guidelines of General Synod in relation to child protection.

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.

See Schedule B

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.

The national model for Professional Standards has not been adopted. However, on 28 May 2016 the Synod of the Diocese of Bendigo adopted the Professional Standards Uniform Act 2016 to establish, with the other Victorian dioceses, an independent professional standards company.

The Diocese currently uses the *Power and Trust Protocol* ("the Protocol") (Appendix J), which was a model originally prepared by the Diocese of Melbourne in 2002. The model was intended as a non-legalistic approach, focusing on opportunities for conciliation and communication in less significant matters, and the filtering of serious matters which might be referred to the Bishop for action. The main features of the Protocol are as follows:

- 1 Complaints of sexual abuse against clergy are reported to and investigated by the Director of Professional Standards ("DPS"). A complaint against a layperson can be considered by the DPS if the respondent layperson consents.
- 2 The DPS is supported by a Professional Standards Committee.
- 3 Matters are dealt with by mediation or agreement, where appropriate.
- 4 The DPS makes a recommendation of appropriate sanction to the Bishop. In relation to more serious matters, the DPS will consult with the Committee on the appropriate sanction.
- 5 There is no hearing as such, although the DPS hears both parties and may make other appropriate enquiries.
- 6 There is no appeal process.
- 7 Matters which come within the jurisdiction of the Diocesan Tribunal, being offences as described in the answer to question 36, may be brought before that Tribunal for a full hearing.

The national model was not adopted due to a concern that it was overly legalistic and complicated, and did not fit the Victorian legislative regime. As time has passed, the Diocese

has continued to be aware of national and state developments in this area, and has worked with other Victorian dioceses to come up with a model which with the benefit of experience, can address this sensitive issue with justice, clarity and flexibility where needed.

The Professional Standards Uniform Act 2016, adopted by Synod on 28 May 2016, will establish an independent company limited by guarantee, along with the other Victorian dioceses, to handle all matters in relation to clergy and church workers with regard to complaints. It is expected the company will commence operation as of 1 March 2017.

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

a. maintain its own, unique professional standards framework

The Diocese of Bendigo has put in place a Professional Standards framework to cover the Province of Victoria. This is a direct response to the work of the Royal Commission and the Anglican Church needing to have a more consistent approach across all dioceses. The dioceses in Victoria decided in 2014 to aim at consistent practice across Victoria as the first goal. At present four dioceses in Victoria (of which Bendigo is one) use the same Director of Professional Standards which does lead to a high level of standard practice across the dioceses.

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

If the National Church were to agree on this the Diocese of Bendigo would give positive consideration to its adoption.

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

The framework referred to in (a) for the Province of Victoria is based upon the establishment of an independent Professional Standards company to handle all matters in relation to clergy and church workers with regards to complaints. The company is expected to commence its work in 2017.

d. adopt any other approach for managing professional standards.

See 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.

Section 10 of the *Ecclesiastical Offences Act 2000*, an act of the Bendigo Synod, provides that a charge may be brought against any person licensed by the Bishop *or any other deacon or priest resident in the Diocese.*

There is also General Synod provision which deals with the interaction between dioceses in relation to the relinquishment of and deposition from, holy orders. These provisions are relevant where a person resides in one diocese and last held a licence in another diocese. In such a situation, the bishops of both dioceses are involved in the process to end the holy orders of the priest (*Holy Orders, Relinquishment and Deposition Canon 2004*).

The bishop is required to also act in accordance with the Register of Protocols adopted by the Australian Bishop's Meeting and amended in April 2014. While these protocols have no legislative force, it is expected that bishops will abide by them as an expression of the bonds and affection and unity that bishops in the Anglican Church of Australia share in the Gospel and their collegiality in Episcopal Ministry.

PROFESSIONAL STANDARDS IN THE ANGLICAN DIOCESE OF BENDIGO

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

Introduction:

The Diocese of Bendigo only began to articulate a clear policy on Professional Standards in the late 1990's with the development of a Sexual Harassment Protocol Committee and the adoption of a protocol on sexual abuse and sexual harassment.

This was further developed in 2004 when the Diocese at its annual Synod adopted the Melbourne Power and Trust in the Church Protocol and asked to be covered by the Professional Standards Directorate of the Diocese of Melbourne in relation to all complaints with regard to professional standards.

In 2014 the Diocese embarked upon a major review of its handling of professional standards. On 28 May 2016 the Synod of the diocese passed legislation to adopt the Professional Standards Uniform Act 2016 which will establish an independent company limited by guarantee to handle all matters in relation to clergy and church workers with regards to complaints.

26. Screening and assessing suitability of Bishops, clergy, lay and volunteer staff (collectively for the purpose of this Statement, Church workers), prior to:

a. officiating as a member of clergy

Bishops:

1990-2003

- Board of Nominators – Bishopric Committee
- Elected by Synod

2003 –

- Present Bishop in situ.
- New Bishopric Election Act adopted by Synod in 2013 will see future Bishop's elected by a Bishopric Election Board. The Board is required to undertake significant assessment and suitability checks of candidates, including psychological assessments.

Clergy:

1990- 1992

- Psychological assessments were commenced using independent psychological practitioners

1993-2005

- Letter from former Bishop to assert that the candidate is of 'good standing' (Appendix L)
- Reference/Referee Check 1- 3 from former Parish Leaders, colleagues
- Independent referee check by Bendigo Bishop/Archdeacon (Appendix M)
- Separate interviews with Bishop, Parish Nominators (3) and Wardens (3)

2008 – 2013

- Letter from former Bishop to assert that the candidate is of 'good standing'
- Reference/Referee Check 1- 3 from former Parish Leaders, colleagues
- Independent referee check by Bendigo Bishop/Archdeacon
- Separate interviews with Bishop, Parish Nominators (3) and Wardens (3)
- Victorian Director of Professional Standards database check and clearance
- National Police Check and Working with Children Check (WWCC)
- National Clergy Register Check

2014 – today Refer to 'New clergy appointment process' (Appendix N)

- National Police Check
- Working with Children Check
- Safe Ministry Check (Appendix O)
- National Register Check
- Bishop's Character Reference
- Medical assessment
- Psychological assessment

Lay:

1990-2003	Diocesan and Parish employees are required to submit an application, have an interview, 1-2 referees contacted.
2003-2012	Diocesan and Parish employees are required to submit an application, have a minimum of 1-2 interviews, 2-3 referees are contacted.
2013-today	Diocesan and Parish employees are required to submit an application, have a minimum of 1-2 interviews, 2-3 referees are contacted as well as independent checks. Police checks and WWCC are required dependent on the level and tasks of the role.
2016	Diocesan and Parish employees are required to submit an application, have a minimum of 1-2 interviews, 2-3 referees are contacted as well as independent checks. Police checks and WWCC are required in accordance with the Lay Authorisations Policy (Appendix P).

Volunteers:

1990-2003	Volunteers in the Diocese and Parishes were engaged in general worship, fundraising or informal duties based on the discretion of the Rector and/or Parish leadership (council, wardens etc). No formal checks conducted on these volunteer roles. Senior Leadership roles
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such as Parish Wardens, Parish Council members, Youth leader, Pastoral Carer etc require the volunteer to be a member of the Parish, on the Parish role and attend services regularly and be discerned as a good candidate for the role.

2003-2013	Volunteers must be known to the Parish, appear on the Parish role and regularly attend Church services. Discretion of Rector and/or Parish Council as to the appointment of a volunteer in a role or to participate in a set activity.
2014 - 2015	Safe Church Policy and training introduced with a formal clearance process for volunteers taking on roles in the Diocese and Parishes. WWCC and Police Checks required for volunteers involved in leadership roles with the general public.
2016	The diocese put in place a Lay Authorisations policy (Appendix P) for all volunteers in various sectors of Church life, requiring volunteers to have Working with Children Checks, National Police Checks and attend Safe Church Awareness Workshops (Appendix Q).

b. participating in activities involving children

The Diocese adopted the policy Duty of Care - A Shared Responsibility: A Handbook for leader of Youth and Children's Ministry (Appendix I) which was developed by the Diocese of Melbourne in 2004 and revised in 2011 to accompany the General Synod Code of Practice 'Faithfulness in Service' (Appendix F). These documents have been made widely available to all congregations and particularly those working with youth and children.

In January 2016 the Diocese introduced the Lay Authorisations Policy (Appendix P) which requires lay people and volunteers engaged in activities involving children to have a National Police Check, a Working with Children Check and attend a Safe Church Awareness Workshop.

In November 2016 the diocese adopted the Child Safe Policy (Appendix R) as required by the Victorian Government.

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

The Bishop and the Registrar are the only people in the Diocese who have had direct responsibility for the formulation of policy on professional standards matters.

d. presiding over or participating in disciplinary proceedings.

Not applicable.

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

1990-2003:

- August 1999 – Bishop David Bowden established a committee to put in place diocesan procedures to receive charges of sexual harassment under a Protocol presented in draft form at Synod in 1998.
- October 1999 – A Committee was appointed to oversee the implementation of the draft Protocol. Neither the Bishop nor the Chancellor were part of the Committee.

- Meetings focused on the procedure, and accompanying documentation.
- Training in the procedure then took place over a number of years, setting in place "Initial Contact Persons" who were to act as the first port of call for complaints. Complaints were then to be dealt with by the Committee.
- 2001 – Synod formally adopted the Protocol (Appendix S)
- Reports were provided to Synod on at least two occasions. A resolution in relation to the work of the Committee was passed at Synod in 2002.
- In 2002 it was reported that the Committee continued to meet training members of parishes to act as Initial Contact Persons to receive any complaints of sexual harassment, and to publicise the Protocol. Training was held in various centers around the Diocese and brochures were distributed explaining the protocol and listing the initial contact persons.

2004-2013:

A report to Synod in 2004 states that the new bishop had disbanded the local committee and announced that the Diocese would adopt the Power and Trust in the Church Protocol for responding to abuse and harassment in the Church and that complaints would be handled in the Diocese of Bendigo by the newly established Professional Standards Directorate of the Diocese of Melbourne.

Clergy, staff and Parish Council training in;

- Joys and Responsibilities of being a Christian in this Parish: Code of Practice for Congregations (Appendix G)
- Faithfulness in Service (Appendix F)
- Holy Safety Training for Church workers and parishioners

2013-today:

Clergy training and information meetings at Senior Staff and deanery (all clergy involved in smaller groups) for the following;

- Safe Church Policy and Training
- Information sessions with the Director of Professional Standards
- Safe Church Policies (Appendix H)
- Information pamphlets on legislation and mandatory reporting requirements
- Findings of Victorian Parliamentary Inquiry distributed
- Information sharing at annual Clergy Conference and Clergy Retreat meetings
- 'Being Together' General Synod statement on parishioners responsibility (Appendix T)
- Sample Parish Council Covenant (Appendix U)

Disclosure and response

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

1999 – 2003

Sexual Harassment Procedures required complaints/reports to be made by the initial contact person to the Sexual Harassment Advisor.

2004 – today

Clergy, lay or members of the public making complaints are directed to the Director of Professional standards (DPS) via a 1800 number. If the complainant contacts the Bishop or Registry they are referred to the DPS and the person notifies the DPS of a pending complaint.

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

No allegations

b. the information was disclosed in the context of a 'confessional'.

No complaints.

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

1990 – 1992

Complaints were received by the bishop who informed the perpetrator.

1992 – 1995

Diocese in Administration

1995 – 2004

Complaints were made to the Bishop. In 1998 the Diocese appointed a Sexual Harassment Advisor who notified perpetrators.

2004- today

The process independently managed directly by the Director of Professional standards appointed through the Diocese of Melbourne

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

1990-2003

Managed through the office of the bishop

2004-today

Independently managed directly by the Director of Professional standards appointed through the Diocese of Melbourne. Diocesan Bishop and/or Registrar can assist in identifying pastoral carers in the complainants and/or perpetrators local area. Diocese pays for counselling.

In 2017 the handling of professional standards matters, including the responsibilities listed above, will pass to the new independent company.

Investigation

32. Investigating allegations of child sexual abuse.

1990 – 2003

No allegations that the Diocese is aware of were notified.

2004 – today

Independently managed directly by the Director of Professional standards appointed through the Diocese of Melbourne.

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

1990 – 2003

No perpetrators that the Diocese is aware of.

2004 – today

No reporting of alleged child sexual abuse relating to licensed and officiating clergy in the Diocese of Bendigo in this time.

Discipline

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

Clergy Manual	Various editions	2005 – today	
Parish Administration Act	Various editions	1988 revised 2016	(Appendix E)
Joys and Responsibilities for Parishioners		2006 – today	(Appendix G)
Faithfulness in Service for Church Workers		2006 – today	(Appendix F)
Safe Church Policy		2014 – today	(Appendix H)
Child Safe Policy		2016	(Appendix R)

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

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

1990 – 1999 Allegations referred to the bishop

1999 - 2003 No disciplinary proceedings undertaken

2004 – today No allegations known

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

1990 – 2003 No disciplinary proceedings undertaken

2004 – today No disciplinary proceedings undertaken

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

Church law offences relating to child sexual abuse are covered by the *Ecclesiastical Offences Act 2000* (“the Act”). This is an act of the Bendigo Synod, made pursuant to powers conferred by the Constitution of the Anglican Church and the *Offences Canon 1962*, a canon of the General Synod of the Anglican Church.

The Act establishes a diocesan tribunal, which by virtue of section 9 has the power to hear charges brought against “a person licensed by the Bishop or any other deacon or priest resident in the Diocese”. Section 9 contains a list of offences which may be the subject of charges, and those relevant to child sexual abuse are:

“(b) unchastity;

...

(f) conviction of a criminal offence that is punishable by imprisonment for twelve months or upwards;

(g) conduct disgraceful of an ordained member of the Anglican Church of Australia and productive or likely to be productive of scandal or evil report; or

(h) an offence involving sexual misconduct.”

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

The Ecclesiastical Offences Act does not specify the standard of proof required. As the Tribunal has not sat in living memory, it is not possible to say what standard of proof has been applied. However, the usual standard of proof before disciplinary tribunals is that there must be a “reasonable satisfaction on the balance of probabilities” before a charge is proved.

The new Professional Standards Uniform Act 2016 adopted by the diocese states the level of proof in Section 84 as:

Level of Proof

- (1) The standard of proof for the Board and the Review Board to establish an allegation is that of reasonable satisfaction on the balance of probabilities.
- (2) Each of the Board and the Review Board must in acting as provided in subsection (1) scrutinize evidence with greater care if there is a serious allegation to be established, or an inherent unlikelihood of an occurrence of a given description or if there are grave consequences that would flow from a particular finding.

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.

The Diocesan process relating to resolution of claims for financial compensation includes engagement, negotiation, mediation and counselling in addition to financial redress, an apology from the bishop is a usual part of the practice.

The diocese is awaiting the outcome of current discussion with the Victorian State Government in relation to redress in future and is cognizant of the recent paper on redress from the Royal Commission.

The diocese has taken significant notice of the recent Commonwealth Government announcement on redress and is awaiting further details.

The Diocese has never used the Ellis defense in its negotiation in relation to redress.

Risk management

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

This is undertaken by the Office of Professional Standards. The diocese understands the level of detail in notifications is sufficient.

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

1990 – 2012

Informal oversight of the ‘offender’ by Parish Rector and/or Parish leaders as discussed and agreed between the Bishop and Rector this included placing conditions and restrictions in regards to attending church services and/or parish events.

2013 – today

Detailed MOUs agreed between the Bishop, Parish Rector and Leaders and the ‘offender’ detailing terms and restrictions of participating in the Parish and regular follow-up/review between parties. Risk assessments (physical environment and offender’s suitability to rehabilitate and participate) completed based on severity of offences. The MOUs are established and drafted by the Director of Professional Standards.

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

1990- today

Only through informal networking and awareness through Diocese/Parish leadership.

All parishes are required to display in a prominent position the 1800 number for the Professional Standards Director regarding complaints in relation to church workers and volunteers. The notice is also repeated in all diocesan magazines and publications encouraging people with concerns to contact the Director of Professional Standards by the 1800 access.

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.

There are requirements in the Diocesan Acts of Synod and the Parish Administration Act particularly to declare conflicts of interest.

A Churchwardens pack was developed and distributed to parishes from January 2016 and clearly establishes procedures for conflict of interest.

The office of the bishop is kept clearly separate from matters pertaining to professional standards.

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)

Paper based case files

b. nature of the information contained in the records, including what information, if any, is routinely recorded, and how consistently the information is represented across all records

Information is not consistent across the files. Each file may contain formal complaint, solicitor's correspondence between Bishops/ Complainant/solicitors/respondents etc., file notes from meetings, medical reports, settlements etc.

c. maintenance and archiving of records.

Hardcopy of files are stored in a locked filing cabinet in a secure 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

Bishops letter of good standing when requested by other Bishops (Appendix L). All known Bendigo Diocesan matters are on the Victorian DPS Register and National Clergy Register which is available to other Diocesan Bishops

b. other Anglican dioceses outside of Australia

Bishops letter of good standing when requested by other Bishops

c. the General Synod

All known Bendigo Diocesan matters are on the National Clergy Register managed by the General Synod Office

d. other faith-based institutions

Bishops letter of good standing when requested by other faith based organisations.

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

No requests

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

This information sharing within the Diocese has been managed by the Bishop and/or Director of Professional Standards.

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

This information sharing outside the Diocese has been managed by the Bishop and Director of Professional Standards and the National Register.

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.

No inquiries into the Anglican Diocese of Bendigo for instances or allegations of child sexual abuse.

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

2013-2014

Professional Standards Review conducted by independent solicitor into all the clergy files to review initial clearance, ongoing performance in their role and revisiting any known 'matters' to determine how each was managed. A report was drafted to the Diocese on the current position regarding all current and former clergy, known matters and recommendations for improvement in a range of areas.

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.

The independent internal review recorded on a spreadsheet all the known professional standards matters which included child sexual abuse.

No other statistical information collected or collated.

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

No involvement

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.**

The current Bishop is chairing the Professional Standards Working Group which is the group charged by Provincial Council to put in place the new Victoria wide Professional Standards framework from early 2017. The Working Group has undertaken extensive consultation with the Victorian Government on a range of matters to do with professional standards and redress.

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

The Diocese is not aware of any matters at this point.