SCHEDULE A _ final statement

The Anglican Diocese of Ballarat

The is statement made by me accurately sets out the evidence that I am prepared to give to the Royal Commission into Institutional Responses to Child Sexual Abuse. The statement, including the information provided in response to Schedule A and Schedule B, is true and correct to the best of my knowledge and belief.

30 November 2016

Garry John Weatherill
Bishop of Ballarat

1. The date the Diocese was established.

The Diocese of Ballarat was created (in virtue of the power given by Act 18 Vic. No. 45) by an Act of the Church Assembly of the Diocese of Melbourne (then coextensive with Victoria), on 30th October, 1873. The first bishop was consecrated on 1st May, 1875 by A. C. Tait, Archbishop of Canterbury, in Westminster Abbey. The Diocese began its active existence on the day of his enthronement at Ballarat in Christ Church Pro-Cathedral on 11th August, 1875.

2. The Province in which the Diocese is located.

Victoria

3. The current number of parishes in the Diocese.

Total Parishes, Parochial Districts, Mission Districts & the Cathedral = 24

Made up as follows:

The Cathedral Church of Christ the King

Parishes = 17

Ararat
Colac
Glenelg-Wannon
Hamilton
Horsham
Kowree (Edenhope)
Mortlake
Port Fairy
Sebastopol
Springmount
St John's Ballarat
St Paul's, Ballarat
St. Matthew's, Wendouree
St. Peter's, Ballarat
Stawell
The Otways
Warracknabeal
Warrnambool

*Parochial Districts (no longer fulfil the requirements to meet the status of parish) = 3*

Buninyong
West Moorabool
West Wimmera

*Mission Districts (co-operative ventures between parishes, or experimental congregations or new geographical groupings) = 3*

St. Francis of Assisi (a joint venture between the parishes of Camperdown and Holy Apostles)
Lower Glenelg (A joint venture between the parishes of Heywood and Portland)
Woady Yaloak (A new geographical grouping of the out centres of Linton & Snake Valley)

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

2500 approx.

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

65 - made up as follows:

*Parish Clergy (including The Dean of the Cathedral, Parish Priests, Hon. Assistant Priests, Assistant Curates) = 30*

*Retired clergy holding the Bishop’s Permission to Officiate = 35*

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

The Diocese of Ballarat has a financial year end of 30th of June and reports on a consolidated basis. This consolidation as at 30 June 2016 included for the first time the Ballarat Anglican Diocesan Corporation. This entity as from 1st July 2015 assumed the operational activities of the Diocese with the investment and parish property
holding activities remaining with our corporate trustee (The Ballarat Diocesan Trustees).

As at 30th June 2016 the financial position was-

<table>
<thead>
<tr>
<th>Financial Category</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Cash &amp; Short term deposits</td>
<td>$ 1,887,921</td>
</tr>
<tr>
<td>Receivables &amp; loans</td>
<td>$ 720,248</td>
</tr>
<tr>
<td>Current Assets</td>
<td>$ 2,608,169</td>
</tr>
<tr>
<td>Listed Investments</td>
<td>$ 11,169,621</td>
</tr>
<tr>
<td>Loans</td>
<td>$ 718,481</td>
</tr>
<tr>
<td>Fixed Assets</td>
<td>$ 5,010,120</td>
</tr>
<tr>
<td>Non-current Assets</td>
<td>$ 16,898,222</td>
</tr>
<tr>
<td>Total Assets</td>
<td>$ 19,506,391</td>
</tr>
<tr>
<td>Payables &amp; provisions</td>
<td>$ 260,481</td>
</tr>
<tr>
<td>Deposits held</td>
<td>$ 1,465,981</td>
</tr>
<tr>
<td>Total liabilities</td>
<td>$ 1,726,462</td>
</tr>
<tr>
<td>Trust units issued</td>
<td>$ 15,798,103</td>
</tr>
<tr>
<td>Reserves &amp; accumulated surplus</td>
<td>$ 1,941,542</td>
</tr>
<tr>
<td>Net assets / equity</td>
<td>$ 17,739,645</td>
</tr>
</tbody>
</table>

Notes:

1. Loans Assets are only to related parties i.e. Parishes and Diocesan clergy and staff.
2. Deposits held are monies lodged by Parishes and related Anglican entities into the Common Fund operated by the Ballarat Diocesan Trustees.
3. Fixed Assets include $1.7m in residential properties held for investment purposes.
4. Trust units represent Parish and Diocesan Trust funds which in the main represent endowments and the proceeds of property sales.

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

Parishes of the Diocese of Ballarat have no formal or incorporated legal structure. Their assets are vested in The Ballarat Diocesan Trustees.

By resolution of Synod pursuant to the powers granted under section 2 of the Anglican Trusts Corporations Act 1884 Victoria No. 797/1884 The Ballarat Diocesan Trustees was formed for the purpose of holding property in trust for the benefit of the Church within the Diocese of Ballarat. Real and personal property of the Anglican Church of Australia in the Diocese of Ballarat is to be vested in The Ballarat Diocesan Trustees.

The Ballarat Diocesan Trustees Act 1988 is the current Act of the Synod of the Diocese of Ballarat governing The Ballarat Diocesan Trustees.

Transactions in relation to real and personal property held by The Ballarat Diocesan Trustees require the consent of Bishop-in-Council and the local managing body. The
local managing body is defined as being the Council of the Parish on whose behalf property may be held.

Bishop-in-Council is not empowered to deal with real or personal property without the consent of the relevant Cathedral, Parish Council or Parochial district.

The Cathedral, Parish or Parochial District on whose behalf the property is held is responsible for maintenance and day to day control of the real property.

**Governance of the Anglican Diocese of Ballarat**

8. The names, employment status, and periods of appointment of those people occupying the following positions in the Diocese between 1 January 1990 and the date of this letter:

a. **Bishop**

- The Right Reverend John Hazlewood
  1975 - 17/7/1993 (Deceased 1998)
  
  *Administrator in the interregnum The Ven. A. M. Savage*

- The Right Reverend David Silk
  
  *Administrator in the interregnum The Ven. A. M. Savage*

- The Right Reverend Michael Hough
  31/1/2004 - 20/12/2010
  
  *Administrator in the interregnum The Right Rev’d Philip Huggins*

- The Right Reverend Garry Weatherill
  5/11/2011 - present

b. **Assistant Bishop**

- The Right Reverend Michael Hough
  28/8/2001 - 31/1/2004 (until made Diocesan Bishop, see above)

c. **Chancellor**

- Mr Peter Heinz (deceased)
  1974 - 1994

- Professor Robin Lorimer Sharwood (deceased)
  1995 - 2002

- Michael Shand QC
  30/11/2002 - 2011
• Charles Gunst QC  
  30/11/2011 - present

d. Deputy Chancellor

• Charles Gunst QC  
  2010 - 11 before being appointed Chancellor (see above)

e. Registrar / General Manager

• 1990 (vacant)

• The Reverend Arthur Barrington Wells  
  1991 - 1993

• Mr Robin Mitchell (deceased)  
  1993 - 2012

• Mr Peter Neil Jarvis  
  2012 - present

f. Professional Standards Director  
(We have included in this section our Episcopal Standards Director)

i. Professional Standards Director

• Ms. Jane Hendtlass  
  2001 - 2003

• Mrs Moira Rayner  
  2004 - 2004 (Acting)

• Ms. Claire Sargent  
  2004 - present

ii. Episcopal Standards

• Ms. Dianne Bates  
  2013 - 2016
g. Chair of the Professional Standards Committee or similar body
We have included in this section our Episcopal Standards Committee.

i. Chair - Professional Standards Committee
- 2003 - 2010
  Ms. Angela Were
- 2010 - present
  Mr. Daryl Williams QC

ii. Chair - Episcopal Standards Committee
- 2013 - present
  Mr. Michael O'Bryan QC

iii. President - Professional Standards Board
- 2010 - 2012
  Rena Sofroniou
- 2012 - present
  Mr Stephen Wilmoth

iv. President - Professional Standards Review Board
- 2010 - present
  Justice Julie Dodds-Streeton

v. Deputy President - Professional Standards Review Board
- 2010 - 2012
  Charles Gunst QC
- 2013 - 2015
  Hon John Coldrey QC (Deputy)
- 2015 - present
  Hon David Habersberger QC (Deputy)

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

Historical
- Minter Ellison
  Mr Richard McQueen
Current

- 2008 - present
  Marsh and Maher
  Ingrid Nunnink

- Nevett Ford
  Mr Philip Brewin

i. Diocesan Advocate

- Peter Harris (deceased)
  1974 - 1999

- Sue Chapman
  1999 - 2007

- Sally Macarthur Clyde
  2007 - present

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

We have included in this section our Episcopal Standards Committee.

i. Professional Standards

Presiding members

Professional Standards Committee

Mr Daryl Williams QC
Ms Claire Sargent

Chair
Director of Professional Standards

Professional Standards Board

Mr Stephen Wilmoth

President

Professional Standards Review Board

The Honorable Julie Dodds-Streeton QC
The Honorable David Habersberger QC

President
Deputy President
ii. **Episcopal Standards**

*Presiding members*

*Episcopal Standards Committee*

Michael O'Bryan  
Diane Bates  
Chairman  
Director

iii. **Panel of Triers**

*Historical*

1989 - 1991

*Clergy*

The Ven. A. Savage  
The Rev'd Canon C. Haugh  
The Rev'd N. Fryer  
Laity

Mr A. Wells  
Mr M. Whitelaw  
Remaining positions not filed.

1992 - 1994

*Clergy*

The Rev'd R Caernarvon-Smith  
The Rev'd H Reuss  
The Rev'd N. De Silva  
The Rev'd Canon F Phipps  
The Rev'd C. Mansell  
The Rev'd R. Stanley  
The Rev'd A. Neaum  
The Rev'd D. Oulton  
The Rev'd P. Cook  
The Rev'd E. Steele  
The Rev'd N. Hart  
The Ven. A. Savage

*Laity*

Mr K. Haymes  
Mr G. Lines  
Mr R. McFarlane  
Mr F. Bull  
Mrs B. Pepper
Mrs R. Young
Mrs L. de Fredrick

Remaining positions not filled.

1995 - 1997

Clergy

The Rev'd C. Cheong
The Rev'd N. De Silva
The Rev'd D. Oulton
The Very Rev'd W. Edebohls
The Rev'd P. Cook
The Rev'd R. Caernarvon-Smith

Laity

Mr. D. Huntley
Mr K. Haymes
Mr R. McFarlane
Mrs B. Pepper
Mrs L. d Fredrick
Mr G. Lines
Mr. D. Dyer

Remaining positions not filled.

1998 - 2000

Clergy

The Ven. A. Savage
The Rev'd D. Tonks
The Rev'd C. Cheong
The Rev'd K. Hagan
The Rev'd T. Gross
The Rev'd D. Kirk
The Rev'd J. Mathes
The Rev'd G. Parker
The Rev'd J. Young
The Rev'd T. Bartel

Laity

Mrs B. Pepper
Mr I. Hayes
Mrs M. Keeble
Mrs K. Blake
Mr R. Nash
Mr B. Howard
Mr D. Shackell
Mrs J. Tann
Mr N. Rowe

Remaining positions not filled.

2001 - 2003

Clergy

The Ven. A Savage
The Rev'd C. Cheong
The Rev'd K. Hagan
The Rev'd T. Gross
The Rev'd J. Mathes
The Rev'd R. Johnson
The Rev'd D. Oulton
The Rev'd J. Young
The Rev'd J. Bishop
The Rev'd D. Vanderwolf

Laity

Mrs B. Pepper
Mr I. Hayes
Mrs M. Keeble
Mr R. Nash
Mrs J. Allitt
Mr G. Dent
Mrs L de Fredrick
Mrs D. Mason
Mr G. Wallis
Mr A. Ford
Mrs J. Tann

Remaining positions not filled.

2004 - 2006

Clergy

The Rev'd R Wood
The Rev'd P Turnbull
The Rev'd P Lord
The Rev'd Connors
The Rev'd Johnson
The Rev'd Wilson
The Rev'd Malcolm Thomas
The Rev'd Chris Archer
The Rev'd Lyall Cowell
The Rev'd John MacGlashan
The Rev'd Martyn Hope

Laity

Mr D Huntley
Mr V Robson
Mr K Taylor
Miss A Knight
Mrs J Tann
Mrs G Clydesdale
Mr D Brehaut
Mrs Bev Pepper
Mrs S-J Holland
Mr Trevor Bysouth
Mr Dave Colley

Remaining positions not filled.

2007 - 2009 (no Synod in 2008)

Clergy

The Rev'd Denis Sotiriadis
The Rev'd Roger Wood
The Rev'd John Mathes

Laity

Alice Knight
Vern Robson
Gail Wager

Remaining positions not filled.

2010 - 2012

Clergy

The Rev'd Robert Caernarvon-Smith
The Rev'd René Knaap
The Rev'd Denis Sotiriadis
The Rev'd Richard Silk
The Rev'd David Oulton
The Rev'd Glen Wesley
The Rev'd R Shackell
The Rev'd David Price
The Rev'd Peter Treloar
The Rev'd Peter Yeats
The Rev'd Graham Perkins
Laity

Sarah-Jayne Holland
Rob Knowles
James Hay
Sally Macarthur Clyde
Marie Thornton
Alice Knight
Bev Pepper
Netta Hill
Elizabeth Nichol

Remaining positions not filled.

Presiding

2013 - 2015

Clergy

The Rev'd Denis Sotiriadis
The Rev'd Scott Lowrey
The Rev'd Adriaan Siersema
The Rev'd Chris Chataway
The Rev'd Scott Lowrey
The Rev'd Robert Caernarvon-Smith
The Rev'd Tim Gaden
The Rev'd Anne McKenna
The Rev'd Constantine Osuchukwu
The Rev'd Graham Snell

Remaining positions not filled.

Laity

William Wood
Sarah-Jayne Holland
James Hay
Alice Knight
Bev Pepper
Geoff Ryan
Denis Shackell
Marie Thornton

Remaining positions not filled.
k. Trustees on any Boards of Trustees established to manage the real property of the Diocese.

* denotes change of personnel for the period in question.

1990 - 1993
Bishop | The Right Reverend John Hazlewood (deceased)
Archdeacon of Ballarat | Arthur Savage
The Chancellor | WH Heinz (deceased)
K W Allen
Jeffrey Batch
Vacant

1993 - July 1994
* Bishop | The Right Reverend David Silk (began 19 March 1994)
Archdeacon of Ballarat | The Ven. Arthur Savage
The Chancellor | WH Heinz (deceased)
* Don Huntley (deceased)
Jeffrey Batch
* The Rev'd A.B. Well (at the time not a priest)

July 1994 - 1995
Bishop | The Right Reverend David Silk
Archdeacon of Ballarat | The Ven. Arthur Savage
The Chancellor | WH Heinz (deceased)
Don Huntley (deceased)
Jeffrey Batch
* Robin Mitchell (deceased)

1995 - 2000
Bishop | The Right Reverend David Silk
Archdeacon of Ballarat | The Ven. Arthur Savage
* The Chancellor | Prof. Robin Sharwood (deceased)
Don Huntley (deceased)
Jeffrey Batch
Robin Mitchell (deceased)

2000 - 12 November 2002
Bishop | The Right Reverend David Silk
Archdeacon of Ballarat | The Ven. Arthur Savage
The Chancellor | Prof. Robin Sharwood (deceased)
* Alan Orr (deceased)
Robin Mitchell (deceased)
Don Huntley (deceased)
2002 - 26 November 2003
Bishop | The Right Reverend David Silk
Archdeacon of Ballarat | The Ven. Arthur Savage
* The Chancellor | Michael Shand QC
Alan Orr (deceased)
Robin Mitchell (deceased)
Don Huntley (deceased)

26 November 2003 - 2004
Bishop | Vacant
Archdeacon of Ballarat | The Ven. Arthur Savage
The Chancellor | Michael Shand QC
* Lloyd Linsdell
Robin Mitchell (deceased)
Don Huntley (deceased)

January 2004 - July 2004
* Bishop | The Right Reverend Michael Hough
Archdeacon of Ballarat | The Ven. Arthur Savage
The Chancellor | Michael Shand QC
Lloyd Linsdell
Robin Mitchell (deceased)
Don Huntley (deceased)

January 2004 - July 2004
Bishop | The Right Reverend Michael Hough
* Archdeacon of Ballarat | The Ven. Robert Newton
The Chancellor | Michael Shand QC
Lloyd Linsdell
Robin Mitchell (deceased)
Don Huntley (deceased)

July 2004 - August 2005
Bishop | The Right Reverend Michael Hough
Archdeacon of Ballarat | The Ven. Robert Newton
The Chancellor | Michael Shand QC
Lloyd Linsdell
Robin Mitchell (deceased)
* Don Huntley – (deceased)

August 2005 - 2007
Bishop | The Right Reverend Michael Hough
Archdeacon of Ballarat | The Ven. Robert Newton
The Chancellor | Michael Shand QC
Lloyd Linsdell
Robin Mitchell (deceased)
* Vacant
August 2008 - December 2008  
Bishop | The Right Reverend Michael Hough  
* Archdeacon of Ballarat | The Ven. Peter Yeats  
The Chancellor | Michael Shand QC  
Lloyd Linsdell  
Robin Mitchell (deceased)  
Vacant

December 2008 - October 2009  
Bishop | The Right Reverend Michael Hough  
Archdeacon of Ballarat | The Ven. Peter Yeats  
The Chancellor | Michael Shand QC  
Lloyd Linsdell  
Robin Mitchell (deceased)  
* John Stuchbery

November 2009 - 20 December 2010  
Bishop | The Right Reverend Michael Hough  
* Archdeacon of Ballarat | The Very Rev'd Graeme Perkins  
The Chancellor | Michael Shand QC  
Lloyd Linsdell  
Robin Mitchell (deceased)  
John Stuchbery

21 December 2010 - 4 November 2011  
* Bishop | Vacant  
Archdeacon of Ballarat | The Very Rev'd Graeme Perkins  
The Chancellor | Michael Shand QC  
Lloyd Linsdell  
Robin Mitchell (deceased)  
John Stuchbery

5 November 2011 - 19 November 2011  
* Bishop | The Right Reverend Garry Weatherill  
* Archdeacon of Ballarat | vacant (G Perkins resigned as of 6 November)  
The Chancellor | Michael Shand QC  
Lloyd Linsdell  
Robin Mitchell (deceased)  
John Stuchbery

20 November 2011 - July 2012  
Bishop | Garry Weatherill  
Archdeacon of Ballarat | Vacant  
* The Chancellor | Charles Gunst QC  
Lloyd Linsdell  
Robin Mitchell (deceased)  
John Stuchbery
August 2012 - January 2014
Bishop | Garry Weatherill
Archdeacon of Ballarat | Vacant
The Chancellor | Charles Gunst QC
Lloyd Linsdell
* Peter Jarvis
John Stuchbery

January 2014 - February 2014
Bishop | Garry Weatherill
Archdeacon of Ballarat | vacant
The Chancellor | Charles Gunst QC
Lloyd Linsdell
Peter Jarvis
* Kevin Knight

February 2014 – present
Bishop | Garry Weatherill
Archdeacon of Ballarat | Chris Chataway
The Chancellor | Charles Gunst QC
Lloyd Linsdell
Peter Jarvis
* Kevin Knight

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

a. Bishop-in-Council or Diocesan Council

This body is established under the *Council of the Diocese Act 1988-1999* of the Synod of the Diocese of Ballarat. Its purpose is to assist the Bishop in matters pertaining to the temporal affairs of the Diocese.

It comprises four ex-officio members and 12 members (6 clergy and 6 lay) elected from the body of Synod and up to 12 members (6 clergy and 6 lay) appointed by the Bishop. The elections and appointments are made for a three year term.

Matters considered at meetings of the Bishop-in-Council are decided by the vote of the Bishop (or his or her alternate) and by the vote of the majority of members present.

The members of Bishop-in-Council are the board members of the recently established Ballarat Anglican Diocesan Corporation Ltd ACN 603 316 696.

In 2014, a new sub section (4A) of the *Council of the Diocese Act 1988-1999* was inserted to stipulate that a member of the Council will cease to be a
member of the Council if he or she refuses to consent to be a director or subsequently resigns as a director of the corporation.

The Registrar of the Diocese acts as the Secretary of the Council and may speak but not vote at its meetings.


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

By resolution of Synod pursuant to the powers granted under section 2 of the *Anglican Trusts Corporations Act 1884* (Victoria) No. 797/1884 The Ballarat Diocesan Trustees was formed for the purpose of holding property in trust for the benefit of the Church within the Diocese of Ballarat. Real and personal property of the Anglican Church of Australia in the Diocese of Ballarat is to be vested in The Ballarat Diocesan Trustees.

*The Ballarat Diocesan Trustees Act 1988* is the current Act of the Synod of the Diocese of Ballarat governing The Ballarat Diocesan Trustees.

Transactions in relation to real and personal property held by The Ballarat Diocesan Trustees require the consent of Bishop-in-Council and the local managing body. The local managing body is defined as being the Council of the Parish on whose behalf property may be held.

Bishop-in-Council is not empowered to deal with real or personal property without the consent of the relevant Cathedral, Parish Council or Parochial district.

The Act also allows the corporation to establish and keep a common fund to invest funds on behalf of the Diocese, its Parishes and related entities.

The appointment of Trustees and their authority to act are set out in the *Ballarat Diocesan Trustees Act 1988* of the Synod of the Diocese but in summary are:

There are six trustees of which three shall be the Bishop of Ballarat, Archdeacon of Ballarat and the Chancellor of the Diocese and three appointed by the Synod. The Registrar of the Diocese will be the Secretary of the corporation.

There is no fixed term for a trustee other than an ex-officio member ceases to be a trustee when they vacate that office.

References:  *The Ballarat Diocesan Trustees Act 1988* (Synod)
            *Anglican Trust Corporations Act 1884* (Victoria)
c. Synod of the Diocese of Ballarat.

*The Church of England Act 1854* (Victoria) allows the Bishop of a Diocese of the Anglican Church in Victoria to convene a Synod of licensed Clergy and the Laity of the Diocese. The Synod may pass resolutions, regulations and acts to govern the affairs of the Anglican Church within that Diocese.

The Synod of the Diocese of Ballarat is not an incorporated body. Until 1st July 2015 the operational or trading activities of the Synod or Diocesan Registry (administration) were conducted in the trading name of the Diocese of Ballarat.

The laity and clergy comprise separate houses of the Synod and, to be valid, a resolution, regulation or act must be passed by a majority of both houses and receive the assent of the Bishop. Once passed and assented to, it is binding on the Bishop (and their successors) and on the Clergy and Lay members of the Anglican Church in the Diocese of Ballarat.

The Synod of the Diocese of Ballarat must meet at least annually and is called by the Bishop who must provide at least 30 days' notice. The term of a Synod is three years with the current Synod's term to expire in 2016.

*The Church of England Act 1854* (Victoria) sets the membership of the house of clergy as the clergy incumbent (to a Parish) or licensed by the Bishop within the Diocese. Holders of a Permission to Officiate are not eligible to be members of Synod.

The composition of the house of laity is set by an Act of the Synod (the Synod Act) and, at present, two lay representatives (and two supplementary lay representatives) represent each Parish, Parochial District and the Cathedral plus six lay representatives appointed by the Bishop.

References: *Church of England Act 1854* (Victoria)  
*Synod Act 2015* (Synod)

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

a. Deacons  
b. Priests, and  
c. Bishops

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

The responsibilities of Deacons, Priests and Bishops are clearly and fully described in the Ordinal Exhortation and Examination for each Order.

Deacons  
A Prayer Book for Australia page 783

Priests  
A Prayer Book for Australia page 791

Bishops  
A Prayer Book for Australia page 799
Theological training and qualifications for each Order are well described in the Canon Concerning Holy Orders that passed the General Synod in 1997. There is a deliberate flexibility in these guidelines to enable individual Bishops to respond to particular needs of particular people. However, in general these parameters contain the personal characteristics, the academic requirements and the familial/Church experience.

Reference: Canon Concerning Holy Orders, 1997

Licensing

Various forms of licence operate in this diocese.

Every cleric holding any type of licence is required to have

- A “fresh” Police Clearance
- A Working with Children card or clearance
- Completed a Safe Ministry Form
- Have been checked against the national Register and have been cleared by the DPS for licensing.
- Attended any Ministry Training event as required from time to time.
- A Ministry Review every three years. (this is a new requirement in this Diocese.)

For Stipendiary Clerics.

1. General Licence – issued to professional clergy on their appointment to a Parish. Such licences call the cleric the Rector and that cleric has tenure.

2. Assistant Curate Licence – issued to assistant Priests and Deacons in parishes, usually for a fixed term (e.g. 2 years). A supervising priest is nominated on the licence. This licence may be terminated at the Bishop’s pleasure.

3. Priest in Charge licence – issued to a cleric in their first full time position or for a Priest or Deacon new to the Diocese for a three year term, revocable with three months’ notice.

For Non-Stipendiary Clerics

These are clerics who have the education, training and capacity to be professional clergy but who choose not to have a stipend (e.g. a priest, formerly in the Army with a strong military pension, or an independently wealthy person who wants to engage in ministry but without the responsibilities of a Rector.)

Licensed as Non Stipendiary Deacon/Priest in the Parish/District of X, usually under the direction of the Bishop or the Archdeacon. There is always a negotiated time limit on such a licence and the capacity of the Bishop to give three months notice of withdrawal.
For Retired Clergy

Are usually issued with a Permission to Officiate in the Diocese, under the direction of a stipended professional cleric of their own nomination. Renewed every three years.

For Ordained Local Ministers

These are clerics who have either limited education or limited capacity and who nevertheless have been called to ministry by their local congregations, and have been tested in the usual ways. Some OLMs are priests, but most are permanent Deacons, and exercise their ministry in the context of a team led by a professional stipended cleric.

Licensed as Local Deacon/Local Priest in the Parish/District of X under the direction of the Parish Priest/Rector, for a period of three years at a time. Three months notice of withdrawal by the Bishop.

Engagement arrangements

All clergy receive a Letter of Appointment from the Bishop outlining their responsibilities and the responsibilities of the Diocese and the Parish to the cleric.

Stipended Clergy – Stipend at the present rate, superannuation (a contribution from the cleric gets a further 6% contribution by the Diocese), 34 days annual Leave provision, vehicle and running costs supplied, housing with heating and cooling supplied.

Non-Stipended Clergy – No stipend is paid, but the cleric may negotiate with the parish for travel at the agreed rate. No other benefits unless specifically negotiated with the cleric before licensing.

Ordained Local Ministers – No stipend, but the Parish/District may arrange an honorarium, provision of house for service, or another way of assisting ministry costs for the OLM. Only written agreements before or on appointments are reliable.

Other Variations

School Chaplains – are licensed with a General Licence as School Chaplain at X School. The License lapses when employment at the School ceases. Employment conditions are determined by the School.

Anglicare Chaplains – are licensed with a General Licence as Anglicare Chaplain for X. License lapses when employment by Anglicare ceases. Employment conditions are determined by Anglicare.

Other Chaplains e.g. Mission to Seafarers, Mission Agency are usually issued with PTO for three year period, under the direction of a General Licence holder. Employment conditions as determined by the employing agency.
**Bishops**

**The Diocesan Bishop** is appointed by the Electoral Process of the Diocese and assumes all the rights privileges and responsibilities of the office upon enthronement. Stipend, housing, Expenses of Office, superannuation, Long Service Leave, Study Leave, Lambeth Conference Provision, secretarial and other personal assistance is determined before enthronement and is subject to review by the Bishop-in-Council meeting without the Bishop present.

The diocesan Bishop does not usually have a licence, but is required to fulfil all the requirements demanded of other licence holders.

The diocesan Bishop may hold the licence of another Bishop, at that Bishop’s discretion.

**Assistant Bishops** are licensed and treated as Stipendiary clerics with a General Licence to serve as Assistant bishop in the Diocese of X. All provisions applying to other General Licences apply.

**Retired Bishops**, unless granted specific roles, are licensed with a PTO under the normal conditions.

*References: A Prayer Book for Australia (APBA)*

*Canon concerning Holy Orders 1997*

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

a. the name of the entity

b. the date of incorporation

c. the mode of incorporation, and

d. any assets held by the corporation.

a. Ballarat Anglican Diocesan Corporation Ltd.

b. It was incorporated on the 15th of January 2015 and took over operational activities of the Diocese of Ballarat as from 1st July 2015. These activities included the appointment and payment of clergy and lay staff. One of the principal purposes of the creation of this corporation was, in compliance with a recommendation of the recent Victorian Parliamentary Inquiry into the handling of child abuse by religious and other non-government organisations, to ensure that the Diocese had an incorporated body capable of being sued and making redress in respect of any abuse claims.

c. The Corporation is a company limited by Guarantee with two members each of whom provide a guarantee of $100:

- The Bishop of Ballarat
- The Ballarat Diocesan Trustees
d. At its inception as the operating entity of the Diocese net assets of $354,697 were transferred to it being the operational assets of the previous unincorporated Diocese of Ballarat. These consisted of Parish and other trading debts, plant and equipment, motor vehicles as follows:

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Cash at Bank</td>
<td>127,057</td>
</tr>
<tr>
<td>Other CA</td>
<td>227,589</td>
</tr>
<tr>
<td><strong>Current Assets</strong></td>
<td>354,646</td>
</tr>
<tr>
<td>Plant and equipment</td>
<td>265,193</td>
</tr>
<tr>
<td>Loans</td>
<td>35,223</td>
</tr>
<tr>
<td><strong>Non-Current Assets</strong></td>
<td>300,416</td>
</tr>
<tr>
<td><strong>Total Assets</strong></td>
<td>655,062</td>
</tr>
<tr>
<td>Payables</td>
<td>87,707</td>
</tr>
<tr>
<td>Provisions &amp; Deposits</td>
<td>254,366</td>
</tr>
<tr>
<td>Loan - Trustees</td>
<td>122,311</td>
</tr>
<tr>
<td><strong>Total Liabilities</strong></td>
<td>464,384</td>
</tr>
<tr>
<td><strong>Net Assets</strong></td>
<td>190,687</td>
</tr>
</tbody>
</table>

The corporation is also insured against abuse claims. The Bishop-in-Council of the Diocese has the authority under the *Ballarat Anglican Corporation Act 2014* (Synod) to vest additional assets in the corporation.

The Board of the Corporation comprises the members of Bishop-in-Council who monitor the financial performance and position of the Corporation at its bimonthly meetings. They are currently considering the appropriate level of support by way of letter of comfort or memorandum of understanding to ensure that the corporation is able to meet known or reasonable foreseeable claims of any nature and remain solvent.

Reference: *Ballarat Anglican Diocesan Corporation Act 2014*

**The Church of England Boys’ Society (CEBS)**

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

a. **legal, financial, and/or administrative relationship**

   I. Parish branches (with 2 exceptions, see below) we affiliated with the CEBS Diocesan Council, who in turn were affiliated with the State and National Councils. Affiliation fees were paid by parish branches to the CEBS.
Diocesan Council on a per member basis with a minimum fee. The CEBS Diocesan Council paid an affiliation fee to the State Council on a per member basis with a minimum fee.

II. CEBS Diocesan Council minutes indicate that the Parishes of St Matthew’s Wendouree (mentioned in 1975 and 1981) and St Paul’s Bakery Hill (mentioned in 1981) were running parish branches without affiliation.

III. Known Branches mentioned in the available records were:

- St John’s Soldiers Hill: operating prior to in 1967 (first mention in the records) and still running in 1990 (last mention)
- All Saint’s Ballarat: Started in 1975. Closed by July 1982
- St Paul’s Bakery Hill: Mentioned as running a non-affiliated branch in 1981.
- St Matthew’s Wendouree: First mentioned in 1975 as running a non-affiliated branch. Again mentioned as running in 1981. Asked to desist using the CEBS name.
- Christ Church Hamilton: Started 1981. No mention after 1981

IV. The structure of the diocesan organisation was:

- Parish branch working within the life of the host parish and under the authority of the parish council.
- District branch
- Diocesan Branch

V. The CEBS Diocesan Council provided training for branch leaders, grants to parish branches, administrative support, recruitment and member
training materials, camp and diocesan event coordination and public liability insurance.

VI. The public liability insurance was procured through a commercial provider independent to the diocesan scheme until 1982 when they joined the Melbourne CEBS’s insurance scheme.

b. governance arrangements

I. The CEBS Diocesan Council represented the affiliated parish branches to the Diocesan Synod, State CEBS Council and National CEBS Council. One or two representatives were sent on behalf of the CEBS Diocesan Council to the State CEBS Council and National CEBS Council meetings. Representatives reported on the state of the diocesan organisation to the Diocesan Synod, State Council and National Council.

II. Known diocesan representatives to the CEBs national meetings were:
   - Mr Geoff Turner (1981)
   - Mr David Stuchbery (1981)

III. The CEBS Diocesan Council operated under a constitution. The constitution governs a council of CEBs within the boundaries of the Diocese of Ballarat and that the Society was part of CEBS Australia and as such shall be governed by and work under the Australian constitution of CEBS.

IV. The constitution delegated the administration of the CEBS camps to their local District Councils.

V. Parish branches started at the request of the parish or at the encouragement of the CEBS Diocesan Council.

VI. Parish branches operated under the authority of the Parish Council in that place.

VII. According to available records, no branches operated outside of a host parish.

c. staffing arrangements, and

I. The CEBS Diocesan Council’s constitution stipulates membership requirements for parish branches, the administration of CEBS camps and the composition/ election of the Executive Committee, that being a chairman, deputy chairman, security, treasurer, leader training officer and district commissioners.

II. The appointment of parish branch leaders was at the discretion of the parish priest in that place.
d. record-keeping and archiving arrangements.

I. According to available records, there was no policy on record keeping or archiving. Any records were kept by parish/diocesan secretaries with no central archive.

II. Known records are comprised of membership applications, council minutes, various invoices and correspondence, training manuals and handbooks, copies of unfilled camp application forms and various promotional materials.

III. A diocesan wide call was made for any records still in existence within the diocese by parishes, past office bearers and the diocesan registry. Very little remains with most records obtained belonging to a past secretary from 1974-1984 and pertaining to the activities of the CEBS Diocesan Council.

References: Email narratives from current diocesan lay and clerical members
CEBS Diocesan Council records (1974-1984)
CEBS Reports to Diocesan Synod
Constitution of the CEBS Diocesan Council

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.

- According to available records (1975-1984), CEBS in the Ballarat Diocese operated two camps:
  o Rex Norman Park, Gellibrand. (Destroyed by fire in 1982 and sold to the Otway's Shire Council in 2002)
  o Maxwell Park, Snake Valley (Sold to a private owner in 1998)
- The CEBS camps were administered by the CEBS District Council in which the camp was located
- The camps were used for parish branch camps, diocesan Father and Son camps, leader training camps and other events.
- Other campsites throughout the diocese were used in addition to the CEBS camps:
  o Rocklands near Horsham (not owned by the diocese)
  o Unknown site at Halls Gap (records do not specify exact location)
- In the CEBS Diocesan Council minutes for March 1982, there is a requirement that “children under eight must be accompanied by an adult” at the Father and Son camp.
• In promotional material for Father and Son camp 1979, Fathers are encouraged to attend, but not required. There is no lower or upper age limit placed on children attendance with or without parents.
• Available records do not indicate any CEBS policies regarding child protection policies or staffing requirements at the Father and Son camps or other camping events other than those stated above.

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.

Ballarat and Queens Anglican Grammar School is the only school in the Diocese of Ballarat permitted to use Anglican in its name.

The School operates as an independent entity with a company structure limited by Guarantee. Its constitution outlines the relationship between the Anglican Church and the School, including:

Company Objects (of the School):

... ensuring the School provides a liberal, scientific and general education, including religious education in conformity with the principals of the Anglican Church (Clause 2 of the Constitution).

Winding-up

... any property remaining must only be given and transferred to funds, authorities or institutions connected with the Anglican Church ... with objects similar to those of the company...

... identity of a fund must be decided by the members and approved by Bishop-in-Council.... (Clause 6).

Altering the Constitution

A special resolution altering this constitution has no effect unless approved by Bishop-in-Council. (Clause 7)

Membership

The Bishop and the Dean of the Cathedral are members of the company.

The Bishop also holds the office of President and may preside, speak but not vote at meetings of the members, including the annual meeting.

The Bishop-in-Council appoints three persons to be members for a three year term (clause 8.1).
The Board and directors

The Constitution provides for up to 12 Directors of which half are appointed by the Diocese – five by Bishop-in-Council after consultation with the board with the sixth ex officio being the Archdeacon of Ballarat (clause 11).

The Head of the School

The Head is appointed by the Board with the prior concurrence of the Bishop (section 13) and must be a communicant member of the Anglican Church unless the Bishop decides otherwise.

Reference: Constitution of Ballarat and Queens Anglican Grammar School (a company limited by guarantee)

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

a. any para-church Diocesan youth groups, such as the Crusaders or Youthworks
b. Anglicare, or entities known as Anglicare
c. Anglican schools, and/or
d. any Anglican-run or affiliated children’s homes.

a. There are no current Diocesan Youth Groups active in the Diocese of Ballarat. Historically a local Diocese youth organisation operated under the title of the Council of Young Anglicans. The CYA ceased as an active organisation in 2002 although some residual funds remain held by the Diocese which provide small grants to parish based youth or children’s ministry events.

b. The Diocese started Anglican Careforce Ballarat as a local social welfare program in 1999 and later became known as Anglicare Ballarat. This predominately food based relief program was transferred to Anglicare Victoria in 2012.

Anglican Careforce Ballarat is now limited to a fund raising entity under the banner of the Bishop’s Appeal with the proceeds being used support the work of Anglicare Victoria in the Diocese of Ballarat.

c. Ballarat and Queens Anglican Grammar School Ltd is the only Anglican School currently in existence in the Diocese of Ballarat. Our governance relationship has been detailed in our response to question 14. The financial relationship is limited to the Ballarat Diocesan Trustees managing several bequests made to the Trustees which provide scholarships to students of the school.

The Parish of Portland in the Diocese appoints a member of the Board of the Bayview Christian School at Portland. Bayview is not an Anglican School, but the Anglican Church is one what is defined in Bayview Schools Constitution as
a participating Church as are the Baptist, Catholic, Church of Christ, Lutheran and Uniting churches together with the Loreto Sisters.

d. St Cuthbert’s Homes was an Anglican children’s home located in Colac within the Diocese of Ballarat. St. Cuthbert’s was operated separately from the Diocese although the Anglican Church was represented on its board of management.

Following the closure of St. Cuthbert’s Homes in 1977 and the subsequent disposal and sale of its assets, Bishop-in-Council and The Ballarat Diocesan Trustees assumed responsibility for the management of a trust fund set up to receive the net proceeds of the sale, known as the St. Cuthbert’s Trust Fund. This arrangement is detailed in the *St Cuthbert’s Trust Fund Act 1988* (Synod) of the Diocese of Ballarat.

Bishop-in-Council and The Ballarat Diocesan Trustees are responsible for all matters actions rights and responsibilities of the Board of Management of St. Cuthbert’s Homes.

Pursuant to the terms of the *St. Cuthbert’s Trust Fund Act 1988*, The Ballarat Diocesan Trustees have been directed by Bishop-in-Council to apply the income and capital of the St Cuthbert’s Trust Fund to provide redress to former residents of the home who have made a formal written complaint. Some redress payments were made in conjunction with the Victorian Government Solicitor’s Office where complainants were also Wards of the State.

Any enquiries complaints or claims from past residents are referred to our Office of Professional Standards for appropriate assessment and recommendations.

Reference: *The St Cuthbert’s Trust Fund Act 1988* (Synod)

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

The priest in change of a parish has primary responsibility for the appointment and supervision of parish run youth activities and groups. Any person the priest appoints to be in charge of youth activities and groups must hold a license from the Bishop for Youth and/or Children’s Ministry, hold a current Working with Children Card and have a satisfactory Police and National Register check.

Any complaints or concerns regarding any persons and their suitability to continue to be involved in youth or children’s ministry would be referred to our Office of Professional Standards.
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.

This Diocese has a traditional Anglo-Catholic flavour and so has a reasonably conservative stance towards marriage, divorce, celibacy and homosexuality.

Marriage

Clergy in this diocese may be married or unmarried.

Marriage after divorce is permitted in this Diocese once the Bishop has granted a marriage Dispensation. Diocesan Regulation under Subsection 5 (I) of the Marriage of Divorced Persons Canon, Canon 7, 1981, requires such a Dispensation. All other requirements outlined in that Canon must also be fulfilled before the Bishop gives permission for a Faculty and therefore, grants the Marriage. Clergy like lay people, may be married after Divorce with episcopal approval.

Celibacy

Under Faithfulness in Service, celibacy is expected of those persons who are unmarried. A Celibate person is someone who is unmarried AND who refrains from sexual activity. Unmarried clergy in this Diocese are expected to be celibate as long as they remain unmarried. They are expected to live alone.

The situation for lay people is slightly different. Many unmarried persons in contemporary Australia have chosen to live with partners before marriage. Lay people who have a Licence from the Bishop are expected to conform to the requirements of Faithfulness in Service.

Homosexuality

This Diocese requires that clergy and licensed lay leaders conform to Faithfulness in Service and the Bishop has agreed to the Bishops’ Protocol dealing with sexual behaviour.

There is diversity of opinion about attitudes towards homosexual practise in the Diocese. It would be fair to say that there is general sympathy in the Diocese for a relaxation of the conservative position. Partly this is because many church people have experienced loving, long term, faithful homosexual relationships at work, in their families and in Church communities.

There are clergy in this Diocese who would describe themselves as homosexual, but they do not cohabit with same sex partners. The ministry of such clergy is generally well received by the wider church community.
18. The Anglican Church of Australia’s website, as at 30 October 2015, includes the following statement under the heading ‘Internal Diversity’:

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

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

The Constitution and Fundamental Declarations preserve the unity of the Anglican Church of Australia. At times of tension and disagreement between the Dioceses, these Fundamental Declarations and the Constitution are appealed to as the authoritative document of our common life. The National Church is therefore more akin to a loose federation rather than a single monolith. We have a small National Office with a general Secretary and a very small staff.

Most decisions about the life, ministry and shape of Diocesan structures and organizations is made by the Synod of the Diocese under the leadership of the Diocesan Bishop.

It is often difficult for “outsiders” to understand this strangely Diocesan structure. In comparison with the Roman Catholic Church, the Uniting Church in Australia, and the Lutheran Church of Australia, Anglicans are a very loose National Church.

There are at least four major theological “strands” within the Anglican Church of Australia.

The “Sydney” strand which espouses a strongly Biblical and Calvinist theology: the diocese of Sydney, Armidale and North West Australia.

The “Moderate Evangelical” strand: the growing grouping within the National church made up of dioceses like Canberra/Goulburn, Rockhampton, Tasmania, Melbourne, The Northern Territory, Grafton, Gippsland.


The theological differences are primarily:

Ecclesiological – what is the nature of the Church?

Soteriological – how does salvation occur?

Sacramental – what constitutes a sacrament and what is its effect?

Scriptural - what is the authority of the Bible and how should it be interpreted?

Missional – what is the purpose and therefore the nature of mission action?

Liturgical – how important is liturgy in the life of individual Christians and of the wider Church.
Ministerial – who can be authorized ministers, what is the shape of that ministry, what is the source of authority in the Ministry.

Financial – what resources are available from the past and what investments are capable of maintaining and seeding new ministry projects. Some diocese are very rich (like Sydney and Perth), while others are barely viable (like North Queensland, Bathurst, The Murray).

These are all enormous theological issues and cut to the heart of Australian Anglican identity. The consequences of the great diversity have been to entrench the Diocesan structure as primary over the National structure.

Professional Standards, Episcopal Standards and Child Protection policies and implementation have been places of common action over the last decade. Led by lawyers from Sydney, Adelaide and Melbourne, the National Church has worked hard to provide some form of common approach to these issues.

While the default position of the Anglican Dioceses has in the past, been to work independently, the crisis over child abuse and other professional standards matters has brought us to work together in hitherto unknown co-operation.

Ordination and theological training

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

The Diocese has a warm relationship with the Trinity Theology School, within Trinity College in the University of Melbourne. Students preparing for ordained ministry are encouraged to pursue their studies through Trinity, either on site or electronically as distance students. Academic courses are taught at Certificate, Diploma and Degree level, and there is a “formation” program run on practical ministry every Friday.

The Diocese contributes financially to the School annually, and the Dean of Ballarat sits as a member of the Council of the School of Theology.

Trinity lecturers participate at least annually in our clergy schools.

Two priests are pursuing further studies part time at the Australian Catholic University, and one is about to begin a higher degree (part time) through the Pilgrim Theological College of the Uniting Church.

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

There is no documentary or anecdotal evidence about psychological assessment of candidates for ordination, or before ordination itself, prior to 1986.

Bishop Hazelwood Episcopacy

Those ordained in 1986 had been to a selection conference organized within the Diocese prior to their acceptance as Ordination Candidates. Some had also been to a
Vocations day, to discuss the possibility of offering as a candidate for ministry. One of these candidates recalls that there was a psychologist on the Selection panel, but does not recall any particular psychological testing. Bishop Hazelwood was a very charismatic character, and some candidates in his time were simply welcomed after an interview with him. Selection became more ad hoc towards the end of his episcopate.

Bishop Silk’s Episcopacy

Bishop Silk came from England to be the eighth bishop. He implemented a more formal scheme of testing candidates.

There were Vocation Days every year across the Diocese, and an annual Selection Conference. Before formal acceptance as a Diocesan Ordination candidate, each aspirant was assessed by an accredited psychologist. There was no further psychological assessment.

Bishop Hough’s Episcopacy

In Bishop Hough’s episcopate the Silk model continued but on a more ad hoc basis. Selection Conferences became Selection Days, and one of the selectors was always a psychologist. As well each candidate was subject to a full psychometric evaluation by a different psychologist.

Since 2011 (my Episcopacy)

Seekers are invited to join the Seekers group after

- Interview with the Diocesan Director of Ordinands
- Written recommendations from their Parish Priest
- Interview with the Bishop

At some stage during the one to two years in that group (determined by Director of Ordinands) a Seeker is invited to become a Candidate for Ordination after

- Full psychometric testing
- Passing a selection Panel
- Interview with the Bishop
- Satisfactory completion of a spiritual autobiography
- Evidence of some completed theological study at a level appropriate for the candidate.

Towards the completion of a Diploma or Degree, and with the recommendation of the Director of Ordinands, a Candidate will be required to produce

- An academic record transcript
- Recommendation from theology teacher
- Evidence of completed Field placements
• Recommendation from Supervisor of Field experience.
• Recommendation from the Candidate’s parish Priest and Churchwardens
• The required professional Standards checks

before a final interview with the Bishop, followed by an invitation to be ordained and placed.

National approaches to professional standards and inter-diocesan cooperation

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

The Diocese of Ballarat has been active and cognisant of the need to develop procedures and protocols for child protection.

General Synod developed a model Professional Standards Ordinance and at the General Synod of 2004 encouraged the Dioceses to adopt it in their Dioceses. Our approach to resolutions and model ordinances has been to note and consider their adoption.

Not all recommendations were adopted. In some cases, this was due to theological differences but in other cases, such as the 2004 Ordinance, it was considered that the Power and Trust Protocol developed and adopted by the Province of Victoria was operating well and provided a more pastoral response to complainants.

The Diocese of Ballarat adopted Professional Standards Legislation in 2010 similar to the 2008 General Synod Model Ordinance.

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

Refer schedule B

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

Although the Professional Standards Act 2010 is similar to the 2008 model Ordinance, there are some differences, for example:

• Mandatory reporting – if a church worker believes on reasonable grounds that person has suffered harm or as at risk of harm by another church worker the matters must be reported to the Director of Professional Standards or a member of the Professional Standards Committee (section 22)
• Different definitions of church worker (Section 3)
• Specific detail as to the investigation process (sections 29-31)
• Immediate suspension provisions, but subject to review.
• Clearance for Ministry requirements (sections 50-55)
• A Professional Standards Board to accept referrals of the Professional Standards Committee and the Professional Standards Review Board to review these if required - natural justice (section 26(2) (b), 32-39)
• Confidentiality & publicity statements (sections 106-110)
• Statements re indemnity for people with functions under the Act (Section 111)

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.

The Diocese of Ballarat currently partners with the Dioceses of Melbourne and Wangaratta to share Professional Standards resources include appointing (individually for each Diocese) the same Professional Standards Director and identical, Committees and Boards and Review Board.

It is our view that this allows a more professional and consistent approach to Professional Standards and a greater degree of independence for the Office of Professional Standards. Outcomes of professional standards processes whether decisions as to fitness or redress are however provided to the Church Authority i.e. the Bishop of Ballarat to consider whether to adopt all or part of the recommended action.

One concern with a suggested model for a fully centralised quasi-independent body is that it may unintentionally restrict or change the governance structure of the National Church. For example a small Diocese may become subject to a body who in the main has been appointed by another parties such as the Metropolitan Diocese with different capacity in terms of resources. The Ordinal declares that the Bishop of a Diocese should administer justice with mercy and a Bishop may be reluctant to cede this responsibility.

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.

Sections 21 and 26 of the Professional Standards Act 2010 deal with the response to complaints of Child Sexual Abuse where for any reason jurisdiction flows over more than one diocese.
Across all Australian Dioceses the general outcome is that the Diocese where the Respondent was licensed or authorized when the events occurred takes carriage of the complaint, disciplinary proceedings and any reparation.

If the Complainant is currently residing in another Diocese then that Diocese will assist in providing a contact point and care for the Complainant. If the Respondent now resides in another Diocese, and/or is licensed or has an authority through another Diocese other than where the events occurred, then that Diocese must have a close connection to the proceedings as that Diocese will have responsibilities in regard to disciplinary proceedings. The current licensing Diocese will also have responsibilities towards pastoral care of the Respondent.

*Director may have corresponding capacity for another diocese.*

21 The Director may act in a corresponding capacity for another diocese of the Church either generally or for a particular case or matter.

*How PSC may respond to a complaint*

s.26(2) amended by No. 1/1012

26 (1) The PSC may, if it thinks it appropriate to do so, refer a complaint, or the investigation of a complaint, to an equivalent body or bodies.

(2) When the PSC and an equivalent body or equivalent bodies have the power and duty to investigate information concerning the alleged misconduct of the same person to whom this Act applies and the respective bodies cannot agree on—

(a) which body shall carry out the investigation or any parts of such investigation; or

(b) whether a question or questions specified in section 56(a) should be referred to the Board or to an equivalent body which has jurisdiction—

the PSC shall refer the disagreement for decision by the Director and the persons acting in a corresponding capacity for every other diocese acting together.

(3) The PSC shall act in accordance with the unanimous decision of the persons referred to in subsection (2) or, if such persons cannot agree within a reasonable time of the disagreement being referred, in accordance with the decision of the Primate or a member of the House of Bishops appointed by the Primate.

(4) In all matters affecting the operation of this Act the PSC and the Director shall cooperate with and assist an equivalent body and a person acting in the corresponding capacity of the Director in another diocese.

(5) In making a decision under subsection (2) the Director shall not be bound by the views or instruction of the PSC but shall take into account the most convenient course for all concerned and the proper and expeditious conduct of the investigation or referral as the case may be.

Professional Standards in the Anglican Diocese of Ballarat

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

Prevention

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

a. officiating as a member of clergy

1990 – 2003 Screening and Assessment was the responsibility of the Diocesan Bishop who would make enquires to as their good standing with other Bishops including whether the incoming cleric had been subject to any complaints.

2003-2005 Bishops and clergy were required to provide a police check and received clearance from the Office of Professional Standards

2006 Bishops, clergy and Lay and volunteer staff were required to agree to abide by Faithfulness in Service

2008 All Bishops, clergy, lay and volunteer staff required to hold a Working with Children Card (regardless of whether in direct contact with children)

2010 Adoption of the Clearance Protocol-
- National Register Check
- Police Check
- Working with Children card
- Clergy to agree to Code of Conduct
- Clergy and paid staff to complete a confidential application for ministry.
- Training mandated

2013 Revised lay licensing requiring all applicants to acknowledge having read and agreeing to abide by Faithfulness in Service. Licenses only issued following confirmation of clearance by the Office of Professional Standards.

b. participating in activities involving children

1990 - Lay staff and volunteers were licensed by the Bishop on the recommendation of their Parish Priest who was responsible for determining their suitability.

2008 A Working with Children Card was made a requirement

2013 All lay licenses including children’s ministry were revoked and needed to be reapplied for. No license was issued without a WWC, satisfactory Police Check and clearance from the Office of Professional Standards.
Standards who would check the National Register. Licences were issued with expiry in October 2016 (maximum 3 years).

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.

Since the establishment of the Office of Professional Standards and the disciplinary bodies set up by the Professional Standards Act 2010 all members of the Professional Standards Committee, Professional Standards Board and Professional Standards Review Board including the secretary are required to have a Police Check. Recommendations in the file review have also recommended that such bodies should have a Working with Children Cards in addition to the police check.

Section 50 of the Professional Standards Act 2010 provides that a 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 Ballarat diocese for the first time; and or
c) to transfer from one office, licence or position of responsibility in a church body in the diocese to another diocese.

The draft report of the recent professional standards review has highlighted a variation to the protocol and best practice in that three of our clergy who have been in the same parish for more than five years not been subject to the current clearance process. It is our intention to rectify this by requiring all clergy to reapply for clearance including completion of police and national register checks.

A fresh clearance will then be required from all license clergy every three years.

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

1993 Information was circulated to all parishes include a brochure in 1993 as part of the introduction of the Sexual harassment Protocol. This brochure included the names and contact details of the Sexual Harassment Advisors appointed by Bishop Silk.

2003 Information and details of the 1800 phone number of the Office of Professional Standards were provided to all Parishes for public display.

2014 External Facilitated Training was provided to clergy as part of their professional development. The Bishop advised all clergy that it was his policy that reporting of suspected child abuse to the authorities was mandatory.

There has not been a requirement for regular formal training of lay and clergy in the Diocese in regard to child sexual abuse other than that delivered to clergy as part of their professional development – most recently in 2014.
The Professional Standards Review (2015) has identified this and we intend as per the recommendation to scope suitable training resources and make attending such training mandatory for all clergy and lay people licensed in the next three year period.

Disclosure and response

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

1990-1993  No formal reporting process – reporting would be to the Bishop or to an Archdeacon.

1993-2003  All allegations of sexual harassment and sexual abuse to be referred to a Sexual Harassment Advisor. The bishop appointed two such advisors who were laypeople of the Diocese who were considered to have sufficient experience in dealing with such matters or would receive training.

The Sexual Harassment Protocol also advised that cases of child sexual abuse are able to be referred directly to the responsible authority and in some circumstances it is mandatory to report suspected child abuse.

2003  All allegations are to be referred to the Director of Professional Standards for investigation.

2010  The Professional Standards Act 2010 makes reporting mandatory

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'.

It is the procedure of the Office of Professional Standards that all allegations of Child Sexual Abuse are reported to police. The clergy have also been instructed that regardless of any legal requirement they should consider themselves mandated to make a report.

a) The Director of Professional Standards will endeavour to have the Complainant make the report to the police, but will also with their permission, make the report on their behalf.

When making such as report police will be advised:

- contact details for the Complainant
- the Complainant's expected level of co-operation in any ensuing investigation.

In matter where consent for make a report is not forthcoming the Director of Professional Standards will advise that it will be necessary for a report to be made which will identify the Respondent, the offence and its time frame
however the report will not include the complainant's name. In these circumstances the police are advised that if they wish to follow up the report they should contact the Director of Professional Standards who will then seek the co-operation of the complainant.

b) This Diocese does not have a designated priest to hear Confessions of Child Abuse. No priest of less than three years ordination normally hears a confession, except in extremis.

At three Clergy Professional Development days this matter has been the subject of discussion and the following instruction:

The Book of Common Prayer 1662, our standard for worship and doctrine is perfectly clear that Absolution is dependent upon seeking forgiveness from the injured party, and making restitution as part of the act of penitence and contrition before receiving forgiveness:

"if he have offended any other, to ask them forgiveness: where he hath done injury or wrong to any man, that he make amends to the uttermost of his power."

Should anyone seek to make a Confession of child abuse, the confessor should stop the confession and explain the necessity of facing the consequences of the sin. The confessor should agree to accompany the penitent to report the offence to the Police or to the Director of Professional Standards. Only after such action should the confessor offer absolution.

If the penitent is unwilling to comply with this procedure (which is nothing new as far as I can see), the confessor will need to determine how and when to report the offence, or whether the confessor believes he/she is bound by the seal of the confessional.

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

This depends on whether the police intend to undertake an investigation because any information provided to the alleged perpetrator will depend on what permission for disclosure has been provided by the police.

If there will not be a police investigation, or the police have given permission, the Complainant's permission is sought to notify the Respondent of the allegations using their name and to progress a formal complaint under the Professional Standards Act 2010. Once obtained, the Respondent is advised of the allegations in writing and is required to respond to them in writing within 3 weeks.

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

1990 -1993 No formal policy
1993-2003 The Advisors appointed by the Bishop to receive complaints were able to refer complainants to experienced and professional counsellors. The Advisors were also charged with endeavouring to ensure the needs of complainants were met by they psychological, legal, medical or material.

2003 The Office of Professional Standards whose commitment is set out in all correspondence to all parties to a complaint as:

- Respect, pastoral care and ongoing long-term or episodic support is offered to those who make a complaint, to those who have suffered the secondary effects of abuse, and to those accused of the abuse. This care can be through independent professional counsellors or through pastoral care offered by licensed or authorized clergy, as and if the Complainant or Respondent chooses.

**Investigation**

32. **Investigating allegations of child sexual abuse.**

1993-2003 The Advisors appointed by the Bishop may with the complainants consent investigate an allegation. Advisors were to act in accordance with relevant laws including any requiring reporting of suspected child sexual abuse. The Bishop if they received an allegation will refer it to an Advisor and may initiate (authorise) an investigation which will ordinarily be referred back to the Bishop.

2003–present Allegation would be referred to the Director of Professional Standards

The Director of Professional Standards will refer all complaints regarding Child Sexual Abuse. If the police make investigation or take action then any Diocesan process will await either completion of the action or advice from the police that we may proceed.

If the police do not take action on the complaint or there is no police investigation then the Diocesan Processes are undertaken. Similarly our processes may recommence at the conclusion of any police action.

The role of the investigator under the Diocesan process is to gather information in regard to the complaint and the complainant’s allegations and report based on the relevant questions of fact to the Professional Standards Committee. The investigators report is confidential.

The Protocol to the *Professional Standards Act 2010* requires that the investigator is experienced, independent, objective and impartial to the complaint and without real or perceived conflict of interest in relation to the matter, the parties or the outcome. The complainant and the respondent are
given a reasonable opportunity to present any relevant facts or circumstances on which they wish to rely.

Once investigated a final report is prepared including –
(a) the complaint;
(b) the steps taken in the investigation;
(c) any responses from the complainant and the respondent;
(d) any statements, records of interview and other relevant material; and
(e) the investigator's recommendations on findings on any relevant questions of fact and a statement of the weight given to various accounts of the allegations.

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

The policy of the Diocese of Ballarat is that an alleged perpetrator will be stood down from their duties and involvement and if in a paid position on their full stipend or salary until the investigation has been resolved or it is determined that there is no risk in the respondent undertaking those duties or involvement. If it is decided that they return to some or all of the involvement these may be subject to restrictions or supervision.

The Diocese will in all cases act on the advice of the Director of Professional Standard who in turn will be guided by Part 10 of the *Professional Standards Act 2010*. A copy of the *Professional Standards Act* of the Diocese is attached.

**Discipline**

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

1993 Bishop's Protocol – requires church workers to respect regardless of gender race or age and to protect the vulnerable and live with holy self-esteem and wholeness.

2003 Power & Trust - Provincial Professional Standards Protocol


2010 Code of Good Practice for Clergy


In addition to the above, church workers are also subject to the Protocols adopted by Bishop-in-Council in conjunction with the *Professional Standards Act 2010*. The
Protocols set out expectation for shared responsibility for standards of behaviour including a prohibition on bullying or misuse of authority.

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

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

1990-1993 Responsibility of the Bishop
1993-2003 Bishop’s Protocol – The Bishop after considering the investigation report from Sexual Harassment Advisors

1999: December – A Victorian provincial protocol was published entitled: Protocol for dealing with Sexual Assault Harassment Complaints;
2002: November – The Diocese of Melbourne circulated a discussion paper to all Provincial Diocese which contain recommendations re Sexual Harassment within the Church. This recommended the establishment of the Office of Professional Standards and appointing a Director of Professional Standards to make both the fitness and disciplinary process more independent of the church. It also recommended the establishment of the Professional Standards Committee (PSC) a group of experts to include non-Anglicans to receive and determine complaints and make recommendations to the Archbishop/Bishop regarding disposition of relevant clergy.

2003 The paper was tabled at Ballarat’s Bishop-in-Council and who resolved to participate in a trial.

The first Director of Professional Standards and Professional Standards Committee were appointed later that year.


2010 The Professional Standards Act 2010 adopted. This follows a similar process to the previous protocol but with the Professional Standards Committee refers to matters that call into question fitness for ministry to a Professional Standards Board.

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

The Complainant and the Respondent if unsatisfied with a decision of the PSC or PSB may apply to the PS Review Board for a fresh administrative reconsideration or a full rehearing of the matter.

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

1990 Ecclesiastical Offences Act 1988 (Synod) – although this act in its original version dates back to 1887 does not specifically mention child sexual abuse.

2010 Professional Standards Act 2010 (Synod)
Also  Section 1 of the *Offences Canon 1962 – 1998* (General Synod)

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

1990  No standard outlined - as matters considered by the Bishop

1993  The Bishop’s protocol does specifically define the standard of proof that would be applied although it does refer to respecting the principals of natural justice and “innocent until proven guilty”.

2005  Provincial Protocol – reasonable satisfaction that the disclosed conduct has occurred

2010  The *Professional Standards Act 2010* by section 93 provides that the standard of proof to establish an allegation is that of reasonable satisfaction on the balance of probabilities, but requires the Board and Review Board to scrutinize evidence with greater care if there is a serious allegation to be established, or an inherent unlikelihood of an occurrence of a given description or if there are grave consequences that would flow from a particular finding.

Redress

38. A brief overview of your Diocesan processes and procedures relating to the resolution of claims for financial compensation, counselling, apologies and other redress by way of mediation, settlement negotiations, and/or civil litigation.

The Diocese does not operate a formal redress scheme however does offer redress to people who contact us in regard to sexual, physical or spiritual abuse experienced at the hands of church workers, or whilst a resident of St Cuthbert’s Home.

In the case of St Cuthbert’s many of the former residents who approach the Diocese were wards of the state in which case redress may be offered in consultation with the Victorian Government Solicitors Office (VGSO) or other institutions. It is however, noted that the co-operation of the VGSO in redress matters has been relatively recent with some earlier redress payments made solely by the St Cuthbert’s Trust and/or the Diocese.

In considering claims for redress the standard applied is whether the complaint is credible based on a plausibility test.

Since commencing a collaborative Professional Standards regime in 2003 the majority of redress matters have been referred to the Director of Professional Standards who offers counselling and general support to the survivor.

It has been our general experience that the person who has approached the Office of Professional Standards does so through legal representation. Provided that formal legal action has not been commenced it has been our preference to respond with the assistance of the Office of Professional Standards. There have, however, been a
minority of redress payments (less than 20%) that have been referred to an external solicitor experienced in such matters.

In the majority of claims, generally where the respondent is deceased, financial compensation is assessed and a recommendation made by the Director of Professional Standards to the Diocese which then provides a delegation to the Director of Professional Standards to offer redress on behalf of the Diocese usually at a conference with the claimant and their legal advisors.

In the majority of cases sufficient standing delegation has been provided to the Registrar and Bishop to enable the redress to be resolved in an expedient manner.

The Diocese has and continues to be willing to offer a formal apology which the Director of Professional Standards is able to do verbally or they can offer an apology in writing from the Bishop. The Bishop of the Diocese is also willing meet with the survivor to listen to their story and offer a personal apology and our experience is that this can be very beneficial for the survivor.

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.

The Diocese does not have a formal policy in relation to the notification of church members and church workers of allegations re a respondent, but we use a consistent process.

If, however, the alleged perpetrator is to be stood down, then the affected churches and church workers will be advised. The extent of the advice and level of consultation will depend on the circumstances of each matter. Where it is considered appropriate to inform the members of a congregation the wording of the statement and mode of delivery is discussed with and confirmed by the Bishop.

In determining the content and timing of notification to a Congregation or Parish it will be necessary to consider whether a police investigation is underway, the nature of the role/duties of the respondent and whether they have been suspended.

It is usual for notification to be given when a Professional Standard or court outcome has been reached. The information provided will not include the complainant’s name or any identifying details, but will be clear about the serious nature of the child sexual abuse and where the events occurred.

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

Where there is a history of sexually based offences associated with a church worker or congregant a Memorandum of Agreement (MOU) is considered in regard to that person’s continued association in parish life. 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 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 and the POC's acceptance that the history must be known to certain (or all) participants in the parish. Persons on an MOU are also placed on the National Register. No person with an MOU is able to take on a leadership role within a parish.

Each MOU is tailored to the specific circumstances of the known offending and perceived risk. It is reviewed annually.

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 failure the Office of Professional Standards (OPS) is currently reviewing all information about Persons of concern and reviewing and updating current MOUs, as well as assisting parishes to consider and, where appropriate, to formalize the participation of any POCs known in the parish.

There is no policy to actively notify relevant groups that an alleged offender has been convicted or matters have been substantiated against them.

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

The Diocese whilst it has included their details in its Professional Standards files has not previously followed up other suspected victims of known or alleged offenders. We or the Office of Professional Standards have not pursued potential victims on the belief that contacting them would be unwelcome and may be considered a breach of their privacy and may be distressing to them. It was believed preferable for them to come forward on their own initiative and we asked complainants to encourage anyone they suspected to have been abused to contact the Diocese (or Office of Professional Standards) for assistance. The often extend period of time since the events took place (many instances date back over 60 years) make this very difficult.

I am aware that our Office of Professional Standards more recently, whilst cognizant of the potential distress, made attempts to contact potential victims but even with police assistance this has met with limited success.

The Diocese on several occasions has put out a notice or made a public statement 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.
The Diocese is conscious of the potential for conflict of interest and takes steps to minimise. One of the benefits of the collaboration with the (larger) Diocese of Melbourne and Diocese of Wangaratta is that there is a wider pool of personnel to sit on Committee, Boards and Panels or to provide pastoral support.

The firm of solicitors which the Diocese had previously used for advice in regard to redress did provide advice to one church worker of the Diocese in regard to a Professional Standards matter. However in that matter the firm provided no advice to either the Diocese or the Director of Professional Standards during the time of those proceedings.

Information-sharing and record-keeping

43. Record-keeping in relation to allegations and complaints of child sexual abuse in the Diocese, parishes, and 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.

The Diocese maintains paper based personnel files on present and past clergy and paid church workers. These were catalogued two years ago and recorded in a database along with scanned copies of what were considered documents of interest to Professional Standards both benign (e.g. licenses) and reported matters (e.g. letters of complaint). These files only cover recent decades and are what was located following a detailed search of our archives approx. 2 years ago. The information in the files is limited to their service in the Diocese and in addition to material important to preserve such as correspondence and licenses they also contain mundane items such as quotes for vehicles, removalists which are of limited archival value and could be culled.

The Diocese also maintains working files in relation to redress claims although these are by nature less comprehensive than the Professional Standards File on the matter and contain mostly duplicate/need to know documents. Some such do, however, include original deeds of release.

The Office of Professional Standards maintains its own paper based case files kept in locked cabinets. Summarised case information is also held on the Office of Professional Standards File Register which is an excel spreadsheet.

The Director of Professional Standards has advised that prior to 2003 the documentation contained in files provided to them were often not very detailed or undated. With the appointment of the first DPS, the OFS files were more detailed and comprehensive.
The more recent files contain original and 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.

There is no pro-forma documentation which dictates the type of information to be kept on the file. However, the Professional Standards Act 2010 and relevant protocols set out, in effect, the steps to be taken in relation to each matter and as a result the resulting documentation which by inference should found on the files.

The proposal under consideration for a proposed wider Provincial Professional Standards Scheme highlights a lack of consistency of documentation across the Province as an issue which needs to be rectified...

The Office of Professional Standards files relating to sexual abuse were prioritised assuring that all were in correct date order, securely fastened and colour coded to allow information such as counselling offered and police reports clearly evident. Statements were filed separately in a plastic sleeve at the back of the file. A case summary was included on the top of the file. Following from the evidence given in the Victorian Parliamentary Inquiry, regarding documentation and file management from a number of bodies, the NSW Ombudsman's office model was the one which was preferred in relation to file and documentation management regarding complaint matters. It is proposed to give further consideration to this and recommence discussion with the office, as part of the implementation of the Provincial Professional Standards scheme so that all professional standards files from the five diocese are managed in the same way across the province using a uniform code based on their website information and discussion had with them to date.

Whilst at this stage no Office of Professional Standards files have been archived, the Office of Professional Standards is currently working on a policy regarding archiving to ensure that the Office of Professional Standards files are separate from Diocesan files but are still accessible.

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

   a. other Anglican dioceses in Australia
   b. other Anglican dioceses outside of Australia
   c. the General Synod
   d. other faith-based institutions
   e. government and non-government institutions or statutory authorities (to the extent these are not addressed in paragraph 29).

   (a) The Australian Directors of Professional Standards (DPSs) are members of an Anglican Network group which meets approximately 4 times per year. These meetings provide an opportunity for the DPSs to share information including information about Child Sexual Abuse perpetrators and Persons of Concern who may have or seek to move around Australia.
(b) The Director of Professional Standards shares 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.

(c) The Anglican Church’s National Register is a data base which allows the General Synod Office to hold information regarding persons still living and about whom a sexually based complaint has been made.

(d) The Director of Professional Standards is 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 interdenominationally, including information about Child Sexual Abuse perpetrators and Persons of Concern who may be moving around the State.

(e) Refer to paragraph 29 re reporting to Police and other statutory authorities.

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

When instances of Child Sexual Abuse become known within the Diocese the person, if still living, is placed on the National Register which 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. The Bishop and the Headmaster (there is only one School Diocese) meet regularly and share information about Abuse matters.

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

Any of the institutions or bodies listed in sub-paragraphs 44 (a) to (e). The Director of Professional Standards shares such information with all bodies listed in Q 44 above as the relevance of the connection is understood.

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.

There have been no inquiries into instances and allegations of child sexual abuse in the Diocese of Ballarat.
Decisions of the Professional Standards Board and Professional Standards Review Board under the Professional Standards Act 2010 have been made. They are confidential to the parties, except as may be required by law (s.102 and s.106). Copies can be obtained on subpoena if required.

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

Earlier this year the Diocese of Ballarat instructed Ms Angela Cannon to undertake a review of all its available personal and professional files. This followed similar reviews undertaken by Ms Cannon for the Diocese of Melbourne, Bendigo, Wangaratta and Gippsland.

The review was in response to a request from the Anglican Church Royal Commission Working group to conduct a review of our current and archived personnel files to:

1. Assist Dioceses identify and understand issues re child sexual abuse which have been dealt with in the past;
2. Identify any potential mismanagement and due diligence issues;
3. Identify issues re disclosure and complaints;
4. Identify any issues, processes and procedures which may not have accorded with best practice complaint models; and to
5. Identify any matters where, the process, procedures and the outcome, from an objective point view, could lead to complainant dissatisfaction of the process.

The draft findings have been provided to the Diocese and one meeting held to discuss key findings and recommendations prior to the report being finalised. A number of recommendations have commenced implementation with other suggested improvements under consideration pending the final report.

Research into prevalence of child sexual abuse

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

The 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 limited to recording child sex abuse related matters. Section 110 of the Professional Standards Act 2010 provides for the Professional Standards Committee to report annually to the Bishop and the Bishop-in-Council in relation to these matters as does the proposed Provincial Professional Standards Act.
49. Your involvement in any research or study on sexual offending against children in your Diocese, and the results of any such research.

The Diocese of Ballarat has not been invited to assist with any research into sexual offending nor has it initiated any such study.

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.

There has been no direct dialogue by the Diocese of Ballarat. The Diocese of Melbourne however, on behalf of the five Dioceses in the Province of Victoria, has engaged on a number of occasions with the Victoria State Government on a number of issues.

These include:

1. The laws in relation to vicarious liability
2. Governance structures regarding Church corporate entities in keeping with the recommendations of the Royal Commission.
3. The Victorian Working with Children Card and its lack of recognition of other "notifiable" proceedings re matters of child abuse which have been substantiated under a National or State redress scheme or the Anglican Professional Standards regime (i.e. there are some respondents with substantiated abuse allegations but who would get a Working with Children card).
4. A related concern is that the proposed Victoria redress scheme could make awards of redress in situations as stated above where the complainant does not wish to proceed with the matter, either in the criminal justice system or under the institution’s own complaint and disciplinary scheme. In these circumstances while the complaint may reveal a substantial and imminent risk by the respondent, the Working with Children Card could remain intact. The Anglican Diocese of Melbourne has raised this point on a number of occasions with the Victorian Department of Justice. Anglicans are concerned about prevention and protection of children in the broadest sense, not just on their own watch.
5. Practices to convey information to e.g. another faith based institution when Persons of Concern move denominations so that the Office of Professional Standards doesn’t get caught up in defamations etc. for the protection and prevention of further abuse.
6. Consideration could be given via government to exempt accredited Office of Professional Standards schemes from being challenged under administrative law principles. This has occurred in the Diocese of Sydney.

If an institution’s scheme is accredited consideration could be given by government to giving immunity from suit from any appointed decision makers on the disciplinary panels provided they acted in good faith. Whilst
the *Professional Standards Act 2010* provides an indemnity from the Diocese in relation to such matters, such immunity would increase the pool of people to accept positions on the proposed disciplinary boards, which in the Anglican scheme are voluntary positions, if they knew they were immune from suit.

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

   It is a difficulty when complainants discuss and disclose abuse in detail, but will not report to or co-operate with police or follow through with a Professional Standards complaint. They can make a third party complaint but without a victim/witness it is more difficult to progress the complaint.

   Nevertheless the Bishop is able to act and has acted to stand aside persons against whom there are serious allegations, and refer the allegations to the police.

Attachments:

1. *Professional Standards Act 2010*