

SCHEDULE A

THE ANGLICAN DIOCESE OF MELBOURNE

1. The date the Diocese was established.

1. The Anglican Diocese of Melbourne (**the Diocese**) was founded in 1847.

2. The Province in which the Diocese is located.

2. The Diocese is located in the Province of Victoria.

3. The current number of parishes in the Diocese.

3. There are currently 200 Parishes in the Diocese.

4. The approximate number of Church members in the Diocese

4. There are approximately 22,000 Church members in the Diocese.

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

5. 690 clergy

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).

6. The Diocese comprises the unincorporated association of its members and two main legal entities as follows:

Melbourne Anglican Trust Corporation (MATC):

7. The Melbourne Anglican Trust Corporation is a body incorporated under the Anglican Trusts Corporations Act 1884 [[ANG.0147.001.1238 – Anglican Trusts Corporation Act 1884](#)] of the Victorian Parliament. The 1884 Act provides for the formation in each of the Anglican Dioceses in Victoria of a corporate body to hold property on behalf of the Church in the Diocese.
8. The MATC was incorporated under the name “The Church of England Trusts Corporation for the Diocese of Melbourne” on 6 October 1885 (Victorian Government Gazette October 1885 p.2812). The Name of the Corporation was changed to “Melbourne Anglican Trust Corporation” on 8 July 1987 (Victorian Government Gazette G 27 15 July 1987).
9. The present trustees are the Archbishop of Melbourne, the Chancellor of the Diocese of Melbourne and the Registrar of the Diocese of Melbourne, who are ex-officio trustees and are the successors in office of the Bishop, Chancellor and Registrar who were appointed in 1885. There are three other elected trustees,

who hold office until resignation or death.

10. The purpose of the MATC is to hold property on trust for the Anglican Church of Australia in the Diocese of Melbourne subject to any special trusts affected the property. All assets and other property, with a few exceptions are vested in the MATC.
11. The MATC does not have members. The trustees act in accordance with the provisions of the 1884 Act and the Acts of the Synod of the Diocese. The Act provides that the Melbourne Anglican Trust Corporation cannot be wound up, except by Act of State Parliament.
12. The operating entity of the MATC is the Anglican Diocese of Melbourne (ABN 79 866 748 591) which is endorsed by the Australian Tax Office as a charitable institution.
13. The Annual Accounts of the Diocese include the following entities:
 - Operating Fund
 - Bishopric Endowment Fund
 - Bishop of Melbourne Fund
 - Anglican Development Fund
 - Anglican Funds (Endowment, Growth and Yield)
14. The Operating Fund itself consists of the following funds:
 - Anglican Inner City Mission
 - Consolidated Fund
 - Church Expenses Management Fund
 - Church Extension and Development Fund
 - Clergy Pensions Augmentation Fund
 - Motor Vehicle Replacement Fund
 - St James School Lands Trust Fund
 - St Mathew's Church Lands
15. The structure of the Annual Accounts represents historical precedent rather than modern practice with many of the above entities effectively no longer operable.
16. Annual income reported from activities conducted in the name of the Diocese (as distinct from parishes) is circa \$12 million per annum. This includes income for operations, investments and some limited property transactions. The Diocese does not carry any external non-current liabilities.
17. The MATC itself does not complete financial accounts. The trust comprises approx. 715 properties (950 buildings) which in the main are churches, halls and vicarages but includes some commercial and other residential property. There is currently only a limited valuation process in place for this portfolio although its total value for insurance purposes (2013/14) is estimated at approx. \$1.3 billion.
18. In addition to the property holdings, the Diocese benefits from trusts established for general and specific purposes. As at 30 June 2015 the combined total of these trusts was \$108 million. In addition to this a corpus of diocesan

funds is invested totaling \$32.8 million (as at 31 October 2015). This corpus is not held on specific trust but does support a number of internal and external guarantees provided by MATC.

Melbourne Anglican Diocesan Corporation (MADC):

19. The Melbourne Anglican Diocesan Corporation (MADC) was incorporated on 6/10/2015 and was established under the provisions of the Melbourne Anglican Diocesan Corporation Act 2015 [[ANG.0147.001.0790 – Melbourne Anglican Diocesan Corporation Act 2015](#) and [ANG.0147.001.0832 Melbourne Anglican Diocesan Corporation \(Transition and Consequential Amendments\) Act 2015](#)] of the Melbourne Synod.
20. The proposed initial activities of the corporation, in the furtherance of the religious and charitable purposes of the Anglican Church in the Diocese of Melbourne is to be:
 - the nominated ‘employer’ under the WorkCover statutory scheme to clergy and others in the Diocese; and
 - the corporate vehicle by which the Diocese can hold itself accountable to the community for liability that may be incurred as a result of the acts or omissions of those in the service of the Diocese.
21. The establishment of this entity and its purposes is in the course of implementation and as such no assets have yet been assigned although it is intended that a range of assets may be assigned in addition to suitable cash flows to allow the entity to fulfill its statutory and fiduciary obligations, including but not limited to suitable insurance cover and a guarantee from MATC for \$5m. An actuarial study is presently in the course of completion which will assist in the determination of asset backing and solvency.
22. Provisions within the enabling Diocesan legislation allow for the expansion of the functions of MADC and for the assignment of assets and cash flows into the future as required.
23. At present the Company, whilst registered is not active and accordingly has no assets or revenues.

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

24. All property real or otherwise, with very few exceptions is held in the name of the Melbourne Anglican Trust Corporation (MATC) including the real or other property of parishes within the Diocese. Unless particular property is held on special trusts which may include parish purposes, the property is held in trust for the Church generally in the Diocese.

Governance of the Anglican Diocese of Melbourne

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:

25. a. Archbishop
- 1990-1999: Archbishop Keith Rayner AO
 2000-2005: Archbishop Peter Robert Watson
 2006-present: Archbishop Philip Leslie Freier
26. b. Assistant Bishops
- 1970-1999: Bishop James Alexander Grant AM
 1984-2001: Bishop John Craig Stewart
 1985-1990: Bishop Peter John Hollingworth AC OBE
 1985-1993: Bishop John Warwick Wilson
 1989-1995: Bishop John Bayton AM
 1994-2002: Bishop Andrew William Curnow AM
 1995-2001: Bishop Andrew Reginald St John
 2001-2009: Bishop Stephen John Hale
 2002-present: Bishop Paul Raymond White
 2004-present: Bishop Philip James Huggins
 2008-2014: Bishop Barbara Brinsley Darling
 2015-present: Bishop Genieve Mary Blackwell
27. c. Chancellor
- 1990-2007: The Hon. Clive Tadgell AO
 2007-present: Mr Michael Warner Shand QC
28. d. Deputy Chancellor
- 2002-2007: The Hon John Batt
 2007-present: The Hon Justice Clyde Croft
29. e. Registrar / General Manager
- 1990-1993: R F S Crosbie
 1993-1995: J M Lester
 1996-2001: Ms. Leigh Mackay
 2001-2003: Bishop Andrew William Curnow
 2003-2003: Mr. Sidwell Coombe (Acting)
 2004-2007: Mr. John Alfred McKenzie
 2008-present: Mr. Kenneth Andrew Spackman
30. f. Professional Standards Director
- 2001-2003: Ms. Jane Hendtlass
 2004-2004: Ms. Moira Rayner (Acting)
 2004-present: Ms. Claire Sargent
31. g. Chair of the Professional Standards Committee or similar body

2003-2012: Ms. Angela Were
 2012-present: Mr Daryl Williams QC

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

The Diocese has never employed a Diocesan Solicitor as such. The following persons and entities have had association with the Diocese from time to time in relation to child sexual abuse matters and for other purposes.

Mr. John Emerson – Tolhurst Druce and Emerson
 Mr. Richard McQueen – Minter Ellison
 Mr. Philip Brewin – Nevett Ford

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

1990-2008: Miss Rowena Armstrong AO QC
 2009-Present: Dr Ian Gibson

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

Professional Standards Committee

Mr Daryl Williams QC	Chair
Ms Claire Sargent	Director of Professional Standards
Mrs Pauline Kelly	Member
Ms Christine Withers	Member
Professor Rowan Walker	Member
Mr Denis Shackell	Member
Mr Nick Goodenough	Member

Professional Standards Board

Mr Stephen Wilmoth	President
Mrs Kerry Walker	Member
Bishop Peter Danaher	Member
Mr Anthony Greenway	Member
The Revd Christopher Appleby	Member

Professional Standards Review Board

The Honorable Julie Dodds-Streeton	President
The Honorable David Habersberger	Deputy President
The Revd Dr Charles Sherlock	Member
Mrs. Penny Powys	Member
The Revd Dianne Nicolios	Member
Professor Greg Baxter	Member
Mr Michael Gronow	Member

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

Ex-Officio Trustees:

Archbishop

1990-1999: Archbishop Keith Rayner AO
 2000-2005: Archbishop Peter Robert Watson
 2006-present: Archbishop Philip Leslie Freier

Chancellors

1990-2007: The Hon Clive Tadjell AO

2007-present: Michael Shand QC

Registrars

1990-1993 R F S Crosbie

1993-1995: J M Lester

1996-2001: Leigh Mackay

2001-2003: Bishop Andrew William Curnow AM

2004-2007: John Alfred McKenzie

2008-present: Kenneth Andrew Spackman

Elected Trustees:

1990-2001: Bishop James Grant AM

1990-1995: Colin R Neave

1996-1997: J D B Wells

1997-present: Beryl I Coombe OAM

2001-present: Rowena M Armstrong AO QC

1999-2008: The Very Revd David Richardson

2009-2011: Bishop Mark Burton

2012-present: The Very Revd Dr Andreas Loewe

<p>9. The current function, composition, and legal status of the:</p>
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36. a. **Bishop-in-Council or Diocesan Council****Function:**

The *Council of the Diocese Act* [[ANG.017.001.1256 – Council of the Diocese Act – 2007 Consolidation](#)] outlines the following:

37. In matters pertaining to the temporal affairs of the Church the Bishop shall be assisted by a Council to be constituted as hereinafter mentioned and in all such matters he shall act with the consent of the said Council.

Council of the Diocese Act s.2

38. The Council shall have power to make Rules and By-Laws for the regulation and conduct of its business not inconsistent with this Act and from time to time alter and amend the same. Council of the Diocese Act s.16A

39. The Council may delegate any portion of its powers to Committees consisting of members of the Council or of persons of whom at least two are members of the Council either with or without an obligation to report to the Council but the powers so delegated shall be strictly defined and shall be revocable by the Council at pleasure. Council of the Diocese Act s.17

Composition:

Archbishop Philip Leslie Freier (Chair)

12 Clergy elected by Synod

3 Clergy appointed by the Archbishop
 12 Laity elected by Synod
 3 Laity appointed by the Archbishop

Legal Status:

40. The Council of the Diocese was established by the 1877 Act of the Synod to assist the Bishop. The Council is convened by the Archbishop and is designed to be the Archbishop's advisory Council, not to act in a managerial, administrative or entrepreneurial role, but to assist the Archbishop on matters upon which the Archbishop seeks advice.
41. It follows that the Archbishop is not a member of the Council.
42. The Archbishop cannot act on temporal matters without the consent of the Council. The concept of temporal affairs of the Church is undefined, although it can be said to include most (if not all) matters of a financial nature and matters concerning property and does not include, for example, purely spiritual matters of faith or doctrine or the licensing of clergy.
43. The Council is legislatively required to meet at least 6 times a year and has a quorum of one third of members.
44. **b. Board of Trustees established to manage the real property of the Diocese,**

Function:

45. In pursuance of the Act of the Parliament of Victoria No. 797/1884 –

The corporate body of Trustees known as The Church of England Trustees Corporation (name changed to "Melbourne Anglican Trust Corporation from July 1987), and constituted by resolution of the Church Assembly in accordance with the above-mentioned Act of Parliament and with "The Trustees and Vestries Act 1885" shall be and remain a Corporate Body of Trustees for the purpose of holding property in trust for the benefit of the Church of England within the Diocese of Melbourne. Trustees Act s.4(1)

Composition:

Archbishop Philip Leslie Freier
 Mr Michael Warner Shand QC
 Mr Kenneth Andrew Spackman
 Miss Rowena Armstrong AO QC
 Mrs Beryl Coombe OAM
 The Very Revd Dr Andreas Loewe

46. Legal Status:
 Act of the Victorian Parliament:
 Anglican Trusts Corporation Act 1884 (Act No. 797/1884)
 Diocesan Legislation:
 Trustees Act 1910 [[ANG.0147.001.1265 – Trustees Act 1910](#)]

47. **c. Synod of the Diocese of Melbourne.**

Function:

48. The Synod is a gathering of the clergy and lay representatives of the Diocese with the Archbishop to make decisions about the corporate life of the Church in Christ.
49. Synod governs the corporate life of Anglicans in Melbourne and the relationship of the Diocese in the Anglican Church generally and in some respects with the wider society.
50. Synod members elect Archbishops, most members of the Council of the Diocese, other diocesan committees, and representatives on wider church bodies.
51. Synod also makes decisions in many important areas such as:
- Establishing how clergy are appointed to – and removed from – parishes and how parishes function in terms of their finances, property and office-bearers;
 - Ensuring children and vulnerable people are protected in church and church-related activities;
 - Promoting, enabling and resourcing our mission;
 - Monitoring and reviewing diocesan finances and budgets, and the oversight of diocesan property; and,
 - Encouraging and sometimes implementing changes in areas such as who can be ordained and in ecumenical relationships.
52. Synod also comments on issues and concerns in Australian society from a Gospel perspective, such as the environment, marriage and family life, education and refugees.

Composition:

President:	Archbishop Philip Freier
Ex-Officio Members:	
Chancellor:	Mr Michael Warner Shand QC
Deputy Chancellor:	The Hon. Justice Clyde Croft
The Advocate:	Dr Ian Gibson
The Registrar:	Mr Kenneth Andrew Spackman
House of Clergy:	360
House of Laity:	405

Legal status:

53. The Synod has its legal basis in the Church of England Act 1854 of the Victorian Parliament, which provides that Acts, resolutions and regulations of the Synod that are within its competence to make, are binding on the members of the Church if they are agreed by the clergy and laity and assented by the Archbishop.
54. The Synod is sometimes described as the Church's 'parliament'. Synod conducts

its business on a model based on the Westminster parliamentary system, similar to that followed by Australia's federal and state parliaments. Each Synod is elected for a term, usually of three years. Meetings must be held at least annually (except where there is no Archbishop in place), and generally are held over a 4 day session on October each year. Occasionally additional meetings (special Synods) are called for specific purposes.

- 10. An overview of the responsibilities, theological training, qualifications, licensing, and employment arrangements of:**
- a. Deacons**
 - b. Priests**
 - c. Bishops**
- in parish ministry and any variations if appointed to other forms of ministry in the Diocese.**

55. The Anglican Church of Australia adopts the longstanding Canon Law position of the Church of England in relation to the fundamental requirements for ordination.
56. All persons ordained to any of the three Orders of Deacon, Priest or Bishop must be a baptised Christian and Confirmed (or episcopally received) member of the Anglican Church. No person can be considered for ordination as Deacon until attaining the age of 23 years, and no person can be considered for ordination as Priest until attaining the age of 24 years. It is not possible to be ordained both Deacon and Priest on the same day without special dispensation. The normal period of time between ordination as Deacon and Priest in the Diocese of Melbourne is ten months. Ordinations of Deacons normally take place in February each year, and as Priest in November. To be considered for ordination as Bishop, a person must already be ordained as Deacon and as Priest, normally for a period of ten years, and have attained thirty years of age.
57. The academic, formational and character qualifications for ordination are the same for Deacons, Priests and Bishops, all of whom commence ordained ministry at the point of being ordained Deacon. The minimum academic requirements for ordination are equivalent to four years study at undergraduate or postgraduate level. Typically this takes the form of a Bachelor of Ministry or Bachelor of Theology, a combined undergraduate degree, or postgraduate award such as Master of Divinity.
58. In preparation for ordination, candidates undertake ministry placements, working under the supervision of an experienced person, during the period of their candidature. A program of formation, involving weekly chapel services, group reflection and other activities, as well as mentoring and spiritual direction, is also a feature of candidacy. The academic study, ministry placements, and ministerial formation programs are administered by the training college. In addition to this, candidates undertake one unit of Clinical Pastoral Education, administered by qualified instructors. This generally requires being placed in the pastoral care department of a major hospital for a period of twelve weeks. Those who are seeking to be considered for positions as school chaplain will usually also complete a teaching qualification at a recognised University.

59. As candidates prepare for ordination, ministry placements are arranged for them in conjunction with the Director of Theological Education. The candidate must be nominated to take up the position by the vicar (senior priest) of the parish concerned, if a parish; by the Chairperson and / or Chief Executive Officer of the organisation in the case of an agency or hospital etc.; and by the School Principal and / or Chair of the School Council if a school. The nomination is supported by three office bearers. In order for the nomination to proceed, the Archbishop must approve it and agree to issue a license giving the candidate authority to exercise ministry in that context after ordination. If a candidate is unable to be nominated and licensed to a ministry position, ordination cannot proceed.
60. All newly ordained Deacons commence employment as Assistant Curates, working under the supervision of another experienced cleric, who has completed a diocesan administered course in Supervision Training (which must be renewed every two years in order to be kept current).

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

61. **a. the name of the entity**
Melbourne Anglican Diocesan Corporation ACN number 608 584 489.
62. **b. the date of incorporation**
6th October 2015
63. **c. the mode of incorporation,**
A company limited by guarantee, incorporated under the *Corporations Act 2001*.
64. **d. any assets held by the corporation.**
The company and its activities are presently in the course of being implemented. As such no asset or activity transfer has yet taken place, nor has the company commenced operations. This will occur throughout 2016 and will be informed by an actuarial study presently being completed which will provide a view as to the potential liability that the company will inherit and thus the asset backing and cash flows that are required in order to fulfill its statutory obligations.

The Church of England Boys' Society (CEBS)

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

65. **a. legal, financial, and/or administrative relationship**
The history of the Church of England Boys Society (CEBS) within the Anglican

Diocese of Melbourne can be traced to a founding motion to Synod in 1913 which simply read “*That a Society for boys between the ages of 14 and 18 be formed along the lines of C.E.M.S*” (Church of England Men’s Society). A subcommittee was formed for this purpose, giving rise to a Constitution, which was adopted sometime in 1914.

66. The CEBS Melbourne Constitution [[ANG.0147.001.0062 – Constitution of Anglican Boys Society – Diocese of Melbourne and ANG.0147.001.0076 – Appendix A – The standard of uniform – The Anglican Boys Society](#)], which has been progressively, amended over its lifetime notes that CEBS – The Anglican Boys Society – Diocese of Melbourne is an integral part of and exists under the National Constitution of CEBS [[ANG.0147.001.0065 – Constitution, Appendices and By-Laws – CEBS \(Australia\) Incorporated](#)] – The Anglican Boys Society of Australia.
67. The Objects of the Society are:
- a) to bring boys and young men to commit themselves to Christ and His Church;
 - b) to help young churchmen to realise their privileges and responsibilities as disciples of Jesus Christ;
 - c) to band them together for Christ and His Church;
 - d) to promote opportunities for spiritual, mental, physical and social development;
 - e) to encourage them to live according to their Rule of Life.
 - f) to assist the local churches to reach out the families and friends in the community.
68. The CEBS Rule of Life, itself modify over the years is as follows:
- I will try with God’s help,
through Jesus Christ,
to learn about Him,
pray to Him, read his word and worship Him,
and bring others to know Him.*
69. CEBS Melbourne is not legally distinct from the Diocese, with the exception of the CEBS Community Services Trust [[ANG.017.001.0077 – Trust Deed – CEBS Community Services Trust](#)] which was established in 2003 to provide for the relief of poverty, suffering, distress, misfortune and helplessness of children, young people, adults and families.
70. This trust appears to have benefited from the proceeds of sale from time to time of the Church of England Boy’s Society Hostel and Probation Scheme and the Church of England Boys Society Farm Training Scheme assets which included Training Farms known as St Hubert’s, Yering, “Burton Hall” Tatura, “Molloy House” Canterbury, “Shrublands” Canterbury, “Mountain View” Romsey, “Fernhurst” Surrey Hills and “Ruthven Hostel” Reservoir.
71. The CEBS Community Services Trust has separate trustees and is administered on their behalf by Anglicare Victoria.
72. Aside from the above, the remaining assets of CEBS Melbourne are vested in

the Melbourne Anglican Trust Corporation and in the main consist on a campsite at Woori Yallock which is known as “Camp Bindaree” and a small corpus of investment funds.

73. **b governance arrangements**
The Constitution of CEBS Melbourne sets out the membership and participation criteria and the general organisational structure of the entity.
74. CEBS Melbourne Society is controlled by a General Executive elected by the Annual General Meeting. The Archbishop is the President of CEBS Melbourne and the Assistant Bishops are members of the Diocesan Council of CEBS Melbourne.
75. Presently CEBS Melbourne consists of approx. 6 branches and its main activities are the operation of the campsite “Bindaree” as a camping facility and the provision of grants for branch and other activity within the Diocese.
76. Administration of finances, grants and branch activity is overseen by the General Executive as is the use and maintenance of the Woori Yallock camp site, via a camp management committee. Investments held by CEBS Melbourne are invested in Anglican Funds and the Anglican Development Fund which are services provided by the Diocese. Matters to do with the strategic development or use of the property would involve the approval of the Diocese and matters of Professional Standards would involve the Office of Professional Standards.
77. At a local branch level, the activities are administered as a ministry activity of that parish. In this respect they would be governed by the Parish Governance Act 2013 [[ANG.0147.001.1272 – Parish Governance Act 2013](#)] in respect to accountability to the Vicar, Church Wardens and Parish Council.
78. **b. staffing arrangements, and**
CEBS Melbourne is now a volunteer organisation with no paid staff. In an earlier guise CEBS Melbourne operated a small office of 3 /4 persons. Sections 8 – 12 of the Constitution set out the organisational structure at a local parish level. Given that the CEBS Leaders are approved and appointed by the Incumbent or Priest in Charge, they are ‘church workers’ under the Professional Standards Act 2009 and subject to the provisions of that Act.
79. **c. record-keeping and archiving arrangements.**
Until 2014, CEBS Melbourne maintained its own records, consisting in the main of photographic history of the various campsites and of Yearbooks produced by CEBS. In 2014, in anticipation of the commissioning of a purpose built archive facility and to better secure the records of CEBS, all records were consolidated into Diocesan care.
80. Whilst these records have been consolidated they are yet to be fully catalogued and recorded for archival purposes. This process will commence with the commissioning of the new Diocesan Archive in January 2016. What is known, through prior investigation is that the detail as to individual attendance

at the various camps run by CEBS is generally not held, although some information can be gleaned from photographic records should they exist.

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.

81. The relationship of CEBS to the Diocese is outlined above. Details of the training activities and policies are scant, although the official history – 1913 to 1998 [[ANG.0147.001.0099 – Fifty Years On – A History of CEBS Melbourne – 1939 - 1988](#)] details the existence of a Leader Training Committee and of various Leader Training Certificates as well as annual Leader Training weekends dating back to 1937.
82. The CEBS Melbourne history records a strong interest in sporting codes, particularly Athletics and Basketball, as well as camping and residential hostel and associated services provision.
83. In 1965, the CEBS campsites at Frankston (purchased 1932) and Woori Yallock (purchased 1960) and Taylors Bay Lake Eildon (purchased 1960) were in use as well as periodic Adventure Camps involving camping trips to locations which allowed for adventure or endurance activities.
84. Farming activities continued although in 1967, the Farm Training Scheme at “Burton Hall” Tutara was curtailed, but the farm retained and the income from it used to support a Hostel for Probation Boys established at Maling Road Canterbury. This establishment later became known as “Molloy House” and was in association with the St John’s Home for Boys and Girls. The aim of these hostels was to assist, train and rehabilitate youths between 15 and 21 years through (a) hostels and (b) a Guild of Helpers.
85. In respect to CEBS camping activities, in 1967 a small group was formed to prepare and conduct courses for leaders wishing to take small groups camping under canvas.
86. In 1968, the training program was enhanced by the completion of the CEBS Manual, described as providing a broad panoramic of all aspects of the Society and a most useful book for a new leader.
87. By 1969, the CEBS Melbourne Constitution had been amended to provide for the Hostel and Probation Scheme. “Shrublands”, a second hostel at Surrey Hills was functioning in association with St John’s Homes and another small farm “Mountain View” was purchased, adjacent to “Burton Hall” at Romsey. A Committee was appointed to consider the future of the Frankston Camp continued its work. Woori Yallock had also been enhanced to cater for indoor camps for younger boys.
88. 1970 perhaps marks a turning point in CEBS popularity with records suggesting

for the first time that membership numbers were falling. The year book records a National Leader Training Manual as being signed off by National Leader Training Officer, Mr. R Eastwood. The CEBS Hostels provided a valuable community service. Shrublands housed 12 boys and undertook counselling services for residential and non-residential clients. During 1972, 25 boys had been accommodated and 98 placed in nearby private board.

89. By 1972, adventure camping activities included canoeing, rock climbing and hiking. Due to lack of use, it was decided to sell the Taylors Bay Lake Eildon property. In 1973, the Leader Training being offered was Stage 1 and 2 Certificate courses. The Farm Training Scheme was renamed "The Church of England Boys Society Community Services Foundation" to better reflect the more modern nature of its work.
90. In 1974, a new Hostel in Reservoir (Ruthven Hostel) was purchased and provided accommodation to 6/8 boys. In 1975 a Diocesan conference on the effectiveness of youth work recommended the establishment of an Anglican Resource Centre and the dis-establishment of CEBS. It was agreed to take a recommendation to the next Diocesan Council meeting of CEBS. These recommendations were rejected at the Council meeting held in 1976. In 1977 a new set of criteria for the appointment of camp leaders was approved and it was agreed to have women leaders on camp provided that suitable accommodation could be provided. In 1978, 5 lots adjoining the Frankston Camp were put up for sale to assist in meeting the costs of the redevelopment thereof. These lots were eventually sold in 1983. The Hostel at Shrublands was closed and consideration given to re-locating to the west suburbs. This decision was followed in 1979, by a similar decision regarding "Molloy House" in Canterbury with this property being sold in December of that year.
91. In 1980, a further review of the Community Services Trust lead to a decision to further restrict CEBS hostel activities to just two hostels in at Ruthven and the relocated Molloy House, but also to allocate sufficient funding to St John's Homes to administer these properties for three years. The Molloy House hostel was relocated to an alternate property in Brunswick.
92. In 1981, extensive research revealed that the Frankston camp was losing its appeal, due to the changed nature of camping (now more under canvas) and because of the proliferation of other camp sites and changes in schools policies. A decision was made at the AGM to sell the Frankston property, although in 1983, the property was in fact leased for two years as temporary housing for the Worawa Aboriginal Secondary School. On the 28th May 1982, the Community Services Foundation opened the new Brunswick Hostel which replaced the Surrey Hills property.
93. In 1984, with strong interest in the Frankston property, it was listed for sale and sold to Australian Retirement Communities Pty Ltd. In July 1986, a separate Camp Bindaree management committee was formed and in 1987 the former VAYC camp site at Kinglake West began to be used more extensively for camp activities.
94. In 1986, much work was undertaken to establish the Community Services Foundation Youth Welfare Trust as a means of attracting donations for the

community services work on the basis of tax deductibility. This would continue to support the work of the Brunswick and Broadhurst Homes. The Trust was finally established and launched in 1988. By 1991, the State government had begun to fully fund the welfare work, leaving the trust to upkeep and maintain the properties. A name change for the Foundation to "CEBS Community Care" is approved. That same year the lease on the property at Kinglake West is relinquished.

95. In 1992, plans are well advanced to replace the accommodation at Camp Bindaree and Holmseglen TAFE is approached to resource the project. This project was completed by mid-year. Utilisation of the camp is low during this period.
96. By 1993, the reduced returns on investments meant that reoccurring income was no longer covering the upkeep and maintenance costs for CEBS Community Services, although there was still strong demand for their counselling and other services.
97. In 1996 / 1997, CEBS Community Care merged with Meridian Youth and Family Counselling Service's and in that same year, the Synod of the Diocese of Melbourne authorised the merger of three agencies, Mission of St James and St John, Mission to Streets and Lanes and St John's Homes for Boys and Girls to form an entity by incorporation called Anglicare Victoria.
98. In 2000 Anglicare presented a paper to the CEBS Executive on the work of Anglicare and Meridian. By 2002 a decision was made to integrate the management of financial investments and to transfer the ownership of Brunswick and Broadhurst (Reservoir) properties to Anglicare so as to establish an independent trust to hold the assets presently held by the CEBS Community Services Trust and the Community Services Foundation. In 2003 CEBS curtailed the operation of their central office and determined to commence a grant funding scheme. By 2004 only two metropolitan branches existed, but by 2010 this had again risen to ten. The present number of CEBS branches is six.
99. From the early 1990's the work of the Diocese generally on sexual abuse and professional standards matters influenced the work of CEBS. From 2003, with the introduction of the Power and Trust protocol, any complaints in respect to abuse were covered by the protocol. The Code of Good Conduct from 2003 applied to ordained leaders within the CEBS environment and the 2009 Professional Standards Act enshrined the expected behaviors and systems that apply to all CEB's leaders.

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.

100. Schools within the Diocese of Melbourne are permitted, through historical precedent to use the name 'Anglican' in their title. Often this is expressed as being 'a school in the Anglican tradition'.

101. Many of the schools were formed through the efforts of Anglican forefathers and have over time become separately incorporated with constitutional provisions for the approval of certain Board appointments and / or with the Archbishop as 'visitor' to the school. Such arrangements are usually embedded within the provisions of the schools constitution and can differ from school to school.
102. There is no formal arrangement governing the use of or fee levied for use of the title 'Anglican', nor any financial arrangements between the schools and the Diocese, with the exception of Hume Anglican Grammar, a Diocesan school operated by the Anglican Diocesan Schools Corporation Ltd (ADSC). The ADSC was established in 2005 for the purpose of establishing low fees Anglican Schools, with Hume Anglican Grammar being the first such school established in 2008.
103. The ADSC is separately incorporated but has a constitutional and financial relationship with the Diocese. It is also the single member of Hume Anglican Grammar Ltd which operates the school site in Craigieburn.

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

104. **a. any para-church Diocesan youth groups, such as the Crusaders or Youthworks**
- There are two para-church Diocesan youth groups being (1) Church of England Boys Society (CEB's) and Girls Friendly Society (GFS), both continue to exist as remnant structures of an earlier time of much greater activity.
105. The Church of England Boys Society remains as a ministry of the Diocese, albeit that its level of activity is significantly diminished and for many years has supported approx. six CEB's branches (i.e.: parish groups), operated a campsite (Camp Bindaree) and provided grants to youth activities.
106. The Girls Friendly Society is a separately incorporated entity within the Diocese of Melbourne and operates largely as a grant funding body, providing funds for activities that relate to its purposes via application and by supporting some paid staff roles.
107. **b. Anglicare, or entities known as Anglicare**
- Anglicare Victoria was incorporated to become its own legal entity in 1997
108. **c. Anglican schools**
- All schools associated with the Anglican Diocese of Melbourne are listed [\[ANG.0147.001.0166 – Anglican Schools within the Diocese of Melbourne\]](#).
109. All schools are separately incorporated and operate independently of the Diocese. A variety of constitutional connections remain for some schools in respect to the confirmation of appointments to the Board and / or School Council and to constitutional changes. The Archbishop enjoys the role of visitor at many of the schools however this is largely confined to ceremonial duties.

110. The Diocese has incorporated a separate entity the Anglican Diocesan Schools Corporation Ltd (ADSC), which presently operates one low fees school – Hume Anglican Grammar Ltd. These two entities have a closer relationship with the Diocese despite remaining separate legal entities. For example the ADSC leases the land from the Melbourne Anglican Trust Corporation (MATC) upon which Hume Anglican Grammar is situated.
111. The ADSC has in addition to the lease obligations, borrowing from a Diocesan entity to assist with the development of the Hume campus and this inter-related party borrowing is guaranteed by the MATC.
112. Other schools have use of MATC owned land, such as Christ Church Grammar South Yarra, Brighton Grammar School and Shelford Girls Grammar.
113. **d. any Anglican-run or affiliated children’s homes.**
The incorporation of Anglicare Victoria meant that they assumed control for the Anglican affiliated children’s homes within the Diocese. Since incorporation, Anglicare has borne responsibility for addressing historical abuse issues associated with these institutions.

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

114. Across the Diocese a wide variety of youth and children’s activities occur in the context of Parish activities. Whilst it is for each parish to determine its ministry objectives and activities through Mission Action Planning, the activities which are incorporated in such plans and form the base of ministry activity within that locality are considered to be an outreach of the broader Diocese. Parishes within the Diocese of Melbourne are not legally separate from the Diocese itself and are subject to the governance and regulation of the Diocesan Synod, itself a representative body of the parishes and other activities that are the Church in Melbourne and Geelong.

Theological perspectives

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

- a. marriage of clergy**
- b. celibacy, and**
- c. homosexuality.**

115. The principle outlined in the Clergy Code of Conduct (Code of Good Practice) (as updated in August 2010) [[ANG.0147.001.0493 – Code of Good Practice for Clergy – August 2010](#)], is that ‘clergy will maintain a commitment to faithfulness in marriage and the ideal of chastity in singleness’ (3.7). This principle, which arises out of extended conversation and interaction within the global Anglican Communion, culminating with the resolution of the 1998 Lambeth Conference of Bishops (below), informs inter-personal relationships for both single and married clergy.
116. At the 1998 Lambeth Conference, the international meeting of Anglican Bishops

which occurs every ten years, passed the following resolution concerning sexuality (Resolution I.10):

"This Conference: commends to the Church the subsection report on human sexuality (The Windsor Report); in view of the teaching of Scripture, upholds faithfulness in marriage between a man and a woman in lifelong union, and believes that abstinence is right for those who are not called to marriage; recognises that there are among us persons who experience themselves as having a homosexual orientation. Many of these are members of the Church and are seeking the pastoral care, moral direction of the Church, and God's transforming power for the living of their lives and the ordering of relationships. We commit ourselves to listen to the experience of homosexual persons and we wish to assure them that they are loved by God and that all baptised, believing and faithful persons, regardless of sexual orientation, are full members of the Body of Christ; while rejecting homosexual practice as incompatible with Scripture, calls on all our people to minister pastorally and sensitively to all irrespective of sexual orientation and to condemn irrational fear of homosexuals, violence within marriage and any trivialisation and commercialisation of sex; cannot advise the legitimising or blessing of same sex unions nor ordaining those involved in same gender unions; requests the Primates and the ACC to establish a means of monitoring the work done on the subject of human sexuality in the Communion and to share statements and resources among us; notes the significance of the Kuala Lumpur Statement on Human Sexuality and the concerns expressed in resolutions IV.26, V.1, V.10, V.23 and V.35 on the authority of Scripture in matters of marriage and sexuality and asks the Primates and the ACC to include them in their monitoring process."

Marriage of clergy

117. The Church of England has permitted the marriage of clergy since the first Act of Supremacy in 1534 during the English Reformation. The Anglican Church of Australia understands marriage to be the union of a man and woman to the exclusion of all others, as defined in present Australian law (Marriage Act 1961). The Faithfulness in Service protocol, adopted by the General synod of the national Church in 2004, and revised in November 2011, require married clergy 'to be chaste and not engage in sex outside of marriage' (7.4).

Celibacy

118. The church does not require celibacy of its ordained clergy, however the ideal of 'chastity in singleness' governs inter-personal relationships for clergy who are not married. The Code of Conduct for Clergy (3.8) provides protocols for appropriate conduct in situations whereby it is recognised that a friendship between a cleric and a person with whom they are in a pastoral relationship may develop into something more intimate than a friendship.

Homosexuality

119. The Diocese accepts and affirms Lambeth Resolution I.10 (above), in regards to homosexuality, and is unable to accept or endorse the ordination of those involved in same gender unions. Those of homosexual orientation who are ordained, or who may be seeking ordination, are required to uphold the principle of chastity in singleness common to all non-married clergy.

- 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.

120. The following description of basic beliefs and differences was compiled by Revd. Dr Charles Sherlock, a leading Australian theologian and Executive Officer of the Australian and New Zealand Association of Theological Schools.

What Anglicans Believe

121. Anglicans believe in God. As Christians, Anglicans believe in Jesus Christ, through whom God can be known by anyone. Anglicans also believe in the Holy Spirit of God, whom Jesus promised to give to all who ask. So Anglicans believe in God the Trinity, named in baptism as Father, Son and Holy Spirit.
122. Believing like this is what every Christian tradition is concerned about. Anglicans summarise their basic beliefs in The Catechism (an old word, meaning “what is to be taught”). A current Australian catechism can be found in A Prayer Book for Australia pages 814 – 818 which would be accepted by the vast majority of Christians.

What makes Anglicans different from other Christians?

123. Like other Christians, Anglicans accept the Bible as embracing all that we need to know to be saved from sin, death, and evil, and live Christian lives. Anglicans believe that Christian life involves regular praise and prayer, both private and public, and that Christians must practise what they preach and pray both on Sundays (the day when Anglicans normally gather for worship) and every day, as they seek to live out their worship.
124. Anglicans believe that people become members of God's Church through Baptism, and celebrate the Holy Communion as the meal in which they meet with Jesus.
125. Anglicans accept the major Creeds as expressing their Christian faith: The Apostle's Creed is the statement of faith used in Baptism and Morning and Evening Prayer, while the Nicene Creed is prayed in the service of Holy Communion. (These can be found in any Anglican prayer book.)

What, then, is distinctive about what Anglicans believe?

History:

126. First, a strong sense of history pervades Anglican faith. Most Anglican services of worship use words and customs that blend together the old and the new: As well as reading a fair bit of the Bible in each service, the prayers used come from a range of times and places in the Church's history (including the present). Anglicans have a strong sense that through Christian worship the Holy Spirit joins past, future and present with eternity;
127. Anglican priests are always ordained by bishops laying their hands on the new priest's head, as a sign of passing the responsibility of ministry from one generation to the next. Although much of Anglican history goes back to England, today Anglicans live in many lands, and come from many cultures.

World:

128. Secondly, Anglicans believe in the world. While all too aware of wrong in the world, in people and in the churches, Anglicans believe that God continues to act in every aspect of the universe as we know it. So Anglicans characteristically expect God to be present in daily life as well as in the Church. In England (but not elsewhere) the Anglican Church is deeply involved in the official life of the nation, as the 'established Church'.
129. Anglicans pray regularly for political and community leaders, about the issues of the day, and for people in need, both specifically and generally: They believe that God is involved in every part of daily life. For example, Anglicans believe that Jesus blessed the state of marriage when he performed his first miracle at a wedding, so Anglicans believe that every family enjoys God's blessing, even if this is not acknowledged.

Freedom:

130. Thirdly, Anglicans believe in freedom. With firm roots in the Bible, sacraments, creeds and ordained ministry, Anglicans are in a position to tolerate a good deal of variety about faith and lifestyle. Anglicans welcome anyone who is reaching out to God, and offer the good news of Jesus to all. Different Anglican churches have different ways of doing things, and this is respected, though it sometimes brings tensions. Some examples of this are tensions over the way services are conducted, or how the roles of women and men are understood yet a recognisable ethos pervades all Anglican worship.

One Church:

131. Finally, Anglicans believe that they are part of the whole church one, holy, Catholic and Apostolic. They do not see themselves as the only Christian tradition, but seek to hand on faithfully the Apostolic (genuine) and Catholic (inclusive) faith, being always open to reform, and longing to be one with others who, through the Spirit, confess Jesus Christ as Lord, to the glory of God the Father.
132. The Anglican Diocese of Melbourne does not believe that any differences that might exist theologically or practically are so significant as to impede close

cooperation on important matters such as the exploitation or abuse of the vulnerable within our community, especially children in our care and responsibility.

Ordination and theological training

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

133. The Diocese has a longstanding relationship with two theological colleges – Trinity College Theological School at the University of Melbourne, and Ridley College Melbourne. Trinity College Theological School was established in 1877 and is located on the site of the Trinity College residential college at the University of Melbourne. Ridley College was established in 1910 and is located on The Avenue, Parkville. Ridley College was historically associated with the University of Melbourne, but ceased this association in 2005 when its residential facilities were closed. Trinity College Theological School is affiliated with, and accredited by, the University of Divinity, and Ridley College with the Australian College of Theology.
134. The Diocese maintains a close relationship with both theological schools, both of which are staffed largely by priests holding the Archbishop’s licence, and administered by governance structures that facilitate the involvement of senior clergy at various levels. The Director of Theological Education works closely with the colleges on an ongoing basis and is a frequent visitor to both campuses. Each candidate for ordination in the Diocese is required to undertake formal study at either Trinity College or Ridley College, usually for the full period of candidature, but generally for a minimum period of two years, regardless of any previous theological study undertaken and qualifications gained. Selection Conferences are hosted alternatively by the two colleges, and their Faculty assists in making up the panel on the day.

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.

135. All aspirants for ordained ministry are required to attend a comprehensive Clinic interview of 1.5-2 hours with an (AHPRA Australian Health Practitioner Registration Agency) registered Psychologist. This is in addition to other required interviews by Diocesan staff and Diocesan questionnaires that request relevant information about the aspirant’s personal and professional history, and relevant background checks including a National Police Certificate; and Working with Children Check; their relevant qualifications; and, personal and professional referee reports. Before attending a Clinic interview, all Aspirants complete a required set of validated psychological tests and self-report questionnaires. The Clinic interview has two main components. Firstly, further information on the aspirant’s functioning is sought via:
- (1) A Mental Status Examination i.e. their appearance; attitude and behavior; mood and affect; speech and thought process/content; perception; cognition, insight/self-awareness and personal judgment;

- (2) A review of any previous mental health history, including treatment/therapy with a Psychologist, Psychiatrist, or trained Counsellor; the presenting issues for treatment; and any medication being taken for a mental health condition;
 - (3) Any significant transitional losses for them during their life to date;
 - (4) A brief review of their work and educational history and any issues arising from these.
136. At the Selection Conference Day, the review panel members undertake five individual interviews with each aspirant that addresses their background and outlooks on:
1. Intellect/Education;
 2. Spiritual Formation;
 3. Leadership;
 4. Relationships (with the Consultant Psychologist);
 5. The Bishop's interview.
137. Interviews 4 and 5 include the aspirant's fiancé or partner if engaged or married. Prior to attending the Selection Conference Day panel members receive a set of documents completed by the aspirants attending including their personal history, faith background and account of their faith journey; personal and academic information / transcripts; brief reports from their Vicar and their referees; and, brief reports from diocesan interviews. This document set, together with a summary of the psychologist report is provided to the review panel members for perusal prior to the Selection Conference.
138. At the end of each year, the Consultant Psychologist reviews any recommendations for additions to /changes to the Psychological assessment. The current set, with some minor changes, has been in place since 2009.
139. Prior to this, the Diocese has, for many years, used a range of instruments involving a clinical interview with a registered psychologist. Current instruments include the Kessler 10 (reviewing depression, anxiety and stress symptoms in the previous 4 weeks) and regularly used by GPs referring a patient to a psychologist, and the DASS21, which reviews for depression, anxiety, and stress in the previous week.
140. In 2016, the Garos Sexual Behaviors Inventory will be included in the required set of assessments that are completed by aspirants for their Clinic interview with the Consultant Psychologist. It is an empirically-derived measure that is designed to detect disorders of sexual frequency and control, in relation to what would be regarded as "deviant," "impulsive," "compulsive," or "addictive" sexual behaviors.
141. Its 70 items describe various sexual attitudes and behaviors, including Main scales and Masking scales (which reduce the potential for defensive responding), as well as an Inconsistent Responding index. The GSBI has been validated with sex offenders to identify potentially deviant sexual interests, and inform decisions about intervention and treatment. It can also be used in couples counselling to identify differences in partners' sexual values, feelings,

and comfort levels, where these might be causing conflicts in a relationship. It is also useful in assessing individuals fitting known clinical profiles of people who have difficulty with sexuality; those with drug/alcohol problems; and also victims of sexual abuse.

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.

142. The Anglican Diocese of Melbourne (**the Diocese**) has followed the general framework of the General Synod model professional standards ordinance and policy guidelines on child protection. The Diocese of Melbourne has been fully engaged in the development of procedures and protocols for child protection. We refer to our chronological account of the Diocese’s approach to professional standards from 1 January 1990 to the date of this letter, as set out below.

143. The Diocese is bound by the National Register Canon passed by General Synod, as well as the Special Tribunal Canon.

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.

144. We have completed and attach 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 adopting the national model, not adopting it, or partially adopting it.

145. In summary, the key differences between the model professional standards ordinance and the Professional Standards Act 2009 (Melb) are –

- A complaint based process extending to all forms of abuse, rather than information based process limited to sexual abuse;
- A recast duty of mandatory reporting in certain instances: cf s22 of the Act with s24 of the model ordinance;
- Provisions for suspension of the respondent if there is deemed to be an unacceptable risk, subject to review.
- Clearance for Ministry provisions
- Provision of a Professional Standards Review Board to review determinations of the Professional Standards Board.

146. For specific detail of how the Professional Standards Act 2009 (Melb) was intended to operate, we refer you to the explanatory memorandum for the Act [[ANG.0147.001.0392 – Professional Standards Bill 2009 – Explanatory Memorandum](#)].

- 24. Your views on whether each diocese in Australia should:**
- a. maintain its own, unique professional standards framework**
 - b. agree to and adopt a nationally consistent professional standards framework that is administered by each diocese**
 - c. refer its powers in relation to professional standards to a centrally administered quasi- independent Church body to make decisions on matters such as clergy and Church worker discipline, complaints-handling and redress, with the outcomes of such decisions to be implemented by each diocese, or**
 - d. adopt any other approach for managing professional standards.**

147. We see huge value in uniformity of professional standards legislation for the Anglican Church throughout Australia. We have proposals under consideration to this end and for the establishment of a separate professional standards service company, operating independently of dioceses. We elaborate on this below in answer to question 51.

- 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.**

148. The provisions of s26 of the Professional Standards Act reflect the model ordinance and give the Professional Standards Committee (**PSC**) a discretion to refer a complaint or the investigation of a complaint to an equivalent body in the appropriate case. The provision is discretionary because a prescriptive approach would not respond suitably to the wide range of circumstances that may arise. The Melbourne PSC may refer a matter to the PSC or to the Professional Standards Board of another diocese (s56 of the Act).
149. As a general principle, the diocese which should exercise jurisdiction to hold accountable a Church worker for misconduct is the diocese in which the risk of harm to people predominately arises. That will generally be the diocese whose Bishop has licensed or otherwise authorised the person for ministry where that licence or authority is still in place. A person in holy orders who holds no licence or other authority will ordinarily be dealt with in the diocese in which the person resides.
150. A matter may be transferred because the complainant and or witnesses are all

located interstate and transferring the matter to the relevant OPS in that diocese would ensure that not only the complaint and investigation of the matter is conducted more effectively and efficiently but the appropriate pastoral and psychological supports can be put in place for the complainant and the relevant DPS being able to have face to face contact more easily.

151. The exercise of diocesan jurisdiction places a significant financial burden on that diocese with respect to any necessary investigation and other arrangements. Some see that as fair since it was the Bishop or other office holder of that diocese who granted the licence or other authority which is the subject of the relevant proceeding.
152. The responsibility for financial redress may not however rest with that licensing authority if the misconduct in question took place in another diocese where the person was at the time licensed. In those circumstances, that other diocese may be called on to meet or at least contribute to that financial redress.

Professional Standards in the Anglican Diocese of Melbourne

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.

153. We refer to the chronological table of documents attached and make the following comments by way of overview.
- 1991 - 2002**
154. In 1991 the then Archbishop of Melbourne, the Most Rev Dr Keith Rayner, set up a working group looking into "Sexual Harassment "within the Church. As a result of the work of that group, in 1994, the diocese published a Protocol "Principles and Procedures for dealing with Sexual Harassment" setting out how such matters should be handled. This document is not attached.
155. In December 1999, the Diocese published a Provincial protocol entitled 'Protocol for dealing with Sexual Assault Harassment Complaints' [\[ANG.0147.001.0167 – Anglican Province of Victoria – Protocol for Dealing with Sexual Harassment Complaints\]](#).
156. In 2001 the General Synod of the national Church appointed the Hon. Justice David Bleby to develop benchmarks in relation to protocols and appropriate screening procedures, discipline guidelines and suggested model legislation for dioceses.
157. In July 2001, the Diocese adopted a Code of Good Practice for Clergy.
158. In June 2002, the then Archbishop of Melbourne, the Most Rev Peter Watson appointed Revd Alan Nichols, the then Registrar, Rt Rev Andrew Curnow (now the Bishop of Bendigo) and lawyer Jane Hendlass to review the professional standards processes.

159. In November 2002 the review group headed by Bishop Andrew Curnow published an interim report dated 13 November 2002 entitled 'Review of Diocesan Procedures relating to inappropriate sexual behavior by clergy and Church officers' [[ANG.0147.001.0181 – Review of Diocesan Procedures Relating to Inappropriate Sexual Behavior by Clergy and Church Officers](#)] and made a number of recommendations regarding sexual harassment within the Church. This included the following:
- That the new Protocol for Dealing with Complaints of Abuse in the Church should respond, on behalf of the church, to all complaints of abuse by clergy, church officers, church employees and volunteers who were or have been in a relationship with the complainant;
 - That the new Protocol should be expanded to include appropriate professional and pastoral care for complainants, respondents and the wider Church community. This care should also extend to the professional support of any subsequent clergy to the parish;
160. The review team also recommended:
- Expansion of the Code of Good Practice for Clergy to include Church officers, Church employees and volunteers;
 - Integration of the Code of Good Practice for Clergy, Church officers and Church employees and volunteers with the new protocol for Dealing with Complaints of Abuse;
 - Appointment of a Professional Standards Committee and a Director of Professional Standards as the lynch pin of the new Protocol;
 - Inclusion of procedures for addressing congregational and wider church responses to disclosures of abuse by clergy and Church officers in the revised protocol;
 - Appointment of a panel of professionals to provide services to the Director of Professional Standards;
 - Improved, integrated and coordinated education, training and other methods for reducing inappropriate behavior by clergy, Church officers and Church employees and improving the resilience of potential complainants;
 - Involvement of field committees as presently used for curates in training in all clergy based training and assessment of ethical issues relating to pastoral care; and
 - Mandatory appraisal of all clergy every three years and appraisal of clergy new to the Diocese one year after appointment.

2003

161. In July 2003 following a period of consultation across the Diocese, the review team released a revised discussion paper. The main thrust of the proposed changes was to incorporate the updated version of the Protocol as described into the Code of Good Practice and to expand both the Protocol and Code of Good Practice to apply to Diocesan employees and volunteers as well as ordained clergy and authorised lay ministers.

162. As well, the paper records the desire by other Dioceses in the Province of Victoria to pool resources and to adopt the revised Protocol in each Diocese.
163. By early 2003, the then Melbourne Diocesan Registrar had appointed Dr Jane Hendtless as the first Director of Professional Standards and Ms. Angie Were as the first Chair of the Professional Standards Committee. These appointments were key to implementing the review team's findings and the Protocol.
164. The General Synod Sexual Abuse Working Group chaired by then Justice Bleby delivered its report to Standing Committee of General Synod dated 13 March 2003 [[ANG.0147.001.0247 – Sexual Abuse Working Group – Work in Progress – Report to Standing Committee of General Synod](#)].
165. At its meeting in March 2003 the Standing Committee appointed a working group comprising Bishop Richard Appleby (Brisbane), Mr Phillip Gerber (Sydney) and Dr Jane Hendtless (Melbourne) to undertake further preparation of the National Abuse Protocol in accordance with the principles and structures prescribed by the General Synod. This group was tasked with the development of a national approach to the issue of sexual abuse.
166. Around this time, a report entitled 'Benchmark Principles and Framework for Abuse Protocol' was prepared [[ANG.0147.001.0289 – Benchmark Principles and Framework for an Abuse Protocol](#)].

2003 - Power and Trust Protocol (Melbourne)

167. Around 2003, the Diocese adopted the Protocol, known as Power and Trust in the Church which operated in the Diocese until 2010. As mentioned, the Protocol addressed misconduct constituted by abuse, rather than simply sexual abuse. Abuse was defined as follows –
- “Abuse”** includes physical, sexual, spiritual, financial or emotional abuse, including bullying, and any breach of the Code of Good Practice for Clergy;
- The Protocol therefore put in place a more general fitness regime. Meanwhile the Diocese continued to engage with the National Church discussion.
168. By November 2003, the Church Law Commission had published early drafts of national 'model' legislation. The Provincial Legal Committee of the Province of Victoria gave careful consideration to the draft. It supported the adoption of a national approach but drew attention to the jurisdictional difficulties that might arise and favoured the approach of a protocol for the time being. We refer to the commentary on the proposed legislation by the Provincial Legal Committee in November 2003 [[ANG.0147.001.0306 – Commentary on a Proposed Scheme to Deal Uniformly in all Australian Dioceses with problems arising from Sexual Abuse – Summary](#)]. The Chancellor of the Diocese was at that time the Honorable Justice Tadgell.
169. The Diocese therefore elected to continue to use a Professional Standards Protocol and Code of Good Practice rather than legislation. From a provincial perspective, the Dioceses of Ballarat and Bendigo followed Melbourne into the revised Protocol in July 2003, whilst the Dioceses of Gippsland and Wangaratta

chose to remain with the 1999 Provincial Protocol.

2004 – Model Professional Standards Ordinance

170. Notwithstanding the Victorian concerns, the weight of Church law legal opinion favoured the promotion of a ‘model ordinance’ which would then be adopted by each Diocese.
171. In 2004, the General Synod of the national Church approved the model professional standards ordinance to promote a uniform response to complaints about sexual abuse. General Synod also approved -
- (a) the development of a National Code of Ethics – the Faithfulness in Service Guidelines;
 - (b) the development by individual Dioceses of protocols and approaches which met local needs but aligned to the National Guidelines.
- Dioceses within the National Church were progressively adopting either the national Model Ordinance (or a variation of the same), its complementary national Protocol or their own Sexual Abuse Protocol which reflected elements of the national approach.

Professional Standards Act 2009

172. In 2009 the Melbourne Diocese introduced the Professional Standards Act 2009 (**the Professional Standards Act**) [[ANG.0147.001.0348 – Professional Standards Act 2009](#)]. This was based on elements of the Power and Trust Protocol but also set out very clear structures for fitness and misconduct matters to be received, investigated, and adjudicated and for determinations to be made regarding dispositions.
173. For specific detail of how the Professional Standards Act was intended to operate, we refer you to the explanatory memorandum for the Act [[ANG.0147.001.0392 - Professional Standards Bill 2009 – Explanatory Memorandum](#)].
174. The Professional Standards Act affirmed the role of the PSC but referred more powers to it rather than the Director of Professional Standards. It also set up the Professional Standards Board and the Professional Standards Review Board. This made decision making more transparent and accorded greater procedural fairness through decisions made by a panels of individuals who have a diversity of backgrounds and skill sets. The Act sets out the composition and roles of –
- the Director of Professional Standards (Part 5);
 - the Professional Standards Committee (Part 4);
 - the Professional Standards Board (Part 9); and
 - the Professional Standards Review Board (Part 13).
175. The processes for handling allegations of child sexual abuse or relevant fitness issues are set out under the Act –
- Complaints of Misconduct (Parts 7);

- Suspensions (Part 10);
- Investigations (Part 8);
- Reference of a Complaint or Matter to the Board (Part 12).
- Review of Board decisions (Part 14).
- Proceedings of the Board and Review Board (Part 15).

Following the introduction of the new Act, on 26 August 2010, the Archbishop in Council of the Diocese approved [\[ANG.0147.001.0410 – Archbishop in Council – Minutes of Archbishop in Council meeting 26 August 2010\]](#) by resolution a new Power and Trust Protocol [\[ANG .0147.001.0322 – Power and Trust in the Church – A Protocol under the Professional Standards Act 2009\]](#) to guide the process under the Act for receiving a complaint, investigation, substantiation and determination and to accord natural justice.¹

176. The Archbishop in Council resolved inter alia –

1. Archbishop in Council appoints –
 - (a) 26 August 2010 as the day on which sections 3, 7, 9, 11, 12, 13 14(1), 19, 32, 35, 36, 67, 70, 71, 74(1) and 112 of the Professional Standards Act 2009 (“the Act”) come into operation; and
 - (b) 1 October 2010 as the day on which the remaining provisions of the Act
2. Pursuant to section 7 (1) of the Act, Archbishop in Council approves the following codes of conduct for observance by Church workers in the Diocese, namely:
 - (a) Faithfulness in Service as at 26 August 2010;
 - (b) the Code of Good Practice for Clergy revised as at 26 August 2010.
3. Pursuant to section 9 (1) of the Act, after consideration, Archbishop in Council approves the following protocols for implementation of the Act, namely:
 - (a) Power and Trust in the Church; and
 - (b) Clearance for Ministry.
4. Pursuant to section 112 of the Act, Archbishop in Council makes the Professional Standards Regulations 2010.

The Faithfulness in Service is attached [\[ANG.0147.001.0452 – Faithfulness in Service – A National Code for Personal Behavior and the Practice of Pastoral Ministry by Clergy and Church Workers\]](#). The Code of Good Practice for Clergy revised as at 26 August 2010 is attached [\[ANG.0147.001.0493 – Code of Good Practice for Clergy – August 2010\]](#).

177. Two information booklets outlining the complaint investigation and adjudication process are required to be placed in all church foyers.
- Information for people thinking about making a complaint [\[ANG.0147.001.0505 – Information for People Thinking about Making](#)

¹ Cf *Murray v Legal Services Commissioner* (1999) 46 NSWLR 224

a Complaint].

- Information for people responding to a complaint [\[ANG.0147.001.0509 – Information for People Responding to a Complaint\]](#).

178. Once a complaint is made to the Director of Professional Standards, the consent of the complainant is obtained to notify the respondent of the complainant. The matter is referred to the PSC to determine if there is sufficient evidence for the matter to proceed.
179. If the complaint raises a question of the fitness of the respondent, the PSC must refer the matter to the Professional Standards Board for determination and recommendations to the Church Authority in relation to the respondent. Such recommendations can include deposition from holy orders, revocation of licence, a licence with conditions being placed on it including supervision.²
180. On receiving a reference, the Professional Standards Board can decide the matter on the papers or hold a hearing. In those cases where hearings have been conducted, they have been taken place in an environment which is less intimidating and formal than a court hearing. This seeks to put the survivor at ease and reduce the risk of re-traumatising him or her.
181. The PSC is represented in such hearings and counsel for the PSC meets with the complainant, prior to the hearing, explaining their role and what is likely to happen during the process. Over time the processes of the Professional Standards Board have evolved to ensure there is no improper questioning by either respondent's counsel or indeed inadvertently by non-legal members of the Board themselves. All matters are conducted in a non-adversarial way but still sufficiently robustly so as to obtain the relevant evidence required for the purpose of substantiating the matter. Consideration is given to age and to confidentiality and where possible provision is made for alternative means for giving evidence regarding child and other vulnerable witnesses.
182. Where a matter has been substantiated, the Professional Standards Board makes a recommendation to the Church Authority (that is, in the case of clergy, to the Archbishop), regarding proposed action. (s102 of the Act.) There have been since 2010 a number of decisions of the Board and the Review Board in particular matters. These are confidential to the parties, except as may be required by law (ss 102 and 106 of the Act). Copies can be provided on summons if required by the Royal Commission.

Episcopal Standards Act 2011 (Melb)

183. In October 2011, the Melbourne Synod enacted the *Episcopal Standards Act*

² *The purpose of a reference to the Professional Standards Board is to permit a full and thorough review of the case and reasoned determinations. The Board is an adjudicatory body, separate from the PSC. It is 'bad practice' for the PSC to act as both the authority which authorises the investigation and the adjudicator: Hedges v Australasian Conference Association Ltd [2003] NSWSC 1107 at [100] per Young CJ in Eq. See also Carver v Law Society of New South Wales (1998) 43 NSWLR 71 NSWCA (87A, 99E, 101G, 102B, G); Forbes, Justice in Tribunals (Federation Press 3rd ed) [15.43].*

2011, [\[ANG.0147.001.0619 – Episcopal Standards Act 2011\]](#) and the *Exclusion of the Episcopal Standards Commission from bringing Charges before the Special Tribunal Act 2011* [\[ANG.0147.001.0656 – Exclusion of the Episcopal Standards Commission from bringing charges before the Special Tribunal Bill 2011\]](#) . The purpose of the legislation was to put in place a formal process, similar to that for clergy, by which the Archbishop of Melbourne can be held accountable for misconduct. Under this legislation, the ‘Church authority’ are three senior diocesan bishops of the Church.

184. The explanatory memoranda [\[ANG.0147.001.0638 – Episcopal Standards Bill 2011 – Explanatory Memorandum – General and ANG.0177.001.0654 – Exclusion of the Episcopal Standards Commission from bringing charges before the Special Tribunal Bill 2011 – Explanatory Memorandum\]](#) for these Bills explain in some detail the circumstances in which the legislation was introduced and where it differs from the *Episcopal Standards Canon 2007* of General Synod. Because the latter affected the order and good government of the Church within a diocese, under s30 of the national Constitution of the Anglican Church, it did not take effect in a diocese until adopted by the synod of that diocese. Melbourne diocese never adopted it .
185. Following the introduction of this legislation, on 20 December 2012, the Archbishop in Council resolved [\[ANG.0147.001.0673 – Archbishop in Council – Minutes of the Meeting of Archbishop in Council 20 December 2012\]](#) on the commencement date of the legislation and approved Regulations [\[ANG.0147.001.0674 – Episcopal Standards Regulations 2012\]](#), a Protocol [\[ANG.0147.001.0679 – Power and Trust in the Church – A Protocol under the Episcopal Standards Act 2011 – for responding to complaints of Abuse, Harassment and Other Misconduct against the Archbishop of Melbourne\]](#) and the applicable codes of conduct [\[ANG.0147.001.0887 – Episcopal Standards Act 2015 – Adoption of Codes of Conduct 17 December 2015\]](#) .

Professional Standards Act (Amendment) Act 2012

186. In October 2012, the Melbourne Synod passed the *Professional Standards Act (Amendment) Act 2012* making certain specific amendments to the Act [\[ANG.0147.001.0702 – Professional Standards Amendment Act 2012\]](#). These included a separate process for complaints against certain Church volunteers who did not hold leadership positions.
187. The explanatory memorandum for the Bill [\[attachment 1\]](#) explains the circumstances for the amendments.
188. Following the introduction of this legislation, on 21 March 2013, following an explanatory report from the Chancellor dated 6 March 2013 [\[ANG.0147.001.0740 – Proposed Church Volunteer Protocol and Other Matters\]](#), the Archbishop in Council by resolution approved a Church Volunteer Protocol [\[ANG.0147.001.0746 – Protocol for Complaints of Misconduct Against Church Volunteers – A protocol under the Professional Standards Act 2009 For Responding to Complaints against Church Volunteers\]](#).

2014 Model Episcopal Standards Ordinance

189. At its meeting in Adelaide in July 2014, General Synod approved the model

Episcopal Standards Ordinance by resolution on the motion of the Archbishop of Melbourne, seconded by the Archbishop of Sydney. The model was prepared by the Episcopal Ministry Task Force chaired by the Hon David Bleby. It was based on the Melbourne legislation. We refer to the report of the Task Force [\[ANG.0147.001.0766 – Supplementary Report of Standing Committee to the General Synod – A Model Episcopal Standards Ordinance\]](#).

Episcopal Standards Act 2015 (Melb)

190. In October 2015, the Melbourne Synod enacted the *Episcopal Standards Act 2015* to give effect to the model ordinance, with various modifications [\[ANG.0147.001.0839 – Episcopal Standards Act 2015\]](#) (Synod also enacted the *Episcopal Standards Transitional Provisions Act 2015* [\[ANG.0147.001.0883 – Episcopal Standards \(Transitions and Repeal\) Act 2015\]](#)).
191. The explanatory memoranda for the Bills explain in some detail the circumstances in which the legislation was introduced [\[ANG.0147.001.0873 – Episcopal Standards Bill 2015 – Explanatory Memorandum – General and ANG.0147.001.0882 – Episcopal Standards \(Transitions and Repeal\) Bill 2015 – Explanatory Memorandum - General\]](#).
192. The Archbishop in Council of the Diocese will be asked at its meeting on 17 December 2015 to approve the Codes of Conduct, a Protocol [\[ANG.0147.001.0893 – Power and Trust in the Church – a protocol under the Episcopal Standards Act 2015 – for responding to Complaints of Abuse, Harassment and Other Misconduct against the Archbishop of Melbourne\]](#), and Regulations under the legislation [\[ANG.0147.001.0888 – Episcopal Standards Regulations 2015\]](#).

Prevention

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

- a. officiating as a member of clergy**
- b. participating in activities involving children**
- c. holding positions of authority in relation to the formulation of policy on professional standards matters, and/or**
- d. presiding over or participating in disciplinary proceedings.**

193. For the period under consideration by the Royal Commission and prior to the introduction of the Professional Standards Act in 2009 when clergy moved from one diocese to another, the Bishop of the receiving diocese usually requested “Letters of Good Standing” from the Bishop of the sending diocese. These tended to be generic letters and most did not specifically refer to professional standards matters. Bishops spoke to each other asking for oral references as well. In some cases this resulted in clergy not being received into the new diocese. In others clergy were received where there was prior misconduct. From about January 2006, all clergy were required Police Checks.
194. In respect to candidates for ordination from within the Diocese, between 1970

and 1990 emphasis was placed on a discernment of calling by both the candidate and the Bishop, supported by theological training and practical experience. This began to change from 1990 onwards as increased rigour was applied to supplement the discernment of calling and in line with the continued development of our theological formation and training practices.

195. By 1994, the establishment of principles and procedures in respect to professional standards had been established and these supported the long standing *Diocesan Tribunal Act 1963* [attachment 2] and the General Synod *Offences Canon 1963* [attachment 3] both of which governed behavior of licensed clergy.
196. The Professional Standards Act 2009, Part 11 introduced a formal system of clearance for ministry for those in holy orders or in authorised lay ministry. Section 50 of the Act provides that this class of church worker must obtain a clearance for ministry when the church worker intends to:
- a) transfer from one office licence or position of responsibility in a church body to another in the same diocese;
 - b) to take up an office licence or position of responsibility in the Melbourne diocese for the first time; and or
 - c) to transfer for one office licence or position of responsibility in a church body in the diocese to another diocese.
197. *Ministry* is defined to mean -
 ordained ministry or lay ministry authorised under the *Authorised Lay Ministry (Adoption) Act 1992* or an equivalent Act of the synod of another diocese, as the case may be.
198. Archbishop in Council has approved a clearance for ministry protocol dated 26 August 2010 which prescribes in some detail what the process involves [ANG.0147.001.0438 – Clearance for Ministry – A protocol under the Professional Standards Act 2009].
199. The Professional Standards Regulations prescribe the form of application for clearance for ministry. We refer to form 2 in this attachment [ANG.0147.001.0412 – Professional Standards Regulation 2010].
200. The clearance provisions of Part 11 of the Act do not include the Archbishop. Synod has enacted a formal election process relating to that office. However as a matter of administrative practice, the Archbishop renews his Police Check every three years and his Working with Children card every five years.
201. These clearance provisions do not extend to Church workers generally or Church volunteers, as defined in s3 of the Act. Nor do they apply to the Director of Professional Services or members of the Professional Standards Board or Review Board.
202. As a matter of practice, for nearly all appointments to the Professional Standards Committee, the Board and the Review Board, clearance checks are undertaken. There are currently no requirements for members of the Council of

the Diocese to apply for clearances. Further consideration is being given to developing greater clarity in who should be required to undergo clearance checks and how best to give effect to that requirement. It is proposed for example, in October 2016, to introduce a new Cathedral Act addressing these and other governance issues in the case of those in the ministry or service of the Church in the Cathedral.

203. For Church workers and volunteers in parishes, section 27(2) of the *Parish Governance Act 2013* (Melb) provides –

- (2) A person appointed to a role, office or position in a parish must be fit to hold the role, office or position in the Anglican Church whether unconditionally or subject to any condition or restriction.

The diocese has taken the approach that where police checks or clearances for particular classes of persons are required either by State legislation or as a matter of diocesan policy, the Archbishop and the diocesan registry have made administrative directives to ensure compliance. These have taken the form of Registry Updates to all clergy and parishes [[ANG.0147.001.1195 – ANG.0147.001.1199 inclusive and ANG.0147.001.1202 – ANG.0147.001.1204 inclusive and ANG.0147.001.1208 – ANG.0147.001.1209 inclusive and ANG.0147.001.1212 – Registry Updates](#)].

204. The Diocese’s “Duty of Care ‘A Shared Responsibility’ Handbook – Handbook for leaders of Youth and Children’s Ministry” sets out guidelines for recruitment and safe practices. This handbook is an accompanying manual to “Faithfulness in Service: The National Code for Personal Behaviour and Practice of Pastoral Ministry” (General Synod April 2011). The handbook sets out the circumstances when volunteers working in child related activities need and or should get a WWCC. It also sets out guidelines for Youth Leader recruitment and those assisting in Youth and Children Ministry including the screening which is suggested [[ANG.0147.001.0513 – Duty of Care – A Shared Responsibility – A handbook for leaders of Youth and Children’s Ministry](#)].
205. In light of recent developments including the Victorian Parliamentary Enquiry, the Royal Commissions and the 2014 amendments to the Victorian WWC Act, the diocese proposes to review these policies and publish a new booklet on safe practices. This information is also the subject of the Office of Professional Standards training seminars which are also being reviewed in light of the above recommendations.

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

206. Prior to the introduction of more formal protocols, regimes and training from 1999, education regarding the issue of professional standards was limited. The response to complaints of child sexual abuse between 1970 and 1990 was for the most part handled by the Bishop or his delegate which appears to be the accepted practice of the time.
207. Training commenced in the Diocese in July 2003 as part of the implementation of the Power and Trust Protocol within the Diocese for responding to abuse and

harassment. This consisted of an all-day seminar which covered a wide range of topics on the subject of sexual abuse. This included research available at the time regarding statistics of sexual abuse of both victims and perpetrators and ways to try and identify it. It also covered flags for identifying abuse within an organisation. It was expected that this training be repeated every three years.

208. In 2008 / 2009, the Diocese considered introducing the training module provided by Safe Ministries. After attending these seminars it was decided that the Diocese of Melbourne would develop its own training module in relation to aspects of sexual abuse. This was to complement the introduction of the Professional Standards Act 2009 and to be very clear about the obligations of all church workers to report all forms of relevant misconduct including child abuse to the Director of Professional Standards and/or the police.
209. At the time there were no mandatory reporting provisions in place by government for clergy and other church workers to do so. These were only introduced by the Victorian State government in 2014. The training material developed in relation to child abuse was guided by a number of sources including Child Wise’s material – Speak up about Child Abuse - Because Often They Can’t [\[ANG.0147.001.1137 – Child Wise Webpage – ‘Speak up’ – Understanding Child Abuse\]](#)
210. The syllabus for this training is attached [\[ANG.0147.001.1139 – Professional Standards Half Day Seminars Curriculum\]](#). It outlines the obligations of church workers under the PSA to report any serious offences but specifically those of child abuse. The seminars have evolved over time. While the same slides are used, the material and evidence from the Victorian Parliamentary Inquiry and Royal Commission are used in the seminars to highlight the issues that have been identified regarding institutional abuse particularly with faith denominations. The recent research that has come from offenders themselves is also discussed at the seminars.
211. The purpose of the seminars is also to assist in the development of a culture that regards the abuse of vulnerable persons as completely unacceptable, thus supporting the efforts of all those in positions of responsibility to create safe environments and to promote the reporting of any concern to the Director of Professional Standards and / or the Police
212. Our learning from the Victorian Parliamentary Inquiry and Royal Commission will be reflected in a more formal review of the written material and presentation notes for the current seminars across 2016. In addition it is proposed to develop a series of half-day modules specifically designed to address the abuse issues and the research from the Victorian Parliamentary Inquiry and the Royal Commission. An example is the recent research on grooming which had come from offenders is particularly of interest as are strategies around the management and pastoral care of known offenders in congregations.

Disclosure and response

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

- 29. Reporting allegations of child sexual abuse to the police, the Ombudsman and/or any government child protection agencies, including where:**
- (a) a complainant does not consent to such disclosure, and/or**
- (b) the information was disclosed in the context of a ‘confessional’.**
- 30. Notifying an alleged perpetrator of allegations against him or her.**
- 31. Providing pastoral care and counselling to complainants and/or alleged perpetrators following allegations of child sexual abuse.**

213. Early practice prior to 2002 and the formal development of protocols and procedures, appears from a review of the files to be case specific and often relying on the strength of allegation to determine the course of action followed. The sometimes lack of specific and systematic record keeping, together with the terminology used can make it difficult to assess the adequacy of these processes even with the benefit of hindsight.
214. We have already referred to the duty of Church workers under s22 of the Professional Standards Act to report matters to the PSC –
- If any Church worker believes on reasonable grounds that a person has suffered harm or is at risk of harm as a result of misconduct by another Church worker or a Church volunteer and has no reason to believe that the Director or a member of the PSC is aware of those facts...
- The duty does not apply to information received in confession by an ordained minister. It has been rare in the diocese for that to happen.
215. The use of the confessional within the Anglican Church is guided by the *Canon concerning Confessions* 1989, s2 of which provides:
- if any persons confesses his or her secret and hidden sins to an ordained minister for the unburdening of conscience and to receive spiritual consolation and ease of mind, such minister shall not at any time reveal or make known any crime or offence or sin so confessed and committed to trust and secrecy by that person without the consent of that person.
216. In 2006 the national Bishop’s meeting agreed a protocol entitled ‘Private Confession – Pastoral Guidelines with Special Reference to Child Sex Abuse’. This protocol seeks to reconcile the desire to uphold the importance of confidentiality of the confession whilst also seeking to provide guidance to priests who may hear confessions of this nature. Absolution of sins is only to be provided in exceptional circumstances and usually only after the penitent has reported the conduct to the police or appropriate authority.
217. The Power and Trust Protocol under the Act provides specific guidelines for the response of the Director of Professional Standards (**the DPS**) to a complaint. [\[ANG.0147.001.0342 – Power and Trust in the Church – Standard Operating](#)

Procedures – Professional Standards]The Director has a duty to inform police and other State protection authorities in certain circumstances. We refer to section 25 of the Protocol and to the applicable State legislation.³

218. In all cases efforts are made to have the complainant self-report to Police or if they prefer for this to be undertaken on their behalf and with their permission by the DPS. In both circumstances, the Police are advised of contact details for the complainant and the complainant's expected level of co-operation in respect of any potential police investigation.
219. If the complainant does not consent to a disclosure it is explained that a report will be made by the DPS naming the respondent, the details of the offence and the time frame but withholding the name of the complainant. The DPS advises police that if they seek to follow up the report to contact the DPS who will approach the complainant and request their co-operation.
220. The PSC may defer action on a complaint if to do otherwise would prejudice an investigation by the police.
221. The Office of Professional Standards offers respect, pastoral care and ongoing long-term or episodic support to those who make a complaint, to those who have suffered the secondary effects of abuse, and to those accused of the abuse. We refer to sections 6, 7.7 and 8.4 of the Power and Trust Protocol.
222. This care can be through independent professional counsellors or through pastoral care offered by licensed or authorised clergy, as the complainant or respondent may choose. The role of the Director and or pastoral carers appointed is to identify the need for medical and / or psychological assistance or for other support services.

Investigation

- 32. Investigating allegations of child sexual abuse.**
- 33. Imposing restrictions on an alleged perpetrator's duties or involvement with the Church pending resolution of an investigation.**

223. Complaints regarding child sex abuse are referred to police. If no police investigation is undertaken then diocesan processes are undertaken. Even after a police investigation, diocesan processes under Professional Standards have been initiated.

³ A Church worker in Victoria who holds a working with children clearance is subject to a statutory obligation under s20 of the Working with Children Act 2005 (Vic) to notify the Secretary to the Department of Justice and the Church authority of any relevant change in circumstances as defined in that section. Certain provisions of the Crimes Act 1958 (Vic) may be applicable. In certain circumstances, it is an offence punishable by 3 years imprisonment for any person of or over the age of 18 years to fail to disclose to a member of the police force of Victoria information relating to the commission of a sexual offence against a child under the age of 16 years: s327. See also sections 49A (facilitating offences against children) and 49C (failure by person in authority to protect child from sexual offence).

224. The Power and Trust Protocol gives guidance as to the functions of the investigator - to gather information about a complaint and the allegations, make recommendations on findings on relevant questions of fact and to make a confidential report to the PSC. We refer to section 10 of the Protocol.
225. Part 10 of the Professional Standards Act 2009 contains provisions for the suspension or standing down of the respondent pending the outcome of the complaint. The PSC must be satisfied that there is an unacceptable risk of harm to any person if the respondent remains in his or her present office or position of responsibility pending the outcome of the complaint. Unless the matter is urgent, the matter is determined by the Professional Standards Board and on application, the Review Board.

Prior to the development of the Protocol (2002) and the Act (2009), there is evidence of police reporting, although not in every instance and the file records do not in all cases clarify the age of the victim.

Discipline

34. **Codes of conduct or expected behaviors for Church workers.**
35. **Conducting disciplinary proceedings in respect of Church workers against whom:**
- (a) **allegations of child sexual abuse have been made, or**
- (b) **allegations have been made in relation to the way a complaint of child sexual abuse has been handled.**

226. Before the development of the Code of Good Practice for Clergy, behavioral expectations were governed by the *Diocesan Tribunal Act 1963* and the General Synod *Offences Canon 1963*. This Church legislation governed the conduct of disciplinary proceedings for matters referred under its provisions.
227. All clergy in the diocese are subject to the Code of Good Practice for Clergy, which was introduced upon development in 2001. We refer to [\[ANG.0147.001.0493 – Code of Good Practice for Clergy\]](#). All Church workers including clergy are subject to “Faithfulness in Service” the national code of personal behavior and practice of pastoral ministry by clergy and church workers. These codes provide a positive framework for the conduct of church workers.
228. In addition, the Prayer Book for Australia 1995⁴ prescribes in the Ordinal the liturgy for the ordination of bishops priests and deacons. They are exhorted in that liturgy to conduct themselves as there referred to. The Ordinal informs in part the expectations of the conduct of clergy. We have included the Ordinal for bishops priests and deacons [\[ANG.0147.001.1181 – Ordinal of Bishops, ANG.0147.001.1187 Ordination of Priests and ANG.0147.001.1191 –](#)

⁴ *A Prayer Book for Australia for use together with The Book of Common Prayer (1662) and An Australian Prayer Book (1978): Liturgical Resources authorised by General Synod, Broughton Books, Sydney, 1995*

Ordination of Deacons].

229. Proceedings in the diocese against clergy involving allegations of child sexual abuse may take the form of either –
- (a) the hearing of charges for an ecclesiastical offence before the Diocesan Tribunal pursuant to the Diocesan Tribunal Act 1963; or
 - (b) a reference to the Professional Standards Board of a question as to the fitness for office of the respondent.

The Tribunal has not been convened to hear charges in the last decade.

230. Proceedings in the diocese against lay persons involving allegations of child sexual abuse take the form of a reference to the Professional Standards Board of a question as to the fitness for office of the respondent. The Professional Standards Act governs these proceedings.

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

231. Section 1 of the Offences Canon 1962 – 1998 relevantly provides-
- (1) *A diocesan tribunal and a provincial tribunal in its original jurisdiction in addition to their respective powers under section 54(2) and section 55(3) of the Constitution may hear and determine charges made in respect of the following offences alleged to have been committed by a person who, at the time the charge is preferred, is licensed by the bishop of the diocese or is in holy orders resident in the diocese:*
 1. *Unchastity.*
 2.
 3. *Habitual and wilful neglect of ministerial duty after written admonition in respect thereof by the bishop of the diocese.*
 4. ...
 5. *Conduct, whenever occurring,*
 - (a) *which would be disgraceful if committed by a member of the clergy, and*
 - (b) *which at the time the charge is preferred is productive, or if known publicly would be productive, of scandal or evil report.*
 6. *Any other offence prescribed by an ordinance of the synod of the diocese.*

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

232. The Professional Standards Act provides as follows -
93. (1) The standard of proof to establish an allegation is that of a reasonable satisfaction on the balance of probabilities.

- (2) Each of the Board and the Review Board shall 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.

233. Section 93(2) reflects the approach in *Briginshaw v Briginshaw* (1938) 60 CLR 336 at 362-363 per Dixon J; *Neat Holdings Pty Ltd v Karajan Holdings Pty Ltd* (1992) 110 ALR 449 at 449-450 per Mason CJ, Brennan, Deane and Gaudron JJ.

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.

234. The Diocese has no formal redress scheme currently in place, as part of the Professional Standards framework. Although section 18(1)(h) of the Professional Standards Act authorises the PSC to advise the Church Authority as to the financial or other needs of a person affected by alleged misconduct, this provision has generally not been relied on.
235. Since 1999 the Diocese has agreed to redress payments when requested to grant compensation. The practice has been to award some form of payment subject to negotiation, taking into account the individual circumstances of the case. Generally the Diocese has sought a release from liability and the maintenance of the confidentiality of the settlement.
236. A case file review process conducted in preparation for the Royal Commission indicates that the significant majority of persons who have requested compensation from the Diocese have received it if their complaint was credible and the respondent was deceased or no longer under the jurisdiction of the Diocese. In the absence of any formal process, the Diocese has tended to apply a plausibility test in determining whether to make a redress payment.
237. Apart from the formal apologies made by the Archbishop on a number of occasions, there is no formal policy in relation to making apologies to survivors. Where the survivor has requested a meeting with the Archbishop, meetings have been arranged at which the Archbishop formally apologises to the complainant. It is the usual practice for the DPS to make a formal apology on behalf of the Diocese to the survivor and our letters express our sorrow and acknowledgement regarding the person's abuse and harm caused as a result.

Civil Litigation

238. From the file case file review process that has been undertaken it appears there has only been one case where a writ has been issued and litigation commenced. In this matter the Diocese was joined as co-defendants with another two Dioceses. It would appear that in part the issue was identifying the correct legal entity to sue at the time. The complainant died before there was any examination of the issues and the relatives of the deceased withdrew the

proceedings.

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.**
- 40. Risk managing known or alleged offenders involved in the Diocese as Church workers or Church members.**
- 41. Identifying any other victims of known or alleged offenders.**

Paragraph 39

239. Subject to the following, complaints are handled confidentially until the Board has made a determination and the Church authority has given effect to it or a Court has made a finding. The name or other identifying details regarding the survivor are not revealed without the informed consent of that person⁵.
240. Whether Church members and Church workers are notified of allegations against a particular Church member or Church worker depends on the particular circumstances of the case. The risk of harm to persons is the paramount consideration. The timing and extent of a parish notification will depend on whether a police investigation is being undertaken, the criminal law process, the role of the respondent and whether the respondent is suspended. We refer to paragraph 221 above on suspension.

Paragraph 40

241. Where a Church Worker or congregant member has a history of sexually based offences, the Director of Professional Standards considers a Memorandum of Understanding (MOU) in regard to that person's continued involvement in parish life.
242. The agreement considers the risk that the Person of Concern (POC) poses to the parish and its other members and whether the parish leadership is likely to be able to manage the safe engagement of that person in the life of the parish. This will depend on –
- the known offences,
 - the vulnerability of others within the parish,
 - the ability of leadership to provide appropriate pastoral care to the POC,
 - the likely acceptance of a POC within the parish,
 - the availability of services not attended by children or other vulnerable persons' and
 - the POC's acceptance that the history must be known to certain (or all) participants in the parish.
243. Persons on an MOU are also placed on the National Register. No person with

⁵ This is to ensure that there is no contravention of s4(1A) of the *Judicial Proceedings Reports Act 1958* (Vic).

an MOU is eligible to take on a leadership role within a parish, consistent with the provisions of s27(2) of the Parish Governance Act 2013 discussed above. Each MOU is tailored to the specific circumstances of the known offending and perceived risk. It is reviewed annually.

244. For approximately the last 5 years, an MOU programme has been available to assist to integrate low risk POC's back into community life, however until recently there has been little take up of the formal process and little follow through with the annual reviews. In recognition of this, the Office of Professional Standards (Office of Professional Standards) is reviewing all information about POCs and reviewing and updating current MOUs, as well as assisting parishes to consider and, where appropriate, to put in place formal arrangements for the participation of any POCs known in the parish.

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

245. In the past if names of other potential victims were disclosed efforts were seldom made to try and locate the person. It was considered that in doing so an 'out of the blue' contact may be unwelcome and distressing. It was also very difficult to do so due to the extended passage of time in most instances. However complainants were advised that if they knew the person's whereabouts they might encourage them to contact the Diocese and they would be welcomed and assisted.
246. More recently, whilst it is still recognised that 'out of the blue' contact may be unwelcome and distressing, efforts are taken to try and locate a potential victim. However, this is often still an unsuccessful process, even when police are involved. There have been incidences where a Diocese has published a notice advising that contact would be welcomed from any person who wished to disclose experiences of abuse, and that support would be provided.

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.

247. The Council of the Diocese Act 1875, s19 provides –
19. No member of Council or of a Committee of Council shall take part in the discussion or decision of any question in which he or his parish or parochial district is interested unless he be specially requested to do so by Council.
248. The Professional Standards Act, s95 provides –
95. Where a member of the Board or the Review Board has a personal interest in a matter before it the member shall be disqualified from participating in the matter.
249. The PSC adopts the spirit of these provisions in its deliberations on matters

coming before it.

Information-sharing and record-keeping

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

250. Prior to the introduction of the Office of Professional Standards, matters were handled directly by the Bishop or his delegate. The file records, such as they are, comprise mostly correspondence and file notes and are held securely within the Diocese.

Paragraph (a) Office of Professional Standards

251. The Office of Professional Standards has paper based case files kept in locked cabinets. Summarised case information is also held on the File Register of the Office, which is an excel spreadsheet. The recent file review conducted by Cannon Consulting made recommendations that all paper files be scanned to enable electronic copies to be available as well as upgrading the excel spreadsheet to have a more detailed and comprehensive record to enable efficient access and use of the information.

Paragraph (b) nature of the information

252. Prior to the appointment of a Director of Professional Standards in 2002, the documentation contained in Diocesan files was not as comprehensive as modern practice would wish. With the appointment of the first Director of Professional Standards in 2002, the files were more detailed and comprehensive.
253. Some of the information is however undated which makes following the conduct of a matter, years after the event, more challenging. The more recent practice has been to retain originals and/or copies of statements, responses to statements, witness statements, copies of emails and correspondence sent, details of telephone conversations, minutes of meetings held, settlement negotiations, notes and copies of Deeds of Release where appropriate, file summaries and psychologists reports where appropriate.
254. There is no pro-forma documentation which dictates the type of information to be kept on the file. However the Professional Standards Act and relevant protocols set out, in effect, the steps to be taken in relation to each matter and as a result the documentation which by inference should be retained on file.

Paragraph (c) maintenance and archiving of records

255. Office of Professional Standards files relating to sexual abuse matters are sorted into date order, securely fastened and important information is colour coded to allow easy identification of matters such as counseling offered and Police reports. Statements are filed separately in a plastic sleeve at the back of the file.
256. A case file summary is included on the top of the file. Following from the evidence given in the Victorian Parliamentary Inquiry, regarding documentation standards and file management best practice, the NSW Ombudsman's office model is one which is preferred in relation to file handling and documentation management regarding complaint matters. The Diocese proposes to give further consideration to this process and develop a transition plan to fully implement such a system as an aspect of continuous improvement plans for 2016.
257. Whilst at this stage no files have been archived, the Office of Professional Standards is currently working on a draft policy regarding archiving to ensure that its files are separate from Diocesan files but remain accessible.
258. The recent file review found Office of Professional Standards correspondence and Professional Standards issues on personnel files, albeit that these are securely and appropriately stored with limited access. Cannon Consulting has recommended that such information be removed and kept securely at the Office of Professional Standards.

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

259. The following authorise and require the disclosure of relevant information to equivalent bodies and the National Register, as the case may be -
- Professional Standards Act, s107 (duty of the PSC),
 - the Power and Trust Protocol, s21 (authority to the Director)
 - Episcopal Standards Act 2015, s104 (duty of the ESC),
 - Episcopal Standards Power and Trust Protocol, s26 (authority to the Director)
 - National Register Canon (duty of the Director)

Prior to the introduction of these authorities, the disclosure of relevant

information would have been on an issue specific basis.

260. The Australian Anglican Directors of Professional Standards are members of an Anglican network group which meets approximately 4 times per year. These meetings provide an opportunity for the DPS to share information about pertinent matters, developments in practice and areas of mutual concern.
261. The Directors share information with other Anglican Dioceses outside of Australia as relevant including where a person may be seeking a reference for a position of any type. In this situation any professional Standards matters would be disclosed.
262. The Anglican Church's National Register is a database which allows the General Synod Office to hold information regarding persons still living and about whom a sexually based complaint has been made. The Diocese has, through its case file review process recently confirmed that all matters required by Canon to be recorded, have been placed on the Register. The National Register covers all clergy –
- (a) against whom a notifiable complaint or a notifiable charge has been made unless it is exhausted; or
 - (b) in respect of whom there has been a relinquishment of, or consent to deposition from, Holy Orders arising out of sexual misconduct or child abuse;
 - (c) who have made an adverse admission or are the subject of an adverse finding; or
 - (d) in respect of whom there has been an adverse working with children check or an adverse criminal history check or an adverse Safe Ministry Check; or
 - (e) who have not been ordained as a priest or as a bishop, or issued with a licence or appointed by a Church authority, because of an adverse risk assessment.
263. The National Register also covers specified classes of lay people.
264. The Director of Professional Standards of the Diocese is also a member of the Victorian Professional Standards Network which meets approximately 4 times a year. These meetings provide learning opportunity as well as opportunities for Professional Standards Directors and workers to share information inter-denominationally, including information about child sex abuse matters, developments in practice and areas of mutual concern.
265. For sharing of information with government and non-government institutions or statutory authorities, we have nothing to add to our response to question 29 above.

- 45. Information-sharing about or related to instances and allegations of child sexual abuse, directly between parishes, schools and Church institutions within your Diocese and:**
- (a) each other**
 - (b) any of the institutions or bodies listed in sub-paragraphs 44 (a) to (e).**

266. When an instance of child sex abuse becomes known to the Director of Professional Standards as a result of a complaint or charge or otherwise, the Director takes all steps required by the National Register Canon to place the name and details of the alleged perpetrator person, if still living, on the National Register. The Register has been operational since 2008. If the person is known to be within another part of the Church the Director of Professional Standards (DPS) will follow through with the concern and information.
267. The DPS shares such information with all bodies listed in Q 44 above as may be appropriate according to the relevance of the information.

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.**

268. As referred to above, there have been a small number of references to the Professional Standards Board by the Professional Standards Committee of instances of sexual abuse, in each of which the Board has made a determination and recommendations. As the diocese is subject to obligations of confidentiality, a copy of these can be provided on summons if required by the Royal Commission.
269. The annual reports of the Professional Standards Committee to be found at [\[ANG.0147.001.1171 – Office of Professional Standards – Report to Synod 2013 and ANG.0147.00.1165 - Office of Professional Standards – Report to Synod 2014 and ANG.0147.001.1157 – Office of Professional Standards – Report to Synod 2015\]](#) gives an overview of the working of the Professional Standards Committee. Section 110 of the Professional Standards Act provides for the PSC to report annually to the Archbishop and the Archbishop in Council in relation to these matters.
270. The annual reports of the Episcopal Standards Committee to be found at [\[ANG.0147.001.1177 and ANG.0147.001.1178 and ANG.0147.001.1180 – Episcopal Standards Committee Annual Report 2014 – Anglican Diocese of Melbourne\]](#) gives an overview of the working of the Episcopal Standards

Committee since it was formed in December 2012.

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

271. There have been no direct legal challenges to the Diocese's professional standards processes.⁶ A number of internal review processes have been initiated in response to the Victorian Parliamentary Inquiry and / or the Royal Commission. We refer below to the work of Cannon Consulting.

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.

272. The Director of Professional Standards maintains a register in the form of an excel spreadsheet of all Professional Standards matters including child sex abuse. The recent file review also created an excel spreadsheet of just child sex related matters.

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

**2009 – Professor Patrick Parkinson
Report of Child Sexual Abuse in the Anglican Church**

273. At its 2004 General Synod the Church took a proactive approach to the issue of child protection and put in place a number of strategies to improve policies and practices concerning child protection around the country. As part of this effort, the Professional Standards Commission requested a report on the nature and extent of reported child sexual abuse by clergy and church workers, including volunteers, since 1990. The study excluded Church schools and children's homes.
274. Professor Patrick Parkinson and Emeritus Professor Kim Oates, both from the University of Sydney, were asked to conduct this study with the help of research assistant, Amanda Jayakody.
275. Professor Parkinson was chosen as he had served from 2004-2007 as Chairperson of the Family Law Council, an advisory body to the federal Attorney- General, and also chaired a review of the Child Support Scheme in 2004-05 which led to the enactment of major changes to the Child Support Scheme. Professor Parkinson is also well-known for his community work concerning child protection. He has been a member of the NSW Child Protection Council, and was Chairperson of a major review of the state law

⁶ Some court decisions have relevance to the Melbourne legislation: *Sturt and Anor v the Right Reverend Dr Brian Farran, Bishop of Newcastle and Ors* [2012] NSWSC 400; *Harrington v Coote* [2013] SASCFC 154;

concerning child protection which led to the enactment of the Children and Young Persons (Care and Protection) Act 1998. He also works with churches on child protection issues. In short he was an expert in and familiar with child sexual abuse in an institutional setting.

276. The report [[ANG.0147.001.0557 – Study of Reported Child Sexual Abuse in the Anglican Church](#)] analyses 191 alleged cases of child sexual abuse, reported from 17 Dioceses throughout Australia between 1990 and 2008 to see what lessons could be learned to improve efforts at child protection. This represented most, but not all of the reported cases across Australia in that period.
277. The majority of recommendations have been implemented by the Diocese of Melbourne.
- Cannon Consulting 2013**
278. The principal of Cannon Consulting, Ms. Angela Cannon, former Solicitor to the Office of Public Prosecutions, was commissioned as part of the Anglican Church's organisational response to the Victorian Parliamentary Inquiry and the Royal Commission into Institutional Child Sexual Assault. The Victorian member of the Anglican Church Royal Commission Working Group wrote to all Victorian Dioceses within the province, requesting they conduct a review of their Office of Professional Standards, personnel and archived files for the reasons set out below.
279. The review was designed to identify information and issues to:
- ♦ Assist dioceses identify and understand issues regarding child sexual abuse which have been dealt with in the past;
 - ♦ Identify any potential mismanagement and due diligence issues;
 - ♦ Identify issues regarding disclosure and complaints;
 - ♦ Identify any issues, processes and procedures which may not have accorded with best practice complaint models; and to
 - ♦ Identify any matters where the process, procedures and the outcome, from an objective point view, could lead to complainant dissatisfaction of the process.
280. This review was conducted with the purpose of identifying and recommending responses so that the Office of Professional Standards or Diocese concerned could consider and rectify any issues which arose during the course of the review, where appropriate to do so. The Diocese of Melbourne review has been completed and the recommendations received in draft for consideration.

Anglican Royal Commission Working Group

281. The Anglican Working Group of the Royal Commission into Institutional Child Sexual Abuse developed a survey to be filled out requesting all Dioceses to provide information from which they could extract statistical data regarding the status of professional standards in each diocese and Province Australia wide. The Diocese of Melbourne as part of their file review completed the

survey [[ANG.0147.001.1214 – National Review of Policies and Procedures Questionnaire](#) and [ANG.0147.001.1127 – Case File Review Form Dioceses](#)] in respect to all identified child sex related files up until the date of the request in 2014. Because of concerns by the DPS network regarding privacy and confidentiality due mainly to the data collection methodology no data was ever published on a National basis.

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.

282. The Diocese of Melbourne has engaged on a number of occasions with the Victorian State Government principally on issues arising from the Victorian Parliamentary Inquiry [[ANG.0147.001.1132 – Letters Patent – Victorian Parliamentary Inquiry into handling of Child Abuse by Religious and Other Organisations](#)] or associated matters. This has included:
- (a) The issue of incorporation of a church entity in response to the recommendations of the Victorian Inquiry;
 - (b) Proposals for reform of laws relating to vicarious liability;
 - (c) The introduction of a State or national redress scheme;
 - (d) Possible reform of the Working with Children legislation, seeking a more general fitness test and recognition of the findings of the Diocesan professional boards for the purposes of that legislation; and
 - (e) The provision of statutory privileges and immunities to the Diocesan professional standards committee and boards, such as are conferred on State bodies.⁷

In addition the Diocese has sought expert advice on recent amendments to the Working with Children Act which has raised a number of definitional and procedural questions for which we are seeking answers from the Victorian State Government [[ANG.0147.001.1114 – Memorandum of Advice Re: Working with Children Act 2005](#)]

The Diocese made a number of formal submissions as set out below on redress. For this purpose, the Diocese has engaged in extensive consultation with other faith denominations and with the State Government.

	Melbourne Diocese proposal for redress scheme [ANG.0147.001.1060 – Proposal – A Complaints and Redress Scheme for Institutions and Survivors]	22 August 2014
	Melbourne Diocese submission in support [ANG.0147.001.1072 – Submission – A Complaints and Redress Scheme for Institutions and Survivors]	22 August 2014

⁷ See ss 14 (power to summons), 15 (to administer an oath), 16 and 21A (privileges and immunities) of the *Evidence (Miscellaneous Provisions) Act 1958* (Vic);

	Melbourne Diocese submissions to Victorian Government on Redress [ANG.0147.001.01079 and ANG.0147.001.1080 – Anglican Diocese of Melbourne – Submission to Redress Consultation Paper]	22 October 2015
	Draft Uniform Child Abuse Redress Act 2016 [ANG.0147.001.1028 – Resolution of the Provincial Council of Victoria – Uniform Child Abuse Redress Act 2016 (draft)]	19 October 2015

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

283. On 29 August 2014, the Provincial Council of the Anglican Church in Victoria established a Victorian Provincial Working Group to undertake a review of Professional Standards across the Province with a view inter alia to establishing a common Provincial Model Ordinance for Professional Standards for clergy and church workers. The chair of the group is the Rt Rev Andrew Curnow, the Bishop of Bendigo. Angela Cannon of Cannon Consulting joined the group as a consultant to bring to the table the insights gained by her as a result of conducting a professional standards audit of each of the five Victorian Anglican dioceses. The resolution of Provincial Council of 29 August 2014 is [\[ANG.0147.001.0922 – Provincial Council – Minutes of the meeting of Provincial Council – 29 August 2014\]](#).
284. As a result of that work, the Diocese and each of the other Victorian dioceses have under consideration to introduce in 2016 new uniform professional standards legislation. The draft legislation is based on the Professional Standards Act and protocols and has been revised to take into account the following developments -
- the completion of the model episcopal standards ordinance;
 - the audits of professional standards files in the five Victorian dioceses;
 - the Royal Commission reports, particularly in the area of redress;
 - the incorporation of diocesan corporations in Victorian dioceses with particular responsibility for professional standards; and
 - generally, the work of the Victorian Provincial Working Group.
285. The Working Group considered various options for the future delivery of professional standards services. We refer to the following **attachments**:

	Options paper Provincial Professional Standards Working Group [ANG.0147.001.0924 – Professional Standards Working Group – Options for implementing a Model Professional Standards Scheme]	4 December 2014
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	Report of the Provincial Professional Standards Working Group [ANG.0147.001.0935 – Report of the Working Group to Provincial Council – Proposed Professional Standards Model]	18 March 2015
	Outline of corporate structure [ANG.0147.001.1021 – Outline – Constitution of Anglican Church Standards and Redress Scheme Ltd (Draft)]	October 2015

286. We refer to the following **attachments** which have been prepared for consideration in early 2016 by the Provincial Council, individual Victorian diocesan Councils and their Bishops and the Professional Standards Commission of the national Church -

	Draft Uniform Professional Standards Act 2016 (draft) [ANG.0147.001.940 – Uniform Professional Standards Act 2016 (draft)]	19 October 2015
	Explanatory memorandum [ANG.0147.001.1011 – Proposed Uniform Professional Standards Legislation – Explanatory Memorandum]	4 December 2015
	Draft Uniform Professional Standards Act Adoption Bill 2016 (draft) [ANG.0147.001.1018 – Uniform Professional Standards Act Adoption Bill 2016 (Draft)]	

287. The explanatory memorandum sets out the main features of the proposed legislation. The proposed legislation has two significant goals.
288. The first is to adopt uniform processes that take into the experience and learnings of the last decade and that strive for best practice in the field. It is proposed that the Provincial Council be asked by resolution to approve the *Uniform Professional Standards Act 2016* and that each diocesan synod then pass legislation adopting the uniform legislation, with or without modification, so as to apply as a law of that synod. This approach acknowledges the legislative autonomy of individual dioceses whilst adopting as uniform an approach as possible.
289. The second goal is to promote the use of a common service company through which professional standards services can be provided across the Province. It is proposed that for each diocese, professional standards services will be provided by the Office of Professional Standards of a corporation, yet to be named. Possible names include ‘Anglican Professional Standards Scheme Ltd’ or ‘Anglican Church Standards and Redress Scheme Ltd’ or ‘Safe Community Services Ltd’. This corporate approach is the preferred model for the following principal reasons-
- (a) It is an approach that is more demonstrably independent of the Church than

the other approaches. This is important in winning the confidence of the community in the process;

- (b) It offers the capacity to operate with economies of scale across diocesan boundaries in a uniform manner to provide professional standards services to each diocese and participating agencies;
 - (c) It has the structural flexibility to accommodate a range of corporate bodies in the Anglican community, not just the Victorian dioceses; and
 - (d) Finally, it best manages the risks associated with the proposed scheme in a contemporary and effective manner.
290. The constitution of the service company is explained in the attached outline. The board of directors of that corporation, some Anglican, some not, will oversee the provision of professional standards services to all the participating dioceses and entities. The initial members will be the founding diocesan corporations and entities.
291. Contrary to the scheme of the 2012 amendment and Church volunteer protocol, the draft legislation adopts broadly the same process for all Church workers and volunteers subject to three principal exceptions. Experience has suggested this is a preferable approach so long as the Professional Standards Board and Review Board can be flexible in its composition and proceedings.
292. The three exceptions: first, the process for a complaint against a Church volunteer has a 60 day time limit for determination by the Professional Standards Board or Review Board, subject to extension (cl 76, 86). Second, prescribed Church workers, including all clergy, lay ministers and remunerated office holders (schedule 1) have a higher duty to report matters (cl 17). Third, a Church volunteer may not appeal from a recommendation for suspension (cl 79(a)).

21 January 2016