The Anglican Diocese of Willochra

11/12/2015
This 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.

1. My full name is John Stead. I was born in 1956.

2. I have prepared this statement in response to a request from the Royal Commission dated 2 November 2015.

My qualifications and career history

3. Bachelor of Education (1979)
   Bachelor of Theology (1996)
   Ordained Deacon (1995)
   Ordained Priest (1996)
Ordained Bishop (2009)


Anglican Diocese of Willochra

8 Gladstone Street

PO Box 96

GLADSTONE SA 5473

Signed: 11/12/15

Date: 11/12/15

Witness: Gavin Tindale

Date: 11/12/15
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The Anglican Diocese of Willochra

1. The date the Diocese was established.

1915

2. The Province in which the Diocese is located.

Province of South Australia

3. The current number of parishes in the Diocese.

Parishes: 13
Ministry Districts: 4
Missions: 2

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

744

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

44

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

See Attachment 1: Financial Position
7. A description of the general relationship between the Diocese and parish asset holdings.

The Synod of the Diocese of Willochra holds the parish asset holdings.

Governance of the Anglican Diocese of Willochra

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

<table>
<thead>
<tr>
<th>NAME</th>
<th>EMPLOYMENT STATUS</th>
<th>PERIODS OF APPOINTMENT</th>
</tr>
</thead>
<tbody>
<tr>
<td>William David Hair McCall</td>
<td>Retired</td>
<td>1987-2000</td>
</tr>
<tr>
<td>Garry John Weatherill</td>
<td>Bishop, Diocese of Ballarat</td>
<td>2001-2011</td>
</tr>
<tr>
<td>John Stead</td>
<td>Bishop, Diocese of Willochra</td>
<td>2012-</td>
</tr>
</tbody>
</table>

b. Assistant Bishop

<table>
<thead>
<tr>
<th>NAME</th>
<th>EMPLOYMENT STATUS</th>
<th>PERIODS OF APPOINTMENT</th>
</tr>
</thead>
<tbody>
<tr>
<td>No previous Assistant Bishop</td>
<td>appointment</td>
<td>1990-2014</td>
</tr>
<tr>
<td>Chris McLeod</td>
<td>Assistance Bishop, Diocese of Willochra</td>
<td>2015-</td>
</tr>
</tbody>
</table>

c. Chancellor

<table>
<thead>
<tr>
<th>NAME</th>
<th>EMPLOYMENT STATUS</th>
<th>PERIODS OF APPOINTMENT</th>
</tr>
</thead>
<tbody>
<tr>
<td>No Chancellor</td>
<td></td>
<td>1990-1991</td>
</tr>
<tr>
<td>Mark G. Pickhaver</td>
<td>Deceased</td>
<td>1992-2012</td>
</tr>
<tr>
<td>Nicholas Iles</td>
<td>Appointed</td>
<td>2013-</td>
</tr>
</tbody>
</table>

d. Deputy Chancellor
### e. Registrar / General Manager

<table>
<thead>
<tr>
<th>NAME</th>
<th>EMPLOYMENT STATUS</th>
<th>PERIODS OF APPOINTMENT</th>
</tr>
</thead>
<tbody>
<tr>
<td>Ian A. Hardy</td>
<td>Deceased</td>
<td>1982-1990</td>
</tr>
<tr>
<td>Alan Jamieson</td>
<td>Retired</td>
<td>2010-2013</td>
</tr>
<tr>
<td>Gavin Tyndale</td>
<td>Employed</td>
<td>2014-</td>
</tr>
</tbody>
</table>

### f. Professional Standards Director

<table>
<thead>
<tr>
<th>NAME</th>
<th>EMPLOYMENT STATUS</th>
<th>PERIODS OF APPOINTMENT</th>
</tr>
</thead>
<tbody>
<tr>
<td>No previous Professional Standards Director appointment</td>
<td>Refer Adelaide Diocese</td>
<td>1990-2003</td>
</tr>
<tr>
<td>Tim Ridgway</td>
<td>Resigned</td>
<td>2004-2013</td>
</tr>
<tr>
<td>Peter Caporaso</td>
<td>Resigned</td>
<td>2014-2015</td>
</tr>
<tr>
<td>Theodora Ekonomopoulos</td>
<td>Employed</td>
<td>2015-</td>
</tr>
</tbody>
</table>

### g. Chair of the Professional Standards Committee or similar body

N/A

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

<table>
<thead>
<tr>
<th>NAME</th>
<th>EMPLOYMENT STATUS</th>
<th>PERIODS OF APPOINTMENT</th>
</tr>
</thead>
<tbody>
<tr>
<td>John Voumard, Voumard Lawyers</td>
<td>Fee for service</td>
<td>1992-</td>
</tr>
</tbody>
</table>
i. Diocesan Advocate, or any person appointed to represent the Diocese in disciplinary proceedings for clergy and other Church workers

The Diocese has not been involved in any disciplinary proceedings.

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

Memorandum of Understanding re Professional Standards signed by the Diocese of Willochra in November, 2015.

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

The Diocese does not have any trust.

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

Attachment 2: The Constitution of The Synod of the Anglican Church of Australia in the Diocese of Willochra Incorporated

a. Bishop-in-Council or Diocesan Council

Attachment 3: The Administration of the Diocese-Diocesan Council

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

NIL

c. Synod of the Diocese of Willochra.

Attachment 4: Synod

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

The Bishop of the Diocese of Willochra has for many years licensed ordained individuals for both paid (stipended) ministry and for local ministry (mostly non-stipended, although out-of-pocket expenses are
offered). The requirements for theological training and the level of qualifications that need to be achieved vary between these two categories. Stipended or non-stipended deacons and priests can only exercise a ministry with the Bishop’s Licence that, in most cases, specifies the context and nature of the ministry. In some cases the licence will specify a particular congregation for which ministry is supplied. Stipended clergy, while licensed to a parish, ministry district or specified ministry may exercise a ministry within the Diocese without seeking special permission from the Bishop to do so.

The Ordinal: The Making, Ordaining and Consecrating of Bishops, Priests and Deacons (Attachment 5: The Exhortation and Examination for Deacons, Priests and Bishops (A Prayer Book for Australia)), which forms part of A Prayer Book for Australia (APBA) pp. 785-789 for Deacons, pp. 793-795 for Priests and pp. 802-804 for Bishops makes explicit the role of each of the three orders of ministry.

Regulation Four: Clergy and Other Ministers-Clerical Appointments in the Diocese (Attachment 6: Regulation 4 Clergy and Other Ministers-Clerical Appointments in the Diocese) Clause 1 (2) reads: “Prior to receiving an appointment in the Diocese all Clergy shall agree faithfully to perform their manifold duties according to ‘The Book of Common Prayer and Administration of the Sacraments and other Rites and Ceremonies of the Church according to the Use of the Church of England together with the Psalter or Psalms of David pointed as they are to be sung or said in Churches and the Form or Manner of making Ordaining and Consecrating of Bishops Priests and Deacons’ (1662) and other formularies of this Church, to give assent to the doctrine and principles of this Church, to give canonical obedience to the Bishop and to be bound by the discipline of this Church and the Constitution and Regulations of the Synod and to sign Schedules ‘G’ and ‘I’. (See Attachment 6: Regulation 4 Clergy and Other Ministers-Clerical Appointments in the Diocese).

All stipended clergy are expected to participate in a triennial ‘Clergy Enhancement’ process which identifies areas of strength and encourages the individual as well as identifying areas for growth with a plan being developed to address those areas. Non-stipended clergy may also participate in this process and most have chosen to do so.

a. Deacons

A person may be ordained to the diaconate permanently or it may be a transitional ‘order’, with the person being a deacon for a defined period, generally a minimum of one year prior to ordination as a priest. Deacons exercise a ministry of ‘connecting’ community and church, they can be thought of as ‘ambassadors’ to the community from the church. Their licence will specify the ministries that they exercise, which may vary from deacon to deacon. Their responsibilities may include a pastoral chaplaincy to an institution – nursing home, hospital, retirement village, Country Fire Service, etc. In addition, they will exercise a pastoral
role within the given congregation or congregations to which they are licensed. In the Diocese of Willochra they may conduct baptisms and funeral services but are not registered to conduct weddings.

The following applies to both deacons and priests. If the person is in transition toward priesthood through the diaconate, and is to be stipended, the minimum academic qualification will be a Bachelor of Theology (B.Th.). This qualification includes theology as well as Biblical studies, homiletics (preaching) as well as pastoral ministries, liturgy (worship) and church history. In addition he or she would be required to complete Clinical Pastoral Education (CPE), or an equivalent, in an intensive, or extended program. CPE involves a pastoral placement in a hospital or similar institutional setting. Individual and group processes are used to examine the motivations for an individual’s approach to pastoral ministry through group analysis of recounts (verbatim) of pastoral encounters. This program, and its equivalents, can identify issues that the individual needs to address within his or her own psyche and spirituality through a supervised and facilitated process by a qualified CPE practitioner. The verbatim are also used as the basis for theological reflection – how does theology apply to this pastoral encounter? What part of scripture can inform our understanding of motivation in this context?

If a person is to be licensed for local ministry he or she will not be required to complete a B.Th. (although it is always an option that is encouraged). Candidates will either undertake a part of the B.Th. program, exiting once they have reached a Certificate or Diploma level of study, or undertake the Trinity Certificate, which involves a locally facilitated group study of material developed by Trinity College, Melbourne. At present the Diocese is developing a way of delivering this course by video linkage.

Both stipended and non-stipended ministry requires a commitment to ongoing ‘life of ministry’ learning through attendance at Clergy Conference, Clergy Retreat and participation in other opportunities to develop new abilities and enhance abilities already acquired. The Diocese has employed a person as Ministry Development Officer who coordinates ongoing ministry development for those who are ordained, for those who hold the Bishop’s Licence as Licensed Lay Ministers (LLM’s) and interested lay members.

Stipended clergy hold the Bishop’s Licence for an indefinite period of time, although until recently all licences were issued for a three-year period. Clergy who hold the Bishop’s Licence for local ministry are only licensed for three years – this allows the individual who holds the licence to allow the licence to lapse at the end of that period or to seek a renewal of the licence for a further three years. In addition it allows a congregation(s) to discern whether there is still a need for the particular ministry to be undertaken and whether the individual concerned is still the right person to undertake the ministry. It is easy for non-stipended persons to hold a particular role for too long a period of time because they want to or because congregations think it is a role ‘for life’. This is exacerbated by the non-transient nature of most non-
stipended positions. The process of triennial review and discernment is intended to avoid such potential issues.

Every three years those who are ordained (deacon, priest & bishop) as well as all Licensed Lay Ministers (LLMs) are required to update their Police Check, undertake an update course in Child Safe Environments Training (assuming that they had undertaken the full course within the last three years) and the Ensuring Safer Church Communities training. In addition they are asked to sign a statement that they have read and understand that Faithfulness in Service applies to them and will be followed when exercising their role.

It is a moot point as to whether clergy are self-employed or employees. Those licensed for stipended ministry in the Diocese receive a letter of appointment that outlines the ‘conditions of appointment’. Clergy, both stipended and non-stipended, through the nature of their ordination, understand that they are ‘under authority’. The ordinal asks of those to be ordained deacon, “Will you accept the order and discipline of the Anglican Church of Australia, submitting yourself to the lawful authority of your bishop and others set over you in the Church? Response: I will, by God’s grace.” (p. 787 A Prayer Book for Australia) and of those to be ordained priest, “Will you obey your bishop and other ministers given authority over you, gladly and willingly following their godly and lawful directions? Response: I will by God’s grace.” (p. 795 APBA) (Attachment 5).

Non-stipended clergy may receive a letter specifying some aspects of their appointment; these are more frequently included in the Licence.

b. Priests

The majority of the information for deacons is applicable to priests.

Priests are responsible for the leadership of the congregations that form a parish or ministry district (a unit of the church where two or more former parishes are brought into relationship with each other). A ministry district priest is appointed to “support and enable the congregations in a Ministry District to pursue their mission and ministry. ...[They] shall work with, advise, encourage and assist congregations, vestries and councils.” (Regulation Four, Clause 20 & 21) (Attachment 5). Priests, whether in a parish or a ministry district, are to lead in the mission of the church within the local context and are required to provide for regular services of worship, which includes the provision of sacramental worship including the Holy Communion (Eucharist), the gathering of the people of God in Thanksgiving. They are authorised to preach and teach as well as exercise the pastoral ministries, they are called to enable the ministry of the church by building up the church and releasing it for mission; they oversight the work of the congregation in its various ministries which may outreach to the wider community.
All clergy and LLMs are encouraged to be part of a Mission Leadership Team. “The team shall give leadership to the congregation and the local cleric shall contribute in those areas of the congregation’s life to which the cleric’s gifts, abilities, ordination, and training are appropriate.” (Regulation Four, Clause 24 Attachment 6)

c. Bishops

The bishop exercises oversight (episcope) of all that the church does within the geographic boundaries which delineate the diocese for which he/she is the bishop. He/she leads in the mission of the church, recalling the church to realisation that it is not ‘just local’ but part of the church national and universal (the church catholic). He/she administers discipline with mercy. He/she chairs the diocesan ‘standing committee’ (in Willochra, the Diocesan Council) and the Synod of the Diocese. He/she is responsible for ensuring orthodoxy and orthopraxis – that the Diocese stays true to scripture, tradition and reason (not enlightenment reason, but reason that is grounded in the interpretation of scripture). The bishop is responsible for leadership, whereas the Synod is responsible for governance. He/she is the public face of the church as well as the ‘chief shepherd of the flock’ – he/she exercises a pastoral care for all in his/her charge.

The bishop will have previously been a deacon and a priest and will have completed a B.Th. or an equivalent degree. He/she may have undertaken further tertiary study which may have resulted in an award at a Masters or Doctoral level. In addition he/she would participate in further learning through participation in conferences, seminars, guided reading, etc.

Upon becoming the bishop elect of the Diocese of Willochra, the cleric is required to sign a declaration (Attachment 8 Regulation Two: The Bishop – The Election of a Bishop, Clause 22) “...I will maintain and teach the doctrine and discipline of the Anglican Church of Australia and I consent to be bound by all the Constitution and Regulations of Synod now or hereafter in force...”

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

There are some clergy in the Diocese who exercise specific non-parish roles such as a fly-in-fly-out mine chaplaincy and the chaplaincy to Olympic Dam. These chaplaincies are either partly or fully funded by the mining companies that have requested a chaplain. The funding is supplied to the Diocese and the Diocese oversees the chaplaincy role in collaboration with the mine company (most recently Oz Minerals and BHP Billiton respectively). The fly-in-fly-out chaplaincy has been subsidised by the Bush Church Aid Society (BCA). The chaplain is still answerable to the authority and discipline of the church but is also answerable to the mining company.
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.

To the best of our knowledge, the Diocese does not have any legal claims.

The Church of England Boys’ Society (CEBS)

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

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

The Church of England Boys Society (CEBS) had branches in the Diocese of Willochra at Burra (from the 1950’s), Port Pirie (1961-69), Peterborough (1965-??) and Ceduna (1974-1999). CEBS branches were established based upon the interest shown by the incumbent of the parish and the willingness of volunteers from the parish to be involved in the organisation of the branch.

It seems that the Diocese did not take an active role in relation to either the establishment or ongoing ministry of CEBS in the Diocese. This was left to the State Council of CEBS which operated from the Diocese of Adelaide.

The legal, financial, administrative, and governance arrangements were coordinated on a state basis by the State Council. I refer to Attachment 9, a copy of the response by the Diocese of Adelaide in relation to this question and question 13.
13. The nature of any relationship, between 1 January 1965 and the date of this statement, between the Diocese and any camp sites or other venues used by CEBS and/or the Anglican Boys’ Society for its camping activities, including any child protection policies and procedures maintained by the Diocese in respect of youth attending camps at those venues.

The records we have indicate that CEBS did not use the Camp Willochra site within the Diocese of Willochra but may have used the sites established by the State Council as mentioned in Attachment 9. The campsite at Hoyleton, while within the geographic boundaries of the Diocese, was not controlled by the Diocese but by the State Council. The response by the Diocese of Adelaide (Attachment 9) mentions,

“CEBS owned the campsites at Hoyleton and Mylor.

1973 Hoyleton was ‘handed to the Anglican Church in the Diocese of Adelaide (CEBS) for a ‘peppercorn’ rent.’ (ACS leaflet 1991) by the Minister of Education in 1973 (CEBS SA Leader Information Bulletin 1996 [CEBS SA records Box 6])

08.08.1978 Standing Committee of Synod agreed to acquire Mylor and Hoyleton Campsites from CEBS for $10,000 – thereby extinguishing a bridging loan agreement between Synod and CEBS.”

There is no record that the Diocese of Willochra has been able to locate of specific child protection policies and procedures that were maintained by the Diocese of Willochra in respect of youth attending camps at the venues operated by CEBS in South Australia or for CEBS branches within the Diocese.

Church and para-church institutions

14. Any arrangements under which schools or other institutions in your Diocese are permitted to use the Anglican Church name in their title or brand.

There are no Anglican Schools within the Diocese of Willochra.

The Willochra Home, an aged care facility in Crystal Brook, uses the name Anglican and was established in 1964. A Committee to plan for and implement building work had been established in 1960 in preparation for the opening of completed buildings in 1964 when it became the Board of Management. Currently, the
Willochra Home’s Board of Management operates under Regulation 8 (see Attachment 10), which came into force in May 2005.

Camp Willochra, initially known as the Diocesan Centre, was established in the Diocese in 1960 under the direct control of the Diocesan Council and was finally established with its own Management Committee in 1976. Regulation 7: Camp Willochra (Attachment 12) came into effect in 2004. The Camp uses the name Anglican and was the base for a number of children’s and youth activities, most particularly in the school holidays from the early 1960’s until 1977. More recently, it has been used for church gatherings of mainly adults; and is hired out privately to external users.

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

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

NIL

b. Anglicare, or entities known as Anglicare

Anglicare Willochra was established under Regulation Nine (Attachment 11) in 2002 “...to help the Diocese express God’s concern for the needs of individuals, families and communities. Anglicare Willochra, a member of Anglicare Australia Incorporated, shall act in cooperation with Anglicare SA Incorporated.” (Regulation Nine: Preamble). The Regulation describes the legal, financial and governance relationship between the Diocese and Anglicare Willochra.

Anglicare Willochra entered into a ‘Covenant’ with Anglicare South Australia (AnglicareSA) in May 2015. The Covenant describes the relationship between Anglicare Willochra and AnglicareSA rather than being a contract or Memorandum of Understanding. Anglicare Willochra exists as a committee substantially appointed by the Diocesan Council (Standing Committee of the Willochra Synod). There are also two positions that the committee may fill from outside its membership to ensure a balanced skill mix.

The relationship between Anglicare Willochra and AnglicareSA is most visibly expressed in the funding of an Anglicare Willochra Development Officer’s position. A Board of Directors governs AnglicareSA while Anglicare Willochra has a committee of management; the Diocesan Council exercises the overarching role of governance in the case of Anglicare Willochra.

c. Anglican schools, and/or
d. any Anglican-run or affiliated children’s homes.

NIL

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

In discussion with those who had some responsibility for running youth ministry, whether at parish or Diocesan level, it is clear that there were no written policies and guidelines. In earlier times when Camp Conqueror, the Flinders Trekkers and Family Weekends where offered at Camp Willochra, the Diocesan Camp Site near Melrose at the start of the Southern Flinders Ranges, it seems there were no specific written guidelines but rather an expectation that ‘common sense’ would prevail.

In September 2003 the Diocese issued the paper, Duty of Care for Children and Young People, (Attachment 13). This paper states under

“3. Adult’s Rights and Responsibilities,

- not to abuse children physically, emotionally, sexually or spiritually
- to be prepared to believe and respond to children’s statements concerning alleged abuse
- to ensure that they are trained in mandatory reporting”

“5. Responsibility of the Diocesan Council

The Diocesan Council has the responsibility

- to require clergy and other designated leaders to undergo mandatory reporting training
- to require adults working with children to sign a Code of Conduct for Leaders and a Declaration Required for Leaders
- to make police checks on clergy and any adults who are designated leaders of children
- to refuse to accredit a person as a leader of children in the Diocese if he/she is discerned as unsuitable”
At this stage [2003] church workers were not mandatory reporters in South Australia and yet the paper says, “church authorities should consider themselves bound to notify a Statutory Authority if they become aware of suspected child abuse.”

In 2004 it is clear that the Diocese had in place guidelines around keeping children safe. The Hamley Bridge Drop in Centre operated in the Wakefield Ministry District in the Diocese from 2004 - 2005. David McDougall the chair of the Reference Group writes that there was a clear expectation that, “The procedures and policies regarding the protection of children at this facility [the drop in centre] were those of the Anglican Diocese of Willochra at the time, namely that:

a) Every volunteer or church worker working with children under the age of 18 be required to submit a current police check.

b) Every volunteer or church worker working with children under the age of 18 be required to complete a Families SA Mandatory Reporting course [now Child Safe Environments].

In addition to these requirements I as chair of the reference group required that

c) All volunteers and church workers only work with children under the age of 18 years of age if there was at least two church workers or volunteers present. No-one under any circumstances was to be alone with children under the age of 18 at any time.”

The Diocese has established through the Code of Conduct for Church Workers (Appendix Two, Regulation Three) Clause 5.18 Guidelines lists issues to be taken into account,

5.18 Taking all reasonable steps to ensure the safety and welfare of children for whom you have overall responsibility or are in your care requires you to prepare a risk management plan which considers the following issues:

- screening and selection of personnel;
- your role and capacity to perform it;
- use of external service providers;
- supervision ;
- planning and conduct of activities;
- venue;
• health and safety;
• transport;
• disciplinary arrangements;
• physical contact;
• photographs and images; and
• record keeping.

These issues are considered in paragraphs 5.19 to 5.47.

There was a process of monitoring youth and children’s Ministry through the Education Committee and/or through a dedicated Children’s and Youth Ministry Committee or a Children’s Ministry Committee. It is noted in the report by the Ministry Development Officer to Synod in 2008 that, “The major emphasis in 2008 will be Child-safe Environments and Notification of Child Abuse Training. Every volunteer connected with children’s ministry and all licensed lay ministers will be engaged in this training and police checks where appropriate. Bruce Thorpe and later Dorothy Thorpe were retrained as a trainer with Family SA and has been appointed by Diocesan Council to this honorary position in the Diocese. All people required to do the training should do so before Easter 2009.”

The Diocese has continued to provide a trainer for Child Safe Environments to either present the full course or the refresher course within the Diocese. This has been extended to providing trainers for the course Ensuring Safer Church Communities, which contains a component of the Child Protection training.

Theological perspectives

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

a. marriage of clergy

Marriage is seen as a sacrament, a life long union between a man and a woman. There has been recognition, by the Anglican Church of Australia, that we are all ‘fallen’ humanity and therefore divorce can occur within marriage; this can occur for a clergy person too. The Diocese, along with most dioceses, does not hold to the view that being married is essential for the exercise of the ordained ministry or that divorce would preclude a clergy person from continuing to be licensed for ministry.
The Diocese has both men and women who are ordained as deacons and priests. Marital status is not normally an issue that is considered in discerning individuals for ordination or in licensing them to a particular ministry. In addition, having been divorced it is not a barrier to ordination or holding the bishop’s licence. It would be essential that the underlying issues, which led to the divorce, were addressed before ordination was considered or a licence issued. Were a divorce to occur while a person was in active ministry, depending on the circumstances that lead to the divorce, it could result in a disciplinary action under the Code of Conduct of Church Workers that may result in a suspension from ministry for a period of time; this would be dependent on the level of responsibility of the clergy person for the relationship breakdown. There would be an expectation that some conscious effort would be made to address issues facilitated by a psychologist or counsellor.

Regulation 13: Professional Standards and Appendix One: Faithfulness in Service can be found at Attachment 14.

b. celibacy

There are scriptural grounds that could be used as the basis for a position that the preferred state for those who are ordained is single and celibate. The Anglican Church from its inception has not held to such a doctrinal view that celibacy is a requirement for ordination and the exercise of a licensed ministry.

The expectation is that a single person would live a celibate life, whereas sexual relationships occur within the context of marriage. While there may be strong bonds of affection between two individuals these bonds are not to be expressed in sexual activity unless the parties are married. Sexual intercourse is most appropriately expressed within a monogamous, committed relationship in the context of the sacrament of marriage. Clause 7.4 in Faithfulness in Service states, “You are to be chaste and not engage in sex outside of marriage and not engage in disgraceful conduct of a sexual nature.” (p. 41, Regulation Thirteen, Appendix Two, see Attachment 14)

In discerning a candidate for ordination, it may be revealed that earlier the individual had been in a sexually active relationship outside of marriage. This would not automatically be a bar to ordination. Consideration would need to be given to the context within which the sexual relationship occurred, as well as the age and faith commitment of the individuals concerned at the time.

Were evidence of a paraphilia to emerge during the process of discernment of a call to ordination it would, depending on the nature of the paraphilia, be important for the issue to be addressed by a relevantly trained counsellor or psychologist.
Candidates for ordination within the Diocese can be either single or married.

Regulation 13: Professional Standards and Appendix One: Faithfulness in Service can be found at Attachment 14.

c. homosexuality.

It could be argued that this should address the needs of members of the LGBTIQ (Lesbian, Gay, Bisexual, Transgender, Intersex and Questioning) communities rather than solely focus on homosexuality.

Homosexuality is not seen as a barrier to being ordained or licensed in the Diocese of Willochra. Just as there would be an expectation that a heterosexual member of the clergy who was single would be celibate, the same principle would be applied to a single homosexual clergyperson. The ‘playing field’ is of course not even – single heterosexual persons have the possibility of entering into a committed monogamous relationship through marriage; they have an accepted way of expressing their sexuality. A single homosexual person does not have that option – the Anglican Church of Australia has not addressed the issue of ‘same sex marriage’ or the recognition of a committed, monogamous, long term same sex relationship. To simply say that celibacy is the only option for a single person who is homosexual could be seen as very cruel and may be perceived as a very unloving response to a very human need to find a way to express one’s sexuality.

We, the Anglican Church of Australia, are still struggling between the view that a ‘simple reading of scripture’ tells us that homosexuality is wrong and the view that by starting with our current understanding of human sexuality and the evidence of science that we may end up with a more nuanced interpretation of scripture.

It is hard to determine what the “Diocese’s... theological perspectives [is] in relation to” homosexuality, as there would be some diversity across the continuum from evangelicalism toward a ‘liberal’ perspective within the Diocese. There is predominantly a willingness to accept people who have a ‘same sex attraction’, to make them feel welcome – there would be some who would hold the position that we should “love the person and hate the sin”, where the sin is believed to be an active expression of homosexuality, i.e. homosexual acts. Others would believe that homosexuality is within the continuum of what it is to be human (that it is part of the nature of God’s creation) along with heterosexual activity and that if there is sin it is promiscuity rather than homosexual sex.

All humanity falls short of the glory of God. This is equally so with heterosexual individuals as it is with members of the LGBTIQ communities. Scripture and theology point us toward a God whose love of the created order and of humanity, which is the pinnacle of the created order, is all encompassing and involves an invitation to restored relationship with God and with one another. The scripture makes it clear that which
can separate us from the love of God is the blasphemy of the Holy Spirit (Mark 3:28-29); The Interpreter’s Dictionary of the Bible says of the passage from Mark that it “must be understood as the deliberate and perverse repudiation of God’s saving work, whereby one consciously hardens himself against repentance and the possibility of forgiveness.” (p.445). Therefore, even if homosexuality were a sin it would not separate the individual from the love of God; essentially the homosexual would be exactly like the rest of us, needing to repent and receive forgiveness.

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.

Anglicanism claims to be the via media, sometimes interpreted as being the bridge between the Catholic and Protestant. Being the via media has resulted in those two expressions of the Church being represented within the denomination itself; they form a continuum of what it means to be Anglican. At its best it enlivens the denomination at its worst it can result in fractures and divisions within Anglicanism.

The differences that exist between the dioceses of the Anglican Church of Australia are related to where on the continuum of Anglicanism a particular diocese falls. Is the diocese on one hand Evangelical (Protestant) or on the other Anglo-Catholic. The terms are in some ways helpful and in other ways not helpful for they mask a range of nuances and the reality that many Anglicans do not wish to be labelled in this way. Nevertheless for the purposes of answering the question the Diocese of Willochra would generally be seen as “broad/centrist”, i.e. falling somewhere in the middle, having both Evangelical and Catholic expression within its parishes and ministry Districts. As the Bishop of the Diocese it is my desire to promote “convergence” over “divergence”, a belief that what we hold in common far outweighs what divides us.

The broad/centrist position is one which values the strengths of Anglo-Catholicism on the one hand, and the strengths of Evangelicalism on the other, where both can be valued and have a place which enriches the church; the extreme expressions of both can tend toward dogmatism. Those of broad/centrist persuasion are neither fundamentalists nor papa lists; the extreme ends of the continuum. Those who take a
broad/centrist position will embrace an eclectic liturgical and doctrinal position with an emphasis on a posture and teaching which allows for individual freedom of choice; this has been criticised as a ‘wishy-washy’ middle way; I disagree and believe that it has an internal coherence which expresses the nature of God – the community of Father, Son and Holy Spirit inter-relating and inter-penetrating one another.

Within the Diocese of Willochra there would be those who hold to a more evangelical persuasion and those who may lean more toward a more anglo-catholic one. In this Diocese neither expression would be at the extreme ends of the continuum.

This ability to accommodate difference is to some degree reflected within the Anglican Church of Australia with varying degrees of success. The further towards the ends of the spectrum we move the harder we find it to hold the diversity together. The Dioceses with which Willochra would find the greatest differences would be those which are very strongly Evangelical which include the Dioceses of Sydney, Armidale and North West Australia; and on the Anglo Catholic end of the continuum we would disagree with the Diocese of The Murray specifically in relation to the issue of the ordination of women as priests and bishops, but on other matters we would find a great deal of commonality.

The matter that causes us to disagree, most particularly with the most evangelical dioceses, is focussed on hermeneutics, the interpretation of scripture. To put it simplistically there are those who would have a “literalist” interpretation of the scripture as the “Divine Word of God”; those who understand the scripture as the Word of God transmitted through a particular human(s) within an historic context, place, time and culture; and those who would hold that scripture is the human interpretation of events from the perspective of faith in God and the belief that God acts in response to human action.

Hermeneutics can be seen as the science of interpretation using a variety of tools to “make meaning” and “gain understanding” of the scripture in question. The tools may include literary tools such as an examination of genre: legal, narrative, polemic, poetry, parable, recount, to name a few, and literary devices such as poetry, metaphor and hyperbole, etc. in addition to new tools from psychology and sociology. While these tools are accepted by the broad/centrist they are not necessarily seen as being acceptable to some evangelicals.

Application stems from interpretation guided, in Anglican terms, by scripture, tradition (the historic teaching of the church in its Creeds, Councils and the teaching of the early Church ‘Fathers’) and reason (not to be automatically equated with the reason of the enlightenment, although that is how some understand it.) Reason should be grounded in original meaning in its original context. Meaning should be interpreted in the contemporary context within which we find our existence without disregarding, too quickly, the meaning in
its historic and cultural context. Interpretation of one part of scripture should not contradict other parts of scripture. There is a harmony of understanding across scripture, which is progressively revealed across both the Old Testament and into the New Testament.

Hermeneutics are the ground of many of our theological disagreements, on one hand, to put it simplistically there is a literalist hermeneutic – summarised in the phrase “the plain reading of scripture”; on the other hand a more extensive “tool box” of hermeneutical instruments are used by a broad/centrist – some of these instruments are rejected as inappropriate by some as is the view that there is such a thing as a “plain reading of scripture” by others. Interpretation can become the battlefield – most recently over the issue of human sexuality.

On the whole Willochra would hold to a position where there is a balance between ‘proposition’ and ‘experience’. Seeing the Bible much more as an anthology that documents, from a human perspective, the encounters with the God who creates and sustains all that is. That does not make it any less “Bible Based” than those who take a more literalist stand. God speaks through the scripture through a variety of genres that explain, epitomise, or symbolise the essence and significance of what God has done, is doing and will do.

From the ground of our use of hermeneutical tools comes our different views around such issues as human sexuality, homosexuality, same sex attraction; our understanding of what it means to be the Church of God (ecclesiology); our differing understandings of what mission means, our differences in theology and understanding of the orders of deacon, priest and bishop and the question of whether women can be ordained as priest and bishop.

It is on the basis of these disagreements that we find it so difficult to work together as the Anglican Church of Australia expressing a point of view with a single voice or being willing to delegate some of our individual rights as dioceses to the centre, the General Synod and the General Synod Standing Committee.

And yet, given all of that, there is more that holds us together, than separates us. In all areas of human thought, including the law, there are wide divergences of opinion over interpretation, and that is part of being human and having free will and needs to be respected.

Having written all of this I do not believe that these theological differences have any effect on how the Anglican Church of Australia has responded to issues relating to the protection of children. If anything we have a greater level of commonality on this issue than any other and have been willing to act together on this issue more than on any other issue. That does not mean that we may have been able to do better than we have, there is always room for improvement.
Ordination and theological training

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

The Diocese has a relationship with St Barnabas College, Adelaide which in turn has a relationship with the School of Theology of Charles Sturt University. The Diocesan Bishop is a member of the St Barnabas College Board and wishes to see St Barnabas become the provincial theological college. Candidates for ordination and others seeking further theological learning are directed to St Barnabas in the first instance; and if this is not feasible due to the tyranny of distance, then they are directed to Charles Sturt University, which offers external modes of study.

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.

The Diocese requires that candidates undertake a psychological assessment prior to ordination. The assessment is paid for by the Diocese. The psychologist discusses the assessment with the candidate. A confidential report is given to the diocesan bishop and is kept in a secure clergy file. Where there are matters of interest and/or concern they are discussed with the candidate by the bishop. Such matters may result in a delay to ordination so that matters may be addressed or may be able to be addressed after ordination where they are of less significance. They may of course mean that ordination is no longer an option. In some circumstances the ordination will not proceed.

The psychological assessment is currently carried out either prior to the Ordination Advisory Committee meeting or shortly after the committee has met.

The diocesan bishop and the psychologist, who currently conducts the assessment, have recently agreed to offer counselling to any candidate where the process has caused distress.

Psychological assessments were introduced for candidates for ordination in 2011 in the Diocese.
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.

Ordinances that relate to child protection have been discussed, debated and adopted by the Synod of the Diocese, which meets on the first weekend of May each year.

*Professional Standards within the Anglican Church of Australia, and for other purposes as recommended by the Church Law Commission amended to February 2008* was initially adopted by the Synod of the Diocese of Willochra in 2004 and has incorporated the amendments made up to and including February 2008. A new Regulation (Regulation 13: Professional Standards) was adopted in May 2016 and is attached ([Attachment 14](#)). In addition *Faithfulness in Service: A national code for personal behaviour and the practice of pastoral ministry by clergy and church workers as adopted by General Synod in October 2004 and as revised by General Synod Standing Committee in October 2006* was adopted by the Diocesan Council of the Diocese of Willochra in 2008. The document forms Appendix One to Regulation Thirteen and is attached ([Attachment 14](#)).

Policy guidelines are either presented to Synod or more frequently to the Diocesan Council (Standing Committee of the Synod). Policy guidelines are then distributed to the various ministry units.

The Diocesan Council monitors the implementation of policy in relation to the need for Police Checks, completion of Child Safe Environments training and Ensuring Safer Church Communities training and where necessary the implementation of the policy is strengthened. This has been reinforced over the last eighteen months, as most licences have been due for renewal, an opportune time to emphasise the importance of these policies and procedures and to ensure compliance. This occurs most particularly in relation to the licensing of Licensed Lay Ministers and Clergy. Most recently this has been extended to the need for those who hold the Bishop’s Licence to acknowledge that they have read and understood that Faithfulness in Service applies to them in the exercise of their role.

Where necessary, further training is undertaken with those who exercise a leadership role in implementing *Professional Standards and Faithfulness in Service Code of Conduct for Church Workers* which are contained in Regulation 13: Professional Standards and Appendix One ([Attachment 14](#)). This will often include work in relation to materials produced by the General Synod Office.

*Faithfulness in Service* specifies in Clauses 5.18 to 5.20 (p. 21 Appendix One, Regulation Thirteen) **Ensuring the safety of children**
5.18 Taking all reasonable steps to ensure the safety and welfare of children for whom you have overall responsibility or are in your care requires you to prepare a risk management plan which considers the following issues:

5.18.1. screening and selection of personnel;

5.18.2. your role and capacity to perform it;

5.18.3. use of external service providers;

5.18.4. supervision;

5.18.5. planning and conduct of activities;

5.18.6. venue;

5.18.7. health and safety;

5.18.8. transport;

5.18.9. disciplinary arrangements;

5.18.10. physical contact;

5.18.11. photographs and images; and

5.18.12. record keeping.

**Screening and selection of personnel**

5.19 If you have responsibility for compliance with civil and Church screening and selection requirements, you should exercise care with the selection of leaders involved in mixed age or children’s activities. You should ensure that any parents or guardians assisting with these activities are screened.

5.20 Consult the Director of Professional Standards as to whether a risk assessment is required before you appoint someone who has:

5.20.1. been acquitted of a charge of an offence against a child;

5.20.2. had a charge of an offence against a child not proceed;

5.20.3. had a prohibited status under applicable child protection legislation lifted; or

5.20.4. been the subject of Church disciplinary proceedings involving child abuse.

These issues are considered in paragraphs 5.19 to 5.47 (see Attachment 14 Appendix One, Regulation Thirteen) and the Diocese follows this code.
22. Please indicate which General Synod model ordinances, policy guidelines and resolutions on child protection have been adopted or responded to by your Diocese, and how, by completing the table at Schedule B.

See attached 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.

There are no substantive differences between the national model Professional Standards Ordinance and the Dioceses equivalent regulation.

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

a. maintain its own, unique professional standards framework

In South Australia the three dioceses, Adelaide, The Murray and Willochra, have adopted either identical or very similar professional standards frameworks. In November 2015 the three dioceses have entered into a Memorandum of Understanding that will see us return to a situation where we have the same Professional Standards Director (PSD) and will use the same personnel on the Professional Standards Committee (PSC) and Professional Standards Board (PSB) although they will be formed as the PSC and PSB of the relevant diocese.

There was a period from 2004 to 2015 where the Diocese of Willochra appointed its own Professional Standards Director and would, had it been necessary, have formed its own PSC and PSB. During that period of time the Diocese did not receive any professional standard complaints.

With the new level of cooperation across South Australia in relation to professional standards I feel that we may have the best approach that we can hope for. People understand that the states and territories of the Commonwealth of Australia act independently in some areas and would find it easier to deal with the church on a state wide basis than as individual dioceses with a potentially inconsistent approach.

b. agree to and adopt a nationally consistent professional standards framework that is administered by each diocese
While there may be some variation in detail from diocese to diocese in relation to a professional standards framework, in most respects the framework is similar. I would be supportive of any move to adopt a totally consistent framework but am also aware of the challenges in the process of adoption by each diocese’s Synod. While a diocesan representative on a body tasked with drafting a consistent professional standards framework may support such a proposed consistent framework, it may still be challenging to gain the support of the Synod to adopt such a framework.

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

While in principle I would support the move toward a national approach to Church worker discipline, complaints handling and redress there are a number of issues that would need to be addressed:

1. Would such a centrally administered quasi-independent Church body be able to make timely decisions that resulted in complaints being addressed quickly? Or would cases take longer to reach a conclusion?

2. Would the costs of such a centralised approach exceed the costs of a dispersed approach on a state (provincial) basis without improving the quality of process and resolution of complaints?

3. Would a centralised approach be agile enough to respond to all levels of complaint or would the more ‘minor’ complaints be given a lower priority and as a result take longer to resolve?

4. How important is ‘local knowledge’ to the process of addressing all or some complaints?

d. adopt any other approach for managing professional standards.

I am inclined to believe that a more provincial approach (generally based upon state boundaries) where dioceses adopt a consistent professional standards framework across the province using identical structures: PSD, PSC and PSB operating as the diocese’s PSD, PSC and PSB when dealing with a complaint originating with a diocese, would be the best way of progressing consistency. It may be appropriate for there to be accountability to a national oversight body which monitors consistency of approach and makes recommendations for improvement.

The issue of compensation should be consistent across the Anglican Church of Australia; participation in a National Redress scheme would be preferable.
25. Any process, procedure or practice adopted by your Diocese, or adopted or recommended by the General Synod of the Anglican Church of Australia, in relation to responding to complaints of child sexual abuse made in relation to one or more other dioceses, and where multiple dioceses may have jurisdiction to respond, including but not limited to the handling of such complaints, the conduct of disciplinary proceedings, or the payment of compensation.

The complaints of child sexual abuse that have been made in the Diocese of Willochra have all involved multiple dioceses. Generally the perpetrator has been in stipended ministry in at least one other diocese apart from Willochra and while in each diocese has sexually abused a child. On each of those occasions, while investigations have been carried out in Willochra in addition to the other diocese(s) they have been carried out by one of the diocese’s Professional Standards Directors, in consultation with the PSD of Willochra, and prosecuted through one diocese’s PSC and PSB. Where support and compensation have been recommended, Willochra has contributed to the support and compensation on a proportional basis. More often than not the initial report has been made to the diocese where the complainant has resided at the time of the complaint.

The Diocese has through the PSD ensured that the National Register is kept up to date and is accessed when an appointment is being made; most particularly when the person is coming from outside of the Diocese. This is further supported by enquiries being made of the relevant diocesan bishop as to the ‘good standing’ of the individual.

Professional Standards in the Anglican Diocese of Willochra

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:

The Applicant’s Screening Questionnaire (for ordination candidates, clergy, paid church workers, lay ministers and volunteer staff) was adopted by General Synod in October 2004 and was last revised in
November 2013. There is evidence that the screening questionnaire has been used in the Diocese of Willochra for ordination candidates since 2005. The revised version is now being used in the Diocese. There is no evidence that a screening questionnaire has been or is being used for paid church workers, lay ministers or volunteers.

Where people are to be appointed to a position within the Diocese, most particularly as stipended clergy, a search of the National Register is carried out as well as a request to their present diocesan bishop for an assurance that they are in ‘good standing’ in the diocese.

All Church workers are required to have an up to date Police Check, a certificate of attendance at Child Safe Environments (child protection) training and most recently are being required to have a certificate of attendance at Ensuring Safer Church Communities training.

In July 2001 the following motion was adopted by the Diocesan Council: “That a Memorandum of Understanding with the SA Police be established to facilitate check of Police Records for persons involved with Youth and Children’s Ministry.”

In March 2002 Diocesan Council resolved, “That all Diocesan Clergy be subjected to Police Checks.”

In a report to the Diocesan Council in July 2003 it was noted that the Diocese was, at the State level, “Awaiting issue of Memorandum of Understanding by South Australian Police Department.” and at the Federal level, “All new members of Diocesan Council have to undergo a Federal Police check in line with Aged Care Legislation.”

In July 2004 it was noted in the minutes of the Diocesan Council that “SA Police Checks completed for clergy & laity, pending Memorandum of Understanding. Commonwealth checks proceeding for new key personnel at The Willochra Home.”

Faithfulness in Service states in clause 5:13, 5:19 and 5:20:

5.13 Before you allow a person who is currently charged with or convicted of an offence against a child to participate in activities involving children, you are to:

• consult the Director of Professional Standards;

• ensure that a risk assessment is undertaken; and

• be satisfied that no child will be at an increased risk of harm.
Screening and selection of personnel

5.19 If you have responsibility for compliance with civil and Church screening and selection requirements, you should exercise care with the selection of leaders involved in mixed age or children’s activities. You should ensure that any parents or guardians assisting with these activities are screened.

5.20 Consult the Director of Professional Standards as to whether a risk assessment is required before you appoint someone who has:

- been acquitted of a charge of an offence against a child;
- had a charge of an offence against a child not proceed;
- had a prohibited status under applicable child protection legislation lifted; or
- been the subject of Church disciplinary proceedings involving child abuse.”

And these parameters are followed in the Diocese.

a. officiating as a member of clergy

Clergy who have held a licence within the Diocese and who were ordained prior to 2012 will not, in most cases, have completed an Screening Questionnaire for Clergy or at the least they are not on file. All clergy, whether stipended or non-stipended are required to have an up to date Police Check, a certificate of attendance at Child Safe Environments (child protection) training and most recently are being required to have a certificate of attendance at Ensuring Safer Church Communities training.

When they are new to the Diocese they are required to complete the Screening Questionnaire for Clergy. In addition enquiry will have been made, with their former diocesan bishop, as to whether they are in ‘good standing’ in the diocese from which they have come.

b. participating in activities involving children

There is on file a “YOUTH and CHILDRENS MINISTRY DECLARATION – REQUIRED OF LEADERS”. It is in the form of a STATUTORY DECLARATION: “I [Name] do solemnly and sincerely declare that I have neither committed nor been convicted in any court of law in any jurisdiction of any offence of

a. physical assault
b. sexual assault
c. indecent or offensive behaviour
d. unlawful sexual intercourse

e. rape

and I make this solemn declaration conscientiously believing it to be true pursuant to the provisions of the Oaths Act 1936 (SA). The form includes an “AUTHORISATION” for a “check of the criminal or other records kept by the South Australian Police Department and the release of details recorded against my name to the Bishop and/or Registrar of the Anglican Diocese of Willochra”, and an “UNDERTAKING” “not to perform ministry with youth or children until authorised to do so by the Bishop. I also undertake that if directed by the Bishop at any time to cease activity in youth and children’s ministry without any reason being given I will comply with such direction without question”. Provision is made for the DECLARATION to be witnessed by a Justice of the Peace; the section for the date is 199___, indicating that the form was produced sometime in the 90’s.

The Diocese produced the paper Duty of Care for Children and Young People in September 2003. Those guidelines required the Diocesan Council to screen those who were working with children (see Section 5 and 8 in Attachment 13).

Anyone who participates in activities involving children is required to have an up to date Police Check, a certificate of attendance at Child Safe Environments (child protection) training and most recently a certificate of attendance at Ensuring Safer Church Communities training.

At present the Diocese has not implemented the Volunteer Screening Questionnaire that came from the General Synod office.

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

The preparation of amendments to and drafting of new legislation for the Diocese is delegated to the Constitution and Regulations Committee. Membership of that committee are selected from the members of the Diocesan Council, members of the Synod and others who are deemed to have skills that will facilitate the work of the committee. The Chancellor, the legal advisor to the Diocesan Bishop, is a member of that committee and the Chancellor vets new legislation before it is submitted to the Diocesan Council prior to being debated by the Synod of the Diocese and if passed by Synod is enacted in the Diocese.

Policy is debated and determined by the Diocesan Council on the recommendation of the Bishop, Registrar and the Professional Standards Director. Historically the Bishop has taken a leading role in bringing issues
associated with professional standards before the Diocesan Council and Synod; the Bishop is the one who licenses clergy and LLMs for roles within the Church in the Diocese.

Professional Standards is administered at arms length from the Diocese. While the Diocese may nominate people to serve on both the Professional Standards Committee and to be members of the pool from which the Professional Standards Board is called they are not the individuals with any responsibility in drafting regulations, rules and procedures that impact Professional Standards.

d. presiding over or participating in disciplinary proceedings.

Professional Standards, Clause 10 (Appendix One, Regulation Three) states that:

(2) The membership of the PSC shall be constituted so as collectively to provide:

(a) experience in law;

(b) experience in the ordained Ministry; and

(c) experience and appropriate professional qualifications in child protection, social work or counselling.

(3) The PSC shall include at least one person who is not a member of this Church and so far as it is reasonably practicable shall have an equal number of men and women.

It goes on to specify, in Clause 39, the qualifications of those who will form the pool from which the Professional Standards Board may be formed:

39 The members of the Board in a particular case shall be appointed from a panel comprising:

(a) a President and a Deputy President, both of whom shall be persons who are eligible for appointment as lay members of the Appellate Tribunal;

(b) five members of the clergy of at least seven years’ standing; and

(c) five lay persons who are may or may not be members of the Church and at least three of whom are certified by the PSC as having professional experience, training or skills in sexual harassment or assault or sexually inappropriate behaviour.

This process would be followed if the need arose. There is no indication of a screening process although one would assume that the normal requirements for screening would occur.
27. Training and educating Church workers and Church members on child sexual abuse and responding to instances of child sexual abuse.

Since the state government introduced legislation making clergy and church workers subject to mandatory reporting, all Church workers have been required to hold a current certificate of attendance at Child Safe Environments training. Accreditation has to be maintained by attending a refresher course every three years after the initial training. Where the certificate is out of date beyond six months the individual concerned would be required to do the full course rather than a refresher.

In March 2002 the following motion was moved and passed, “That thanks be tendered to Bishop Garry on his expedition (sic) of a response to the matter of Sexual Abuse and that Diocesan Council endorses the two sexual abuse booklets produced and distributed by him.”

The minutes of Diocesan Council from March 2003 note that, “Kate McGarry has agreed to conduct Child Protection Training Courses within the Diocese of Willochra.” and “That the Child Protection Guidelines, as presented, be adopted.”

The guidelines Duty of Care for Children and Young People were issued in 2003 (Attachment 13).

Diocesan Council adopted the following in August of 2008, “Recognising that state government legislation applies to people who are employees or volunteers of “an organisation formed for religious or spiritual purposes”, Diocesan Council strongly encourages any Church members who perform voluntary work within the Church to undertake Child Safe Training arranged in their area”.

The Diocese has ensured that Child Safe Environments training has been available by ensuring that there are trainers available from within the Diocese. This is noted in the minutes of 2008 on a number of occasions, and the arrangement seems to predate the meeting of Diocesan Council. It was noted in a report to the Diocesan Council in December 2014 that, “There have been 11 courses presented around the Diocese with 4 renewal courses planned for 2015.”

The Diocese has introduced the course Ensuring Safer Church Communities, which all members of parish councils, ministry district councils, vestry committees and Diocesan Council are required to do. In December 2013 the Diocesan Council passed the following, “Diocesan Council resolves that the Ensuring Safe Church Environments be implemented in the Diocese and that wardens, church council, parish councillors and
ministry district councillors be required to undertake such training by the end of 2015.” The course was made available to all members of the church and has started to be delivered this year. While the course covers some of the content of Child Safe Environments it does not deal with them in depth but focuses on other issues associated with creating a safe church, touching on those issues addressed in Faithfulness in Service.

Disclosure and response

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

Duty of Care for Children and Young People (Attachment 13) in section 9 specifies a reporting process which includes internal reporting.

9. Dealing with complaints/reports of inappropriate adult or leader behavior

With minor matters, the church council, clergy or other person in authority, should

- ensure the safety and protection of the child
- take appropriate steps to prevent a similar situation
- counsel or reprimand the leader

In addition, with serious matters, they should

- suspend or dismiss the leader
- notify the Bishop
- notify FAYS via the SA Child Abuse Hotline
- refer the matter to the Police for advice if it is believed that an actionable criminal offence may have been committed

Faithfulness in Service makes it clear in Clause 5.14 and 5.15 that,

“5.14 If you know or reasonably suspect that a child is at risk of harm from child abuse, you are to report this to the appropriate civil authorities.

5.15 If you know or reasonably suspect that another member of the clergy or a church worker has abused a child, you are to report this to the appropriate civil authorities and the Director of Professional Standards.”

And these clauses are part of what church workers are asked to sign that they will follow.
The Child Safe Environments training places some emphasis on the responsibility of mandated reporters to report to the civil authorities instances or suspicions of child abuse (which includes sexual abuse). The added obligation for a Church worker is to report it to the Professional Standards Director (see above and below).

Professional Standards (Appendix One, Regulation Three) adopted in 2004, under the sub heading Part 6 – Examinable Conduct, Clause 24. (1) states, “A member of the Clergy and a Church authority in the diocese shall as soon as possible refer any information in his or its possession or knowledge to the Director or to a member of the PSC unless there are reasonable grounds to believe that the information is already known to the PSC.”

In October 2004 Mr. Tim Ridgway was the professional Standards Director and Diocesan Council was informed of his contact number and that he was the, “First Contact re misbehaviour by clergy or church worker...”

The Diocese has supplied laminated signs (as below) that outline the process for making a report and the contact phone number to be rung when making a report. They have been placed in every church,

<table>
<thead>
<tr>
<th>Anglican Diocese of Willochra</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Making a Complaint</strong></td>
</tr>
<tr>
<td>Have you, or anyone you know, suffered abuse in the Church? sexual abuse • physical abuse • verbal abuse • spiritual abuse • bullying • harassment</td>
</tr>
<tr>
<td>Help is available You can talk to the Professional Standards Director, ...on: Telephone; Mobile: or email:</td>
</tr>
<tr>
<td>The Professional Standards Director is responsible for ensuring that all complaints are responded to quickly by the Diocese of Willochra.</td>
</tr>
<tr>
<td>Alternatively, you can contact: Adult Childhood Sexual Abuse Helpline - 9am–5pm; Monday–Friday Tel: 8419 2000 or country callers 1800 176 900 Crisis Care - Tel: 131 611 Child Abuse report line - Tel: 131 478 These services are staffed by professionally qualified and experienced counsellors. They are not employees of the church SA Police - Tel: 131 444</td>
</tr>
<tr>
<td>CHILD ABUSE IS ALWAYS WRONG!</td>
</tr>
<tr>
<td>If the Helpline Counsellor or the Professional Standards Director learns that a child has been abused or is at risk of any form of abuse they will contact the CHILD ABUSE REPORT LINE</td>
</tr>
</tbody>
</table>

church hall and church office where there is one.
29. Reporting allegations of child sexual abuse to the police, the Ombudsman and/or any government child protection agencies, including where:

child protection agencies, including where:

a. a complainant does not consent to such disclosure, and/or

A report would be made to the civil authorities and to the Professional Standards Director without identifying the complainant. The obligations of a Church worker as a mandated reporter and under Faithfulness in Service require that such a report be made.

Clause 4.26, 5.14 and 5.15 of Faithfulness in Service address this:

4.26 You may have a legal obligation to report criminal offences to the applicable civil authorities (the issue of child abuse is addressed in Section 5). You may be subpoenaed to produce documents or to attend court to give evidence, or both.

5.14 If you know or reasonably suspect that a child is at risk of harm from child abuse, you are to report this to the appropriate civil authorities.

5.15 If you know or reasonably suspect that another member of the clergy or a church worker has abused a child, you are to report this to the appropriate civil authorities and the Director of Professional Standards.

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

Faithfulness in Service states in Clause 4.23-26,

“4.23 The Confessions Canon 1989 or the proviso to Canon 113 of 1603 is in force throughout the Church. These Canons make provision for the confession of sins to clergy and for the confidentiality of this confession. If you are a member of the clergy, you should be aware of the scope of, and your obligations under, the applicable Canon. For example, absolution is not automatic and may be withheld. You may require of the person making the confession of sins some appropriate action of contrition and reparation before you give them absolution.

4.24 There is a distinction between disclosures made in ordinary pastoral situations and disclosures made as a confession as provided in the applicable pastoral service in the Church’s authorised liturgies. This service should normally be heard in a public place at advertised times or by arrangement.
4.25 If you are a church worker, remember that only clergy have the authority to receive a special confession of sins as provided in the applicable pastoral service in the Church’s authorised liturgies.

4.26 You may have a legal obligation to report criminal offences to the applicable civil authorities (the issue of child abuse is addressed in Section 5). You may be subpoenaed to produce documents or to attend court to give evidence, or both. In some States or Territories, clergy may be able to claim privilege from producing documents and/or disclosing information obtained in a confession referred to in paragraphs 4.23 to 4.25."

It should be noted that in South Australia clergy are unable to claim privilege from producing documents and/or disclosing information obtained in a confession.

Firstly, it should be noted that experience seems to indicate that it would be very unlikely for someone to make such a confession. Most penitents would come with a desire to not only make themselves right with God” but also a willingness to be “right with” the victim of their sexual abuse, or at least to make every effort to make themselves “right” with that person; the victim may of course not be willing or able to accept the abuser’s contrition, an understandable response.

It would be my expectation that a clergy person who heard a confession of the sexual abuse of a child would withhold absolution until the individual had acted to report the sexual abuse to the civil authorities. If there was a genuine seeking for absolution it follows that there is a genuine repentance. Repentance requires an effort to make right that which is wrong. Repentance would require that action not just happen in the spiritual realm but also within the physical/secular realm. Therefore I would expect the clergyperson to accompany the individual when he or she made a report of that sexual abuse to the civil authorities.

The Diocese adopted The General Synod Bill to amend the Canon Concerning Confessions 1989 at its Synod meeting in May 2015. The explanatory memorandums states that,

2. This amendment is designed to give effect to:

(a) the principles relating to private confessions of child sexual abuse and the scope of section 2 of the Canon concerning confessions 1989 set out in the report of the Clergy Discipline Working Group dated 23 March 2001;

(b) the principles relating to private confessions of child sexual abuse in the protocol entitled Private Confessions: Pastoral Guidelines with special reference to Child Sexual Abuse of the House of Bishops which was agreed on 8 March 2006 and revised on 1 March 2011...
3. The amendment will ensure that canon law does not impose a duty on an ordained minister who receives a confession of a sexual offence involving a child to keep the confession confidential unless reasonably satisfied that the person making the confession has reported the sexual offence to the police.

Clause Notes

Clause 1 states the title of the Bill and that the Canon concerning confessions 1989 is referred to as the principal Canon.

Clause 2 provides for the amendment of section 2 by providing that the obligation of confidentiality of the ordained minister specified in that section is subject to section 3.

Clause 3 provides the insertion of a new section 3 and renumbers the remaining sections. The new section 3:

(a) in subsection (1) provides for definitions of “child”, “police” and “sexual offence”;

(b) in subsection (2) provides that where a person confesses that he or she has committed a sexual offence the ordained minister is only obliged to keep confidential the sexual offence so confessed where the ordained minister is reasonably satisfied that the person has reported the sexual offence to the police.

Clause 4 provides the Canon shall not come into force in a diocese unless and until the diocese adopts it by ordinance of the synod of the diocese.”

On the 10th August 2015 the General Secretary wrote to the Members of the House of Bishops,

“Seal of the Confessional – Canon Concerning Confessions 1989 It was RESOLVED:

1. That the report of the Hon. Justice Debra Mullins, Chair of the Confessions Working Group, dated 21 April 2015 be received.

2. The Standing Committee advise the dioceses that the Church Law Commission has reported there is a significant question over the validity of the 2014 Canon on the basis that the procedure for a special bill should have been followed and that Dioceses should not adopt the 2014 Canon.

3. The Standing Committee refer the subject matter of the 2014 Canon to the House of Bishops to consider all liturgical and theological issues raised by the subject matter of the 2014 Canon and for advice on how the primary purpose of the 2014 Canon can be achieved;

4. Any advice from the Bishops be circulated to the Doctrine Commission, the Professional Standards
Commission, the Church Law Commission and the Confessions Working Group for their consideration;

5. After further advice is obtained from the Bishops, the Doctrine Commission, Professional Standards Commission, the Church Law Commission and the Confessions Working Group, the Standing Committee promote the repeal of the 2014 Canon and a fresh proposal for dealing with the subject matter of the 2014 Canon at the next General Synod.”

While the intent of the Diocese of Willochra is to alter the scope of the principle of the “seal of the confessional”, we are not currently in a position to do so because of the risk that the amendment is not valid.

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

Professional Standards, Appendix One of Regulation Three states in Clause 6:

(1) “The Diocesan Council shall from time to time consider and approve a protocol for implementation in relation to information.”

(2) The protocol must include:

a) procedures for receiving information;

b) the appointment, role and function of contact persons;

c) provision for informing complainants and victims of alleged conduct the subject of information, and respondents, of rights, remedies and relevant procedures available to them;

d) provision for assisting or supporting, as appropriate, all persons affected by alleged conduct the subject of information;

e) an explanation of the processes for investigating and dealing with information;

f) provisions for dealing fairly with respondents;

h) processes for referral to mediation and conciliation in appropriate circumstances;

i) processes for dealing with alleged process failure;

j) provisions for regular information, reports, advice and recommendations to the Bishop and any
other relevant Church authority at each stage of the process of dealing with information;

j) procedures for working, where necessary, with law enforcement, prosecution or child protection authorities of the States and Territories and of the Commonwealth of Australia.”

The Diocesan Council has neither considered nor approved such a protocol. However it would be my expectation that the Professional Standards Director would contact the alleged perpetrator outlining the nature of the allegations made against him or her, informing them of the process to be followed and offering them appropriate support as outlined in 6.(2). There is clearly a need for such a protocol. It should be noted that where there have been allegations made of the sexual abuse of a child they have included at least one other diocese and have been handled by the Professional Standards Director of that diocese in collaboration with the Professional Standards Director of the Diocese of Willochra. The Diocese has not had the need to institute its own Professional Standards processes and has subsequently not considered or approved a Professional Standards Protocol.

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

In the preamble to Faithfulness in Service printed in Appendix Two of Regulation Three (adopted by the Diocese in 2004), the resolution of General Synod that was passed in 2004 is quoted,

CHILD PROTECTION – 1

The General Synod:

(a) receives the report of the Child Protection Committee;

(b) adopts as the Church’s Safe Ministry Policy Statement: “The Anglican Church of Australia is committed to the physical, emotional and spiritual welfare and safety of all people, particularly within its own community. The Church will:

• carefully recruit and train its clergy and church workers;

• adopt and encourage safe ministry practices by its clergy and lay church workers;

• respond promptly to each concern raised about the behaviour of its clergy and lay church workers;

• offer pastoral support to any person who has suffered abuse; and
• provide pastoral support to and supervision of any person known to have abused a child or another vulnerable person.”

(c) adopts the Safe Ministry Check in the Report of the Child Protection Committee as the national applicant and referee questionnaires for the selection of ordination candidates and for the screening of clergy and church workers who have contact with children in their ministry;

(d) authorises the revision of the Safe Ministry Check by the Standing Committee;

(e) adopts Faithfulness in Service in the Report of the Child Protection Committee as the national code for personal behaviour and the practice of pastoral ministry by clergy and lay church workers; and

(f) authorises the revision of Faithfulness in Service by the Standing Committee.

Garth Blake – 4 Oct 04

The relevant section is shown in bold.

The Diocese does not have a protocol in place that would assist it with the provision of pastoral care to either a complainant and/or alleged perpetrator were there to be an allegation of sexual abuse of a child. This is clearly a matter that needs to be addressed.

Investigation

32. Investigating allegations of child sexual abuse.

There does not seem to have been any process and/or written policy in the Diocese for investigating allegations of child sexual abuse prior to the adoption of Professional Standards (Appendix One of Regulation Three, prior to the Adoption of the new Professional Standards Regulation (Regulation 13) in 2016 (see Part 8 Investigations Attachment 14)) in 2004, which states in Clauses 25-34 (Attachment 17):

25. Subject to this document, where the PSC considers that the subject matter of information constitutes examinable conduct it shall investigate the information.

26.(1) The PSC may, if it thinks it appropriate to do so, refer the subject matter of information, or the investigation of information, 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 conduct or omission of the same Church worker 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 54 should be referred to the Board or to an equivalent body which has jurisdiction;

then the PSC shall refer the disagreement for decision by the Director and the persons acting in a corresponding capacity for every other dioceses 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 document 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.

27. The PSC may refrain from further investigation of the information if:

(a) in its opinion, the allegations the subject of the information are false, vexatious or misconceived, or their subject matter is trivial;

(b) the subject matter is under investigation by some other competent person or body or is the subject of legal proceedings;

(c) the person making allegations of examinable conduct or a person affected by the conduct the subject of the information has failed to provide further particulars or to verify the allegations by statutory declaration; or

(d) in its opinion there is insufficient reliable evidence to warrant an investigation or further investigation.

28. For the purpose of an investigation the PSC or an investigator shall obtain such statutory
declarations, written statements, recorded conversations, reports, documents and other material as the PSC or its delegate considers necessary or advisable for presentation to the Board.

29.(1) The PSC may by notice in writing to a respondent require the respondent to provide a detailed report to the PSC within the time specified in the notice in relation to any matter relevant to the investigation.

(2) It is the obligation of a respondent:

(a) truthfully to answer any question put by or on behalf of the PSC in the exercise of powers conferred by this document;

(b) not to mislead the PSC or a member or delegate of the PSC;

(c) not unreasonably to delay or obstruct the PSC or a member or delegate of the PSC in the exercise of powers conferred by this document.

(3) If a respondent declines to answer a question on the ground that the answer might tend to incriminate the person a written record shall be made of the question and of the ground of refusal.

31. At any time after the PSC has commenced or caused to be commenced an investigation of information under this Part, it may, after giving the respondent an opportunity to be heard, recommend to the relevant Church authority one or more of the following:

(a) that the respondent should be suspended from the duties or office or employment by a Church body;

(b) that a prohibition order be made against the respondent.

32. The relevant Church authority is authorised to give effect to a recommendation made under section 30.

33. Before making a recommendation under section 30 the PSC shall take into account:

(a) the seriousness of the conduct alleged in the information;

(b) the nature of the material to support or negate the allegations;

(c) whether any person is at risk of harm;

(d) after consultation with the relevant Church body or its representative, the effect on the respondent,
a relevant Church body and on the Church in the diocese of acting and of not acting under section 30; and

(e) any other allegation of similar examinable conduct previously made to the PSC or to an equivalent body within the previous ten years;

and may take into account any other relevant matter.

34. A suspension or prohibition order made by a Church authority pursuant to a recommendation under section 30 shall be terminated by the Church authority:

(a) if the PSC terminates the investigation without referring the matter to the Board;

(b) upon any direction to that effect given by the Board; or

(c) upon the Church authority giving effect to a recommendation of the Board under section 69.

35. During a suspension or prohibition pursuant to the provisions of this Part or during a period when a person voluntarily stands down from a position while conduct the subject of information is dealt with under this document:

(a) the respondent shall comply with the terms of any prohibition order;

(b) the respondent is ineligible for appointment to any position or function covered by any suspension or prohibition order;

(c) the relevant Church authority may fill the vacancy caused by any suspension or prohibition order, or while the respondent is standing down; and

(d) the respondent is entitled to whatever stipend, salary, allowances and other benefits that he or she would otherwise have received and which are to be met or reimbursed from funds under the control of the Synod.

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

There does not seem to have been any process and/or written policy in the Diocese for imposing restrictions on an alleged perpetrator’s duties or involvement with the Church pending resolution of an investigation.
prior to the adoption of Professional Standards (Appendix One, Regulation Three) in 2004, which states in Clauses 30-34:

30. At any time after the PSC has commenced or caused to be commenced an investigation of information under this Part, it may, after giving the respondent an opportunity to be heard, recommend to the relevant Church authority one or more of the following:

(a) that the respondent should be suspended from the duties or office or employment by a Church body;
(b) that a prohibition order be made against the respondent.

31. The relevant Church authority is authorised to give effect to a recommendation made under section 30. Before making a recommendation under section 30 the PSC shall take into account:

(a) the seriousness of the conduct alleged in the information;
(b) the nature of the material to support or negate the allegations;
(c) whether any person is at risk of harm;
(d) after consultation with the relevant Church body or its representative, the effect on the respondent, a relevant Church body and on the Church in the diocese of acting and of not acting under section 30; and
(e) any other allegation of similar examinable conduct previously made to the PSC or to an equivalent body within the previous ten years;

and may take into account any other relevant matter.

33. A suspension or prohibition order made by a Church authority pursuant to a recommendation under section 30 shall be terminated by the Church authority:

(a) if the PSC terminates the investigation without referring the matter to the Board;
(b) upon any direction to that effect given by the Board; or
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(b) the respondent is ineligible for appointment to any position or function covered by any suspension or prohibition order;

(c) the relevant Church authority may fill the vacancy caused by any suspension or prohibition order, or while the respondent is standing down; and

(d) the respondent is entitled to whatever stipend, salary, allowances and other benefits that he or she would otherwise have received and which are to be met or reimbursed from funds under the control of the Synod.

**Discipline**

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

The Diocesan Council in August 1999 received a report on a Sexual Misconduct Policy, “Bishop informed Diocesan Council that he has written to Bishop Aspinall [at that time an Assistant Bishop in the Diocese of Adelaide] asking if the Diocese of Adelaide would be willing for the Diocese of Willochra to make use of their sexual misconduct policy so that Willochra does not have to set up our own procedures.”

The Diocesan Council responding to a draft Code of Professional Ethics in December 2003 noted, “A response to the Draft Code of Professional Ethics followed this. Copies of undated Draft Codes of Practice for Clergy & Laity will be mailed out with minutes of this meeting to those members requesting them.”

At the meeting of the Diocesan Council in February 2004 the following was adopted, “That the draft Codes of Practice be received, endorsed, and the Committee commended for its work in producing them. Comments to be forwarded if not too late to be considered.” It appears that the draft was the forerunner of Faithfulness in Service, which was adopted by the Diocese in 2008.

Professional Standards (Regulation Thirteen) which was adopted in 2016 states in Part 2 - Code of Conduct Clause 6 & 7,

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PART 2 – CODE OF CONDUCT

Approval of Code of Conduct
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6. The Synod shall from time to time by resolution approve a Code of Conduct for observance by Church workers in the diocese. Unless otherwise determined by the Synod, that Code of Conduct shall be in the form of "Faithfulness in Service" as appears in Appendix 1 to this Regulation.

Promotion of Code of Conduct

7. The Diocesan Council through the PSC and by such other means as may be considered appropriate shall take such steps as may be necessary or desirable to promote the knowledge, understanding and observance in this Church of any Code of Conduct applicable in the diocese.

Faithfulness in Service: Code of Conduct for Church Workers was adopted by the Diocese in 2008 (see Attachment 14)

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

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

Prior to the adoption of Professional Standards (Appendix One, Regulation Three) the Diocese relied upon Regulation 6 Discipline (Attachment 15),

The Diocesan Tribunal

1. In accordance with chapter IX of the Constitution of the Anglican Church of Australia, there shall be a Diocesan Tribunal established as set out hereafter to hear and determine charges of breaches of faith ritual ceremonial or discipline and of such other offences as specified by regulation.

Clause 54(2A) of Chapter IX of The Constitution of the Anglican Church of Australia says,

A diocesan tribunal shall also have and always be deemed to have had jurisdiction to hear a charge relating to an offence of unchastity, an offence involving sexual misconduct or an offence relating to a conviction for a criminal offence that is punishable by imprisonment for twelve months or upward in respect of a member of clergy.

Clause 57(2) states in paragraph 5,

Any person charged before a diocesan tribunal and aggrieved by any sentence recommended by it has no right of appeal under this Constitution or under an ordinance of the diocesan synod may petition the metropolitan of the province or, if the diocese be not part of a province, the Primate that his case be
reviewed and the metropolitan or Primate as the case may be may refer the same to the Appellate Tribunal for review and any case so referred shall be heard and determined as an appeal provided however that no such petition may be presented in respect of an order of costs only.

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

Prior to the adoption of Professional Standards there was a provision in Regulation Six Discipline. Under the heading Appeal, Clauses 33 and 34 read:

25. Subject to the provisions of the Constitution of The Anglican Church of Australia there shall not be any appeal for mere error or defect in form in any proceeding verdict or sentence.

26. Subject to the provisions of clause 33 of this Regulation an appeal shall lie from every determination of the Diocesan Tribunal to the Appellate Tribunal of The Anglican Church of Australia.

There is an extensive description of the review process in Part 8 of Professional Standards.

Professional Standards (Appendix One, Regulation Three) states in Part 8A that,

“74A. In this Part, unless the context otherwise requires:

“reviewable decision” means a determination or recommendation of the Board which, if acted upon by the relevant Church authority, may have the effect of:

(a) deposing the respondent from Holy Orders; or

(b) terminating the respondent’s contract of employment, or removing or suspending the capacity of the respondent to gain income as a Church worker;

“Reviewer” means a barrister of not less than 5 years standing appointed at the Director’s request by the President of the Bar Association of South Australia, or if the President is unwilling to appoint, or unreasonably delay doing so, appointed by the Chancellor.

74B. A respondent who is aggrieved by a reviewable decision may apply to the Director for a review of the decision.

74C. The application may be made on any one or more of the following grounds:

(a) that a breach of the rules of natural justice happened in relation to the making of the reviewable decision which materially affected the decision;
(b) that procedures that were required by this document to be observed in relation to the making of the reviewable decision were not observed, and the nonobservance materially affected the decision; or

c) that the Board did not have jurisdiction to make the reviewable decision; or

d) that the reviewable decision was so devoid of any plausible justification that no reasonable Board could have made it; or

(e) the availability of fresh and compelling evidence which, if available at the time, would be likely to have materially affected the Board’s decision.

74D. For a reviewable decision, a Church authority shall not act under the provisions of section 71 until the time for lodging an application for review has passed, and no application has been lodged.

74E. The making of an application for review acts as a stay of the reviewable decision pending the determination by the Reviewer.

74F. Nothing in this Part, however, affects the power of a Church authority to take any action against a respondent which would be open to the Church authority apart from its powers under this document.

74G. For a reviewable decision, the Board shall not cause the relevant details to be forwarded for entry into the national register under section 70 until:

(a) the time for lodging an application for review has passed, and no application has been lodged; or

(b) where an application for review has been heard and determined, the determination has been made.

74H. If a determination on review confirms or varies a reviewable decision, then the Board must cause the details of the confirmed or varied decision to be forwarded to the Director for entry into the national register as soon as it receives the Reviewer’s determination.

74I. If a Reviewer’s determination refers a matter back to the Board, then the Board must:

(c) determine to take no further action in respect of the matter; or

(d) deal with the matter in accordance with Part 8 of this document, in accordance with such directions or recommendation as the Reviewer may make in the Reviewer’s determination; or

(e) deal with the matter in accordance with Part 8 of this document applying such of the provisions of Part 8 as, in the discretion of the Board and in accordance with the Reviewer’s determination, the Board
An application to the Director for review of the reviewable decision must be made within 14 days of the respondent’s being provided with a copy of the Board’s determination and recommendation under clause 70.

The application for review must:

(a) be in writing addressed to the Director; and

(b) set out the grounds for review in the application.

On receipt of an application for review, the Director must immediately seek the appointment of a Reviewer.

Upon appointment of a Reviewer, the Director must ask the Reviewer for the Reviewer’s estimate of the fee to be charged by the Reviewer in making a determination under this Part.

Upon receipt of advice as to the estimated fee, the Director must immediately notify the respondent.

Within 7 days of receipt of the Director’s advice, the respondent must pay one half of the estimated fee to the Reviewer, or to a person nominated by the Reviewer.

If the respondent fails to make the payment, then the application for review will lapse.

Unless otherwise specified in this document, the manner in which the review is to be conducted will be determined by the Reviewer.

On an application for review of a reviewable decision, the Reviewer may make all or any of the following determinations:

(a) a determination quashing or setting aside the reviewable decision;

(b) a determination referring the matter to which the reviewable decision relates to the Board for further consideration, subject to such directions (including the setting of time limits for the further consideration, and for the steps to be taken in the further consideration) as the Reviewer determines;

(c) a determination declaring the rights of the respondent in relation to any matter to which the reviewable decision relates;
(d) a determination directing either the respondent or the Board, to do, or to refrain from doing, anything that the Reviewer considers necessary to do justice between the parties; and shall cause a copy of the determination or finding to be provided to the Director.

74O. The Reviewer may make such order as to the costs of the review as the Reviewer thinks fit.

74P. The review shall be by way of the review of the recommendation or determination that is the subject of the review and not by way of a re-hearing of the merits, or a hearing de novo.”

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

The Offences Canon 1962 (The Constitution Canons and Rules of The Anglican Church of Australia, 2014) identify a number of offences,

A Canon to specify offences under sections 54, 55 & 56 of the Constitution

The General Synod prescribes as follows:

1. A diocesan tribunal and a provincial tribunal... may hear and determine charges made in respect of the following offences alleged to have been committed by a person who, at the time the charge is preferred, is licensed by the bishop of the diocese or is in holy orders resident in the diocese:

   1. Unchastity.
   2. Drunkenness.
   3. Habitual and wilful neglect of ministerial duty after written admonition in respect thereof by the bishop of the diocese.
   4. Wilful failure to pay just debts.
   5. Conduct, whenever occurring,
      a) which would be disgraceful if committed by a member of the clergy, and
      b) which at the time the charge is preferred is productive, or if known publicly would be productive, of scandal or evil report.
6. Any other offence prescribed by an ordinance of the synod of the diocese.

Professional Standards (Appendix One, Regulation Three) does not create “offences”, but is obviously a practical and effective mechanism for dealing with these types of allegations, bearing in mind that the fundamental distinction between the Offences Canon 1962 and any matter dealt with under the Professional Standards legislation is that the former looks at past conduct and is punitive in the sense of imposing a penalty, whereas the real purpose of the Professional Standards legislation is to assess someone’s future fitness for Ministry.

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

Prior to the adoption of Professional Standards (Appendix One, Regulation Three) there does not seem to have been any policy in relation to standard of proof. Professional Standards addresses issues of standard of proof in clause 27-29.

27. The PSC may refrain from further investigation of the information if:

   a. in its opinion, the allegations the subject of the information are false, vexatious or misconceived, or their subject matter is trivial;

   b. the subject matter is under investigation by some other competent person or body or is the subject of legal proceedings;

   c. the person making allegations of examinable conduct or a person affected by the conduct the subject of the information has failed to provide further particulars or to verify the allegations by statutory declaration; or

   d. in its opinion there is insufficient reliable evidence to warrant an investigation or further investigation.

28. For the purpose of an investigation the PSC or an investigator shall obtain such statutory declarations, written statements, recorded conversations, reports, documents and other material as the PSC or its delegate considers necessary or advisable for presentation to the Board.

29. (1) The PSC may by notice in writing to a respondent require the respondent to provide a detailed report to the PSC within the time specified in the notice in relation to any matter relevant to the
investigation.

(2) It is the obligation of a respondent:

a) truthfully to answer any question put by or on behalf of the PSC in the exercise of powers conferred by this document;

b) not to mislead the PSC or a member or delegate of the PSC;

c) not unreasonably to delay or obstruct the PSC or a member or delegate of the PSC in the exercise of powers conferred by this document.

(3) If a respondent declines to answer a question on the ground that the answer might tend to incriminate the person a written record shall be made of the question and of the ground of refusal.

It is generally accepted that the standard of proof to be applied in any Diocesan disciplinary proceedings (be it by way of Diocesan Tribunal or Professional Standards Board) will be the civil standard of proof as generally understood, but as specifically applied in Briginshaw's case, recognising the probable seriousness of the accusations and the consequences for an individual of a finding that the conduct as alleged is made out.

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 two cases where the Diocese has dealt with allegations of the sexual abuse of a child demonstrate that there were ad hoc processes and procedures in place to deal with financial compensation, counselling and apologies and other redress by way of mediation or settlement negotiations. While these processes did achieve an acceptable outcome for complainants, there does not seem to have been any policy and/or procedure in place that could be followed. This of course leaves the Diocese open to inconsistency in its approach to these matters which may cause distress to a victim of sexual abuse. A protocol which covers these matters would be preferable.

Clearly this position is not satisfactory and the Diocese will need to address this matter by developing processes and procedures that could form a protocol.
Risk management

Some general comments, in 2009 the Diocese commenced using “Protecting people Protecting Property” A Risk Management manual for Anglican Churches. In a sub section of Section 26 of that document, Child Molestation, what steps should we take to minimise the likelihood of it happening? it says, “The procedures include four main areas, Screening ministry leaders, Providing a supervised environment, Having reporting processes in place and Having an appropriate response plan...” In the section Have an appropriate response plan, it speaks of, “Procedures need to be developed in relation to three areas [the last of which is] Handling known offenders.”

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

While the General Synod has issued material in relation to these matters the Diocese has not developed its own policies and procedures based upon this material.

This is a matter that the Diocese will need to address.

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

While the General Synod has issued material in relation to these matters the Diocese has not developed its own policies and procedures based upon this material.

This is a matter that the Diocese will need to address.

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

The cases where there has been sexual abuse of children were concluded by 2007. Two of those cases were solely a Diocesan matter. The others crossed diocesan boundaries and were brought to a conclusion through the Diocese of Adelaide’s Professional Standards processes with, where necessary, the collaboration of the Diocese of Willochra.
The Diocese has done nothing to try to identify other victims of known or alleged offenders. This is clearly a matter that the Diocese needs to address.

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.

These are matters which the Diocese does not seem to have addressed in any systematic way and should form part of a protocol. The suggested contents of such a protocol are set up in Professional Standards (Regulation Thirteen), which is found at Attachment 14 and says,

PART 3 – PROTOCOLS

Making and Content of Protocols

8. (1) The Diocesan Council must from time to time consider and approve a protocol or protocols not inconsistent with this Regulation for implementation in relation to information and complaints.

(2) The protocol or protocols must include:

(a) procedures for dealing with information and complaints;

(b) the appointment, role and function of contact persons;

(c) provision for informing complainants and victims of alleged misconduct, and respondents, of rights, remedies and relevant procedures available to them;

(d) provision for assisting or supporting, as appropriate, any person affected by alleged misconduct the subject of information;

(e) an explanation of the processes for investigating and dealing with information and complaints;

(f) provisions for dealing fairly with each party to a complaint;

(g) processes for mediation, conciliation and reconciliation, as appropriate;
(h) provisions for information, reports, advice and recommendations to the Bishop and any other relevant Church authority at each stage of the process of dealing with a complaint or information;

(i) procedures for working, where necessary, with law enforcement, prosecution and child protection authorities of the States and Territories of the Commonwealth of Australia.

**Information-sharing and record-keeping**

43. Record-keeping in relation to allegations and complaints of child sexual abuse in the Diocese, parishes, para-Church youth groups, and Church institutions, including the:

a. form of the records (for example, excel database or paper-based case files)

The Diocesan records are held in Adelaide in the Professional Standards Directors office. Records held by the Director in relation to allegations and complaints of child sexual abuse are paper-based case files that are stored by the Director of the Diocese of Adelaide.

Faithfulness in Service (Appendix Two, Regulation Three) under the heading **Record keeping** specifies in Clause 5.45-6 that,

5.45 If you have overall authority in a church body, you should ensure that any Church screening documents:

• are treated with confidentiality and never left where they can be accessed by unauthorised persons;

• where kept on computer, are password protected and stored for an indefinite period of time with access limited to authorised persons; and

• where kept in paper form, are stored separately from any other documents and locked in secure place for an indefinite period of time, with access limited to authorised persons.

5.46 If you have overall authority in a church body, you should:

• ensure that a register of attendance of children and leaders and their emergency contact details is kept for each pastoral ministry involving children;

• consider including such registers in the church archives; and
• keep and store in a secure place all permission forms and records relating to discipline and private meetings.”

While Clause 5.45-6 are not specifically about allegations and complaints of child sexual abuse the principles of secure storage and the maintaining of confidentiality should be applied were an allegation and/or complaint be made in a parish, para-church youth group, or church institution. It should be noted that such allegations and/or complaints, were they to be made at a ‘local level’ are to be passed on immediately to the Professional Standards Director and the civil authorities; the Professional Standards Director would then keep secure records.

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

Information kept on file may include:

• Victim Statements

• Correspondence

• Case Notes (including a summary record of conversations by phone and in person)

• Invoices of costs associated with the case

• File Notes relating to the provision of professional counselling

• Findings of an investigation

There are two files that deal with child sexual abuse cases in the Diocese of Willochra, which have been resolved.

c. maintenance and archiving of records.

All the files are maintained and archived by the Diocese of Adelaide Professional Standards Director.
44. Information-sharing about or related to instances and allegations of child sexual abuse between your Diocese and:

The following is relevant to many of the sub-parts of this question. Professional Standards, Appendix One of Regulation Thirteen (Attachment 14) makes it clear that there can be cooperation between ‘equivalent bodies’, it states,

108. (1) “The PSC must disclose to an equivalent body information in its possession concerning the alleged misconduct of a Church worker:

(a) which is information that is relevant to, or arising during the course of, an investigation being undertaken by the PSC where the PSC knows that the Church worker is residing in the diocese of the equivalent body; or

(b) which is information concerning misconduct alleged to have occurred in the diocese of the equivalent body;

and must co-operate with any equivalent body.”

In addition Part 8 of Regulation 13 states at 23(3&4)

23. (3) If, in the opinion of the Director, the alleged misconduct constitutes an indictable offence the Director must refer any information concerning the alleged misconduct in the possession of the PSC to a member of a law enforcement, prosecution or child protection authority to which the information may be relevant.

(4) In this clause the expression “indictable offence” means an offence whether committed in or outside South Australia that is an indictable offence against a law of the Commonwealth or against a law of the State in which the offence is alleged to have been committed.

a. other Anglican dioceses in Australia

The Professional Standards Director enters information on the National Register. Information is shared between various dioceses Professional Standards Directors where there is a need to share such information. The diocesan bishops of the Anglican Church of Australia notify other diocesan bishops by confidential letter when a person has been deposed from Holy Orders or when it would be wise for a diocesan bishop to ask about a certain person prior to making an appointment.
b. other Anglican dioceses outside of Australia

There is no policy or procedure that has been developed in the Diocese in relation to this matter. If we became aware that a person who was entered onto the National Register, or where there were major questions about their actions in relation to keeping children safe, and that person was seeking to be licensed in an Anglican diocese outside of Australia, would make contact with that diocese to inform them of that situation. In most circumstances the receiving diocese would make inquiries of the diocese which had last licensed the individual as to whether they were ‘in good standing’ with the diocese.

c. the General Synod

Where an individual was ‘Deposed from Holy Orders’ the normal practice would be to enter such information on the National Database and, within the Anglican Church of Australia to distribute a letter to diocesan bishops informing them that the person has been deposed. Where the matter has not resulted in deposition diocesan bishops have resolved that were they to consider making an appointment of an individual that they should discuss the matter with their previous diocesan prior to the appointment. The National Register would also be examined to see if the individual’s name had been entered onto the Register.

To the best of my knowledge the General Synod would not be informed directly.

d. other faith-based institutions

There is no policy or procedure that has been developed in the Diocese in relation to this matter. If we became aware that a person who was entered onto the National Register, or where there were major questions about their actions in relation to keeping children safe, and that person was seeking to be in ministry with another faith-based institution I believe that we would make contact with that institution to inform them. In most circumstances I would assume that the receiving institution would make inquiries of the diocese which had last licensed the individual as to whether they were ‘in good standing’ with the diocese.

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

There is no policy or procedure that has been developed in the Diocese in relation to this matter. If we became aware that a person who was entered onto the National Register, or where there were major questions about their actions in relation to keeping children safe, and that person was seeking to work for government or non-government institutions I believe that we would make contact with that institution to
inform them of that situation. In most circumstances I would assume that a government or non-government institution would make inquiries of the diocese which had last licensed the individual as to whether they were 'in good standing' with the diocese.

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

   As the Diocese is small the bishop has a direct involvement in the appointment of and licensing of all church workers. If there was a matter which had been entered in the National Register, or where there were major concerns about keeping children safe, the individual concerned would either not be licensed to a ministry involving children or would have very strict conditions placed upon them in relation to such a ministry, depending on the particular circumstances.

   There is a possibility that a person may be licensed to a ministry where contact with children would not occur, with very clear protocols in place relating to supervision and informing key people in leadership such as the parish/ministry district priest and wardens of the parish/ministry district.

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

   The Diocese has not considered this matter and will need to do so.

Inquiries and reviews

46. Details of any past inquiries into instances and allegations of child sexual abuse in the Diocese, including the:

   The Diocese has not undertaken any inquiry into the process that was followed into relation to instances and allegations of child sexual abuse.

   a. reasons the inquiry was established

   N/A

   b. determination of the scope of the inquiry
N/A

c. process by which those presiding over the inquiry were selected

N/A

d. report and recommendations of the inquiry

N/A

e. extent to which the inquiry’s recommendations were implemented.

N/A

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

There have been no independent reviews of, or legal challenges to the Dioceses professional standards framework or processes.

Research into prevalence of child sexual abuse

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

There have been no processes or procedures for recording statistical data on child sexual abuse in the Diocese. An examination of the files and the anecdotal evidence indicates that there have been few cases of child sexual abuse in the Diocese.

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

There is, on file, an agreement entered into in August 2006 to be involved in a Study of Reported Child Sexual Abuse in the Anglican Church of Australia which was supervised by Professor Patrick Parkinson and Professor Kim Oates of the University of Sydney (Attachment 16). The Diocese responded, “At 3rd July 2006,
the Diocese of Willochra had no reports under section 3(1) or 3(2). Consequently there are no records of child sexual abuse by clergy or church workers in a paid or voluntary capacity, in this diocese. May it stay this way!!!"

There is no record of any other research or study being undertaken which involved the Diocese.

**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 none.

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

The Diocese has not addressed some of the procedural and processes flagged by General Synod as potentially ‘best practice’ in relation to the prevention of and response to allegations of the sexual abuse of children. While the Diocese has adopted both Professional Standards and the Code of Conduct for Church Workers, and has entered into a provincial approach to professional standards it has, for instance, not developed a Protocol for the implementation of Professional Standards in the Diocese. Clearly there are other matters of process and procedure which will need to be addressed.

It would only be an excuse rather than a reason to say that the Diocese has not had to deal with an allegation of the sexual abuse of a child for many years and that the last case, because it crossed diocesan boundaries, was actually handled by the Diocese of Adelaide’s Professional Standards Director and processes. While there has been a general urgency within Australian society in relation to matters of the institutional response to child sexual abuse after the initial response of the Diocese it has been seen to be less urgent as there were no cases to be dealt with. This is clearly unacceptable and will need to be addressed as a matter of urgency.

The Diocese is small in population, small in the number of Anglicans and small in the size of the administrative infrastructure that it is in place in Church Office (the Diocesan Office). As a result the Diocese is often reliant on volunteers to carry out the work of devising process and procedures; although with the
material that is distributed from the General Synod Office much of what needs to be done has already been done.

In a small Diocese there is frequently an inadequate pool of skilled people to call open to serve on bodies such as a Professional Standards Committee or a Professional Standards Board. Over the last twelve or more months the Diocese has been working with the Diocese of Adelaide and the Diocese of The Murray to enter into a Memorandum of Understanding which establishes a Provincial approach to Professional Standards for South Australia. This will go a long way to addressing some of the ‘capacity’ issues that the Diocese has faced by implementing a state-wide approach to professional standards and accessing the resources – better financial and personal – of the larger Diocese of Adelaide.