



**ROYAL COMMISSION INTO INSTITUTIONAL RESPONSES
TO CHILD SEXUAL ABUSE
AT SYDNEY**

COMMONWEALTH OF AUSTRALIA

Royal Commissions Act 1902

**PUBLIC HEARING INTO
THE UNITING CHURCH IN AUSTRALIA
CASE STUDY 56**

OPENING ADDRESS BY SENIOR COUNSEL ASSISTING

A. INTRODUCTION

1. This is the Royal Commission's 56th case study.
2. This public hearing will inquire into the current policies and procedures of the Uniting Church in Australia (which I will call the Church) in relation to child protection and child-safe standards, including responding to allegations of child sexual abuse.
3. The Royal Commission has carefully chosen the matters that have formed the subject of public hearings. Unlike "review" hearings being conducted by the Royal Commission in respect of other institutions, there hasn't

been any previous case study that has directly examined the policies and procedures of the Church in response to allegations of child sexual abuse.

4. Previous case studies have, however, examined certain institutions of the Church or considered submissions of the Church on critical issues being examined by the Royal Commission. These case studies include:
 - a. **Case Study 23**, into the response of Knox Grammar School and the Church to allegations of child sexual abuse at Knox Grammar School;
 - b. **Case Study 24**, into preventing and responding to child sexual abuse in out-of-home care, which examined the policies and procedures of Wesley Mission;
 - c. **Case Study 25**, on redress and civil litigation, which considered the submissions of the Church and Uniting Care Queensland (a provider of community services) on the Royal Commission's consultation paper; and
 - d. **Case Study 45**, into the response of Shalom Christian College in Queensland to allegations of problematic or harmful sexual behaviour by students at that school.
5. These previous case studies will not be revisited in this public hearing.

6. In this public hearing, the Royal Commission will hear evidence from three senior representatives of the Church in relation to the following topics:
- a. the development of a National Child Safe Policy Framework by the Church to provide an overarching and nationally consistent framework for child safety for the Church and its institutions;
 - b. the steps taken or proposed to be taken by the Church to incorporate or implement the framework across the various synods of the Church;
 - c. the steps taken or proposed to be taken by the Church to monitor compliance with the framework by the various synods of the Church;
 - d. the Church's response to the Commonwealth Redress Scheme for survivors of institutional child sexual abuse, which was announced on 4 November 2016 in response to recommendations made by the Royal Commission in its August 2015 report on Redress and Civil Litigation; and
 - e. the Church's response to recommendations concerning civil litigation made in the Royal Commission's August 2015 report on Redress and Civil Litigation.

7. The evidence in this hearing will be by panel. The members of the panel will be:
 - a. Stuart McMillan, the President of the National Assembly of the Church;
 - b. Colleen Geyer, the General Secretary of the National Assembly of the Church; and
 - c. Reverend Heather den Houting, the General Secretary of the Queensland Synod of the Church.
8. I will now briefly explain the structure and governance of the Church.

B. THE UNITING CHURCH IN AUSTRALIA

9. The Uniting Church in Australia was inaugurated on 22 June 1977 by a union of three churches: the Congregational Union of Australia, the Methodist Church of Australia and the Presbyterian Church of Australia.
10. The Church is the third largest Christian denomination in Australia after the Catholic Church and the Anglican Church. It has approximately 1,065,000 members and adherents.
11. Prior to inauguration, the three separate churches approved a foundational document, known as the *Basis of Union*, that sets out how

the union would occur, as well as the structure and governance of the Church.

12. The *Basis of Union* states that the Church is to be governed by a number of inter-related councils. These inter-related councils are non-hierarchical and each has responsibility for various functions or roles within the Church. The inter-related councils are:
 - a. the Assembly, being the national council;
 - b. the Synods, being regional councils (that loosely correlate to State and Territory boundaries);
 - c. the Presbyteries, being district councils; and
 - d. the Congregations.
13. I will address the nature and role of each of the Councils in further detail shortly.
14. The Church has two orders of ordained ministry:
 - a. Ministers of the Word; and
 - b. Deacons.
15. The Church also recognises lay members, who are able to be appointed as elders and lay pastors of the Church.

16. I now turn to the inter-related councils of the Church.

The Assembly

17. The Assembly is the National Council of the Church and is chaired by the President with the General Secretary being the Executive Officer.

18. The Assembly has responsibility for matters of doctrine, worship, governance and discipline, and makes the guiding decisions on the tasks and authority to be exercised by the other councils.

19. The Assembly meets once every three years. A Standing Committee elected by members of the Assembly meets three times a year and has the authority of the Assembly between meetings of the Assembly.

20. Each ordinary meeting of the Assembly elects a President-elect who takes up office as the President at the following general Assembly meeting. Stuart McMillan is the current President. He will give evidence at this hearing.

21. The duties of the President are to “give spiritual leadership and encouragement to the Church generally, to represent the Church as appropriate, to give counsel as occasion requires and to do such other things as may be requested or advised by the Assembly”.

22. The Assembly also elects a General Secretary as the Executive Officer of the Assembly. Colleen Geyer is the current General Secretary and she will give evidence at this hearing.
23. The duties of the General Secretary are to give general leadership to the Church, ensure execution of Assembly policy, coordinate Assembly activities, oversee Assembly staff and do such other things as the Assembly may require.

The Synods

24. The Synods are the regional or state councils of the Church. There are six Synods across Australia, being:
 - a. the Queensland Synod;
 - b. the New South Wales and Australian Capital Territory Synod;
 - c. the Victoria and Tasmania Synod;
 - d. the South Australia Synod;
 - e. the Northern Synod; and
 - f. the West Australia Synod.
25. Each Synod is responsible for the general governance of the Church's mission within its geographic boundaries.

26. Subject to the direction of the Assembly, synods have the power to establish and maintain boards, institutions, committees and agencies, such as schools and out-of-home care providers. Entities established by the Synod are classified as institutions of the Church and each Synod is responsible for overseeing affiliated institutions it has established to enable it to carry out those responsibilities.
27. There are 278 entities and institutions affiliated with Church Synods across Australia. Of those, 64 are schools and 179 are agencies that provide services to children, youth and the wider community. Uniting Church agencies have 40,000 employees, 30,000 volunteers and operate from 1,600 service locations.
28. The Synods meet every 12 to 18 months. In between Synod meetings, a Synod Standing Committee is empowered to act on behalf the Synod.
29. The Royal Commission will hear from Reverend Heather den Houting, who is the current General Secretary of the Queensland Synod.

The Presbyteries

30. There are 34 Presbyteries across Australia.

31. The Presbyteries consist of ministers and church members and are responsible for overseeing the Church's mission through the ministers, congregations and local agencies within their geographic boundaries.
32. Presbytery services to children can include camps and youth and children's ministry and related activities.

Congregations

33. Uniting Church members and adherents worship together in congregations. There are approximately 2,078 congregations throughout Australia.
34. Each congregation or group of congregations has a Church Council.
35. The Church Council is responsible for oversight of all activities with children within the congregation, which include youth groups, children's club, crèches, young adult activities and Sunday School.
36. According to the Church, the non-hierarchical structure of these inter-related councils means that each council has overlapping tasks and responsibilities, including responsibilities for activities involving children.

C. STATISTICS FOR CHILD SEXUAL ABUSE AT THE CHURCH

37. As at 31 December 2016, 91 attendees at private sessions of the Royal Commission reported sexual abuse as children at an institution of the

Church. This is 1.5% of all reports given at private sessions. A majority of these reports relate to experiences of child sexual abuse that has occurred at schools and out-of-home care facilities. Only 12 private session attendees reported sexual abuse as children at a place of worship within the Church. This represents 0.2% of all private sessions.

38. At the request of the Royal Commission, the Church has provided data in relation to allegations, incidents and claims arising from child sexual abuse since the formation of the Church in 1977.
39. Analysis of the data by the Royal Commission reveals that in the 40 years since the Church's inauguration:
 - a. there have been 2,504 incidents or allegations of child sexual abuse that have been reported as having occurred at an institution or place of worship of the Church;
 - b. of the 2,504 incidents or allegations, 133 incidents or allegations appear to be in relation to abuse said to have occurred at a place of worship;
 - c. there have been 255 claims made to or commenced against the Church that relate to child sexual abuse; and

d. approximately \$17.5 million has been paid by the Church in settlement of claims that relate to child sexual abuse.

40. In the time available, the Church has not been able to confirm the above analysis of the data.

D. POLICIES AND PROCEDURES OF THE CHURCH FOR DEALING WITH ALLEGATIONS OF CHILD SEXUAL ABUSE

41. The Royal Commission will hear evidence that the Church has a number of policies, procedures and guidelines for dealing with allegations of sexual misconduct within the Church.

42. As noted earlier, the Assembly has responsibility for matters of doctrine, worship, governance and discipline. It also has responsibility to set national policy and promote the Church's mission.

43. The current key policies of the Assembly Standing Committee for dealing with allegations of child sexual abuse are:

- a. The National Child Safe Policy Framework;
- b. An Updated Sexual Abuse and Sexual Misconduct Policy;
- c. A Code of Conduct for Lay Leaders; and
- d. Guidelines for Councils of the Church when implementing the Code of Conduct for Lay Leaders.

44. We will hear evidence that as a result of the inter-related structure of the Church, while the Assembly develops, promotes and implements national uniform policy, it is the responsibility of the various councils and institutions of the Church to implement the policies and procedures of the Assembly.
45. A policy that has recently been adopted by the Assembly and is expected to be implemented by the various councils of the Church is the National Child Safe Policy Framework, which I will now discuss.

E. THE NATIONAL CHILD SAFE POLICY FRAMEWORK

46. In August 2015, the Church developed a National Child Safe Policy Framework (which I will call the Framework) to provide an overarching and nationally consistent framework for child safety for the Church and its institutions.
47. The Framework is designed to complement and align Synod and institutional policies and applies to all entities and individuals associated with the Church who engage in child related services or activities.
48. The Framework identifies required principles, which the Councils and institutions of the Church subsequently develop into policies and procedures that are implemented.

49. In July 2016, the Royal Commission published ten elements which should be present in a child safe institution. Those elements are that:
- a. Child safety is embedded in institutional leadership, governance and culture;
 - b. Children participate in decisions affecting them and are taken seriously;
 - c. Families and communities are informed and involved;
 - d. Equity is promoted and diversity respected;
 - e. People working with children are suitable and supported;
 - f. Processes to respond to complaints of child sexual abuse are child focused;
 - g. Staff are equipped with the knowledge, skills and awareness to keep children safe through continual education and training;
 - h. Physical and online environments minimise the opportunity for abuse to occur;
 - i. Implementation of child safe standards is continuously reviewed and improved; and
 - j. Policies and procedures document how the institution is child safe.

50. The Royal Commission will hear that following the publication of those ten elements to a child safe organisation, the Assembly commissioned a review of the Framework to assess whether the Framework aligns with the elements.
51. We will hear that a revised Framework was developed to address all the elements and was approved by the Assembly Standing Committee last weekend (4-5 March 2017).
52. It is expected that the senior representatives of the Church will give evidence on how the Framework aligns with the Royal Commission's elements, how the Framework will be implemented by the various Synods of the Church and how the Church will monitor compliance.
53. It is also expected that the Royal Commission will hear evidence of other steps taken or to be taken by the Church in its ongoing response to the work of the Royal Commission to ensure that the Church creates and maintains a child safe environment.

F. REDRESS

54. It is expected that during the hearing, we will hear evidence that the Church has supported the recommendations of the Royal Commission in

its Report on Redress and Civil Litigation that the Commonwealth Government adopt a single national redress scheme.

55. On 4 November 2016, the Commonwealth Government announced the Commonwealth Redress Scheme for survivors of child sexual abuse in institutional contexts. The Government has invited states, territories and other non-government institutions to join in the Commonwealth scheme. The Church's approach to the scheme will be explored during this public hearing.

G. CIVIL LITIGATION

56. One of the recommendations made by the Commissioners in relation to civil litigation focused on model litigant principles for managing litigation concerning civil claims for institutional child sexual abuse.
57. The Commissioners recommended that government and non-government institutions that receive, or expect to receive, claims for institutional child sexual abuse should adopt guidelines for responding to claims for compensation concerning allegations of child sexual abuse. These guidelines should be designed to minimise potential re-traumatisation of claimants and to avoid unnecessarily adversarial responses to claims.

58. It is expected that representatives of the Church will give evidence that the Church believes that non-government organisations should adopt a set of values-based principles for the resolution of claims of child sexual abuse.

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