



Anglican Church of Australia

Royal Commission Working Group

13 March 2017

Mr Tony Giugni
Solicitor Assisting
Royal Commission into Institutional Responses to Child Sexual Abuse
Level 17, Governor Macquarie Tower
1 Farrer Place
SYDNEY NSW 2001

Attention: Mr Sam Burnett
By Email: sam.burnett@childabuseroyalcommission.gov.au

Dear Mr Giugni

Supplementary Submission – Case Study 52 - Anglican Authorities in Australia

On 13 January 2017, the Royal Commission Working Group (RCWG) of the Anglican Church of Australia provided a submission in preparation for Case Study 52, which provided updated information on policies and procedures, developed and promoted by the entities within the General Synod of the Anglican Church, in relation to child protection and child-safe standards, including responding to allegations of child sexual abuse.

This supplementary submission provide additional information arising from the General Synod Standing Committee at its meeting on 10-11 February 2017 and the National Bishops' Meeting held from 6-8 March 2017. It also makes reference to the RCWG's participation in a targeted consultation on the Royal Commission's discussion paper on Information Sharing.

General Synod Standing Committee Meeting 10-11 February 2017

At this meeting the Standing Committee considered a number of recommendations from the Professional Standards Commission and the Royal Commission Working Group.

A summary of resolutions of the General Synod Standing Committee is provided below, noting resolution numbers:

Canon Concerning Confessions (Revision) Canon 2017

(Document Nos: SC2017-009, SC2017-010)

Standing Committee requested that the report from the Professional Standards Commission and the Bill with its Explanatory Memorandum be sent to the Bishops' Meeting in 2017 for comment, which if any is to be conveyed to the Church Law Commission for a further report to the General Synod Standing Committee in May 2017.

(SC2017/1/05)

Ministry Suitability Information Protocol Canon 2017

(Document No: SC2017-023)

Standing Committee resolved to receive the draft Bill for a Canon to Implement the Ministry Suitability Information Protocol and asked Mr Garth Blake to identify the content required to comply with the ACC resolution on this issue and liaise with the Church Law Commission which is asked to bring a revised version to the May 2017 meeting of the Standing Committee.

(SC2017/1/16)**Report of the PSC - National Register, Confessions, Episcopal Discipline**

(Document Nos: SC2017-026, SC2017-027)

Standing Committee asked the Church Law Commission to revise the National Register Canon 2007 (Amendment) Canon 2017 and Explanatory Memorandum, in light of the discussion at this meeting and bring the revised bill to the General Synod Standing Committee meeting in May 2017.

(SC2017/1/20)**Response to Royal Commission Report on Redress and Civil Litigation**

(Document No: SC2017-031)

1. Standing Committee approved the engagement of King & Wood Mallesons, in accordance with the engagement proposal attached to the Report of the General Secretary dated 24 October 2016, to prepare legal documentation up to an amount of \$25,000 and the use of the existing authorisation for legal expenses for drafting a framework for a national Anglican redress scheme.
2. Standing Committee resolved that the costs of such legal work be met from:
 - i. in the first instance, any surplus able to be achieved in the Statutory Fund in the 2017 year, or
 - ii. in the second instance, from the Reserve Fund in 2017 with an expectation that the Reserve Fund will be reimbursed by the Statutory Fund in equal instalments over a three year period commencing in 2018.

(SC2017/1/22)**Review of Episcopal Standards Processes in the Anglican Church of Australia**

(Document No: SC2017-032)

1. Standing Committee endorsed the principle of a national episcopal standards process in the Anglican Church of Australia for receiving and investigating complaints against a diocesan bishop and any person who has served as a diocesan bishop, relating to defined misconduct, during their term of office as diocesan bishop.
2. Standing Committee established an Episcopal Standards Task Force to assist the Anglican Church of Australia to move towards the implementation of a national episcopal standards process. The Standing Committee asks the Task Force to:
 - define the scope of the conduct to be subject to a National Episcopal Standards Scheme that is likely to receive broad national support.
 - give consideration to an independent body to be responsible for the investigation and prosecution of action under a National Episcopal Standards Scheme.
 - give consideration to the best means to implement a National Episcopal Standards Scheme including the applicability of the existing Canons – The Offences Canon 1962, the Episcopal Standards Canon 2007 and the Special Tribunal Canon 2007.

- give consideration to an effective means for the discipline of bishops formerly subject to the Special Tribunal including extending the jurisdiction of the Special Tribunal, and
- brief the Church Law Commission to prepare draft legislation for consideration by the Standing Committee at its meeting in May 2017.

The following people be invited to join the Task Force :
Justice Debra Mullins (Convenor), Archbishop Glenn Davies, Bishop Kay Goldsworthy, Archdeacon Arthur Copeman, Archdeacon Lionel Snell , Mr Garth Blake SC, with the power to coopt additional members.

(SC2017/1/23)

Royal Commission Discussion Paper – Information Sharing – February 2017

The RCWG was invited to participate in a targeted consultation by the Royal Commission in response to the discussion paper on Information sharing. The following people participated:

Mr Garth Blake SC – Chair of the RCWG and the Professional Standards Commission.
Ms Anne Hywood – General Secretary
Ms Sherril Molloy - Diocese of Brisbane Schools Commission
Ms Marlene Norris - Diocese of Brisbane Schools Commission
Ms Ann Ponsonby – Anglicare NSW South, West and ACT

National Bishops Meeting, Tweed Heads, 6-8 March 2017

All Diocesan and Assistant Diocesan Bishops meet annually. At the 2017 meeting a resolution was passed supporting the development of a national episcopal standards process in the ACA and the Bishops' Protocol on private confessions was revised and agreed.

Episcopal Standards

That this 2017 National Bishops' Meeting -

1. Welcomes the resolution of the General Synod Standing Committee and the establishment of an Episcopal Standards Task Force (SC2017/1/23);
2. Endorses the principle of a national episcopal standards process in the Anglican Church of Australia for receiving and investigating complaints against a member of the House of Bishops and any person who has served as a member of the House of Bishops, relating to defined misconduct, during their term as a member of the House of Bishops;
3. Resolves that the establishment of such a process to deal with complaints relating to child protection is of the utmost urgency;
4. Commits the bishops to cooperate in every possible way to assist the work of the Task Force with a view to putting in place at the 2017 session of General Synod a national episcopal standards process in relation to child protection.

PROTOCOL 9 - PRIVATE CONFESSION

As bishops of the Australian Church we recognise that individual, auricular confession may have a valuable place in bringing relief of conscience to penitents troubled by weighty matters, where the penitent recognises the need for both forgiveness and amendment of life.

Recognising that the sexual abuse of a minor may be the content of such individual confession, we affirm our shared conviction that private confession should not be provided in a way that gives false comfort to the perpetrators of abuse.

Genuine contrition and a commitment to amendment of life are essential elements of an individual act of reconciliation, and the minister proclaiming God's forgiveness should make this clear in responding to the penitent. This may involve the minister helping the penitent to acknowledge the deep and complex causes and consequences of sexual abuse of a minor, while taking care not to enter into an extensive counselling relationship.

Where a person seeking to make a confession refuses to express contrition, as would be evidenced by the matter having been reported to the appropriate authorities, we affirm that it is not appropriate for the minister hearing the confession to offer an assurance of God's forgiveness and pardon at this time.

In such instances the minister may say, for example,
I am unable to offer the assurance of God's forgiveness until your contrition is shown by your reporting this abuse to the appropriate authorities. It is best if you do this and I accompany you. If you are unwilling to report your behaviour, I will do so.

The minister should be certain that the abuse has been reported to the appropriate authorities before giving the assurance of God's forgiveness and pardon.

We understand that some ministers may fear that this is an unacceptable breach of the privacy ("seal") of the confessional. These ministers should consider carefully the requirements of the relevant State or Commonwealth law operative in their diocese, and the ongoing danger to the survivor and other potential survivors of the self-disclosed abuser, as well as the damage to the abuser of offering false comfort where there is a lack of genuine contrition.

As bishops we commit ourselves to support clergy who are dealing with these complex pastoral circumstances.

Agreed National Bishops' Meeting March 2017

If you require any additional information or seek clarification on the information provided, please do not hesitate to contact me.

Yours sincerely



Anne Hywood
General Secretary

T: +61 (0)2 8267 2701

M: +61 (0)412 103 734

E: generalsecretary@anglican.org.au