ROYAL COMMISSION INTO INSTITUTIONAL
RESPONDS TO CHILD SEXUAL ABUSE

Public Hearing
(Day 19)

Level 17, Governor Macquarie Tower
Farrer Place, Sydney

On Thursday, 21 November 2013 at 10.00am

Before the Chair: Justice Peter McClellan AM
Before Commissioners: Justice Jennifer Coate
Mr Robert Fitzgerald AM

Counsel Assisting: Ms Gail Furness SC
Mr Simeon Beckett
THE CHAIR: Yes, Mr Beckett.

MR BECKETT: I call Philip Gerber.

<PHILIP CHARLES GERBER, sworn: [10.02am]

<EXAMINATION BY MR BECKETT:

MR BECKETT: Q. Mr Gerber, I wonder if you could state your full name and occupation for the Royal Commission?
A. Philip Charles Gerber and I am presently a contracted public servant in the aged care complaints scheme.

Q. You have provided your address to the Royal Commission?
A. That's correct.

Q. I wonder if the statement of Mr Gerber of 31 October 2013 could be brought up on the screen. Did you provide a statement dated 31 October 2013 to the Royal Commission in this matter?
A. That's correct.

Q. Have you had occasion to read that statement recently?
A. Yes.

Q. Do you say it is true and correct to the best of your knowledge?
A. With the exception of paragraph 4, where I was admitted as a solicitor in 1986, not 1996.

Q. When did you become the director of professional standards at the Diocese of Sydney?
A. In April or May 2000.

Q. You say that in 2001 or 2002 you were approached by the Anglican Diocese of Grafton about the possibility of assisting them, is that correct, and did you become the professional standards director then or at some period after that?
A. I was approached by Bruce McAteer, who was the registrar at the time, Canon Bruce McAteer. I assisted him or advised him in relation to a particular matter, which I don't remember much detail about. I can't really tell you when I became the titular professional standards director. There was a point at which I was starting to be regarded as the professional standards director, and it was
probably some time before - around a period of 2003, before
they adopted their --

Q. The professional standards director is a term that has
a particular significance in terms of the Professional
Standards Ordinance that was adopted by the General Synod
in 2004; that's correct, isn't it?
A. Sorry, adopted by the --

Q. General Synod.
A. Well, the General Synod didn't actually adopt any
canons in relation to it. They recommended a model
ordinance.

Q. Thank you for that clarification. Prior to that
stage, was the term "professional standards director" in
use either in Sydney or in other dioceses of the Anglican
Church?
A. Yes, it was. So the term and the positions came about
particularly in Sydney, for example, before there was
actually an ordinance that set out the full duties of it.
When I was appointed, for example, in Sydney, I think my
duties were set out in a duty statement rather than in an
ordinance anywhere.

Q. In terms of what you say at paragraph 8 of your
statement, is it the case that you were providing services
in the nature of a professional standards director from
2001 or 2002 to the Diocese of Grafton?
A. Yes.

Q. I understand you also provided, at various stages,
similar advice in the nature of a professional standards
director, as we now know it, to the Diocese of Newcastle;
is that correct?
A. That's correct.

Q. Do you recall when you started to provide that advice
to them?
A. I can't put an actual date on it. It was when
Bishop Herft was still there. My best guess is that it was
around the 2002/2003 period. In a sense, I eased into
that, in that I advised them on particular matters to start
with, and then, when Bishop Farran became a bishop, it
became a little bit more definite, and I was still
providing services to them.
Q. We have some evidence that now Archbishop Herft
resigned his position as Bishop of Newcastle in about June
2005, from memory?
A. Right.

Q. Does that accord with your memory?
A. Yes, I was giving them some assistance and giving them
some advice whilst he was the bishop of Newcastle.

Q. I understand that you had a significant role to play
in the development of the model ordinance, as you indicated
earlier, and I presume a model protocol by something called
the --
A. Sexual abuse working group.

Q. Thank you, the sexual abuse working group. First of
all, how did that group come to be established?
A. I think it would have been - no, I don't - I'm sure it
was a group that was nominated by the standing committee of
the General Synod. They were, at that stage, starting to
realise that there had to be some sort of steps taken and
some sort of uniform approach worked out and adopted around
the country through the various dioceses. So they set up
two groups. One was the sexual abuse working group, and
there was another group I can't remember the name of, which
was looking more at what might be called compliance issues,
that is, screening and training and looking at current
practices with employees, clergy and so on.

Q. So your focus was more on the claimant side of the
equation, if you like?
A. Well, because I was one of the earlier - I think I was
probably the first professional standards director
appointed in the Australian church and because I was with
a big diocese, I actually ended up on both groups, for my
sins.

Q. The standing committee of the General Synod is a body
that meets, obviously, more frequently than the General
Synod itself?
A. Yes, it is effectively the executive of the General
Synod. The General Synod only meets every three or four
years, and the standing committee meets I think about every
three months.

Q. The chair of the standing committee is the general
secretary or the primate?
A. No, the primate.

Q. The general secretary also sits on that?
A. Look, I don't know whether he - he certainly attends and plays a pivotal role. I don't know if he is actually a member of the committee or is there as, effectively, the CEO.

Q. Annexure PG-2 to your statement is a report of the sexual abuse working group dated March 2003.
A. Yes.

Q. Do I take it, as a member of that committee, you were one of the authors of the document; is that correct?
A. Yes.

Q. I wonder if you could just go, please, to paragraph 1.5. It is on Ringtail 1800.1907.
A. Yes.

Q. You were considering at this relatively early stage of the report a number of concerns that had been expressed from both the wider community and inside the Anglican Church about the way in which claims of sexual abuse had been handled; is that correct?
A. Yes.

Q. Just to clarify, when you use the term "sexual abuse" that includes both abuse of adults and abuse of children?
A. That's correct.

Q. At 1.5 you will see that there are a number of matters set out?
A. Yes.

Q. I wonder if you could read through those, if you are not familiar with them, and then going over the page as well?
A. I'm familiar with them.

Q. So they are criticisms of the church, if you like, both from the wider community and from within the church; is that correct?
A. Some of them would have come from criticisms. Some of them would have come from the general wisdom of the group trying to figure out what was an appropriate way to deal with these things. For example, I personally was helped
significantly by a group in Sydney called Towards a More Appropriate Response, TAMAR, who were a group of mainly women who were victims of sexual abuse themselves by church workers or clergy or friends or relatives and who wanted the church to get it right, because they were still members of the church. So they were, for me personally, anyway, a very significant group in terms of informing us what was really an appropriate way to respond.

Q. You used some of that material, did you, to help shape these matters that are set out as appropriate principles to follow with respect to dealing with child sexual abuse matters?
A. Yes, and my recollection is that we also looked at a lot of material from other organisations, other churches, other denominations, and I think probably some overseas stuff as well.

Q. One of the matters is at 1.5.10 concerning - well, the report says:

*Ensuring that Bishops do not exercise conflicting roles, such as pastoral care of one or more involved, determining compensation, handling litigation and disciplining clergy.*

Just briefly, I wonder if you could state what was behind that? What were the issues that had arisen that led to you, as an author of the report, stating that that was a concern?
A. I think there had been a history of bishops, for all the right reasons, trying to solve - when allegations came up against members of their clergy who they had a pastoral and supervisory role in dealing with, there had been a history of them trying to solve the problem, that is, responding to victims or claimants and trying to deal with the perpetrator as well.

Obviously, even though they have a pastoral role, they also have a leadership role, and they are usually, not always, the chair of their Bishop-in-Council or standing committee and chair of their synod, so they have a dual role. They have that pastoral role and role of leadership and so on, but they also have a role in terms of managing finances and leading the whole organisation. So it was very easy for them to get that confused and not necessarily
put victims first, or even perpetrators first, but be concerned about things like the financial viability of their diocese and so on.

Q. There are a number of interests, if you like, in that multifarious role that you have just described, some or many of which could conflict?
A. Yes. Oh, sorry, and the other significant role they had is that in all the legislation - the separate diocesan legislation, tribunal legislation - once a matter is heard and if there is a finding against a member of the clergy and a recommendation is made, they are the final, as it were, imposer of the sentence, including having the right to mitigate and show mercy and apply a lesser sentence than that recommended by a tribunal. So they have that ultimate sort of legal role, too.

Q. I will come to that process in a moment. Essentially that's an issue that after, for example, a special tribunal has heard charges - I'm not sure if that is the correct term, but that a member of clergy should be deposed from holy orders - a recommendation may be made by the special tribunal to the bishop that a particular person be deposed from holy orders; is that correct?
A. That's right.

Q. And the ultimate decision is one for the bishop?
A. That's correct.

Q. As a result of this particular close analysis that you took and which is set out in the report of March 2003, the committee recommended the adoption at General Synod level of a model ordinance?
A. That's correct.

Q. Professional Standards Ordinance; is that correct?
A. That's correct.

Q. And also the adoption of an associated protocol?
A. I think that's right, yes.

Q. You are aware, of course, that Sydney and some other dioceses have also, in addition, adopted a care and assistance policy, if you like, which works within that structure established by the ordinance and the protocol; is that right?
A. Yes, I believe that the Diocese of Tasmania was the
first one to adopt that care and assistance package, which is essentially analogous to a criminal injuries compensation scheme, and then various dioceses followed. I don't know if Sydney was the second one, but certainly Sydney did - as the bishop of Tasmania often reminds me whenever I see him, we ended up following the lead that Tasmania had given. We adopted that.

Q. In terms of the way that the model ordinance worked - as I understand it, the model ordinance was then adopted as the Professional Standards Ordinance in the Diocese of Sydney; is that correct?
A. The Diocese of Sydney already had a professional discipline ordinance, and so what we did in Sydney was that we tried to bring that - without rewriting it - sorry, without going back to scratch, there was a process of trying to bring what we already had into tune and into consistency with the national ordinance. I think Michael Orpwood did that.

Q. But in Grafton, where you were from time to time providing professional standards director services, the Professional Standards Ordinance that was adopted by Grafton in 2004 was based very heavily on the model ordinance adopted by General Synod; is that correct?
A. Yes.

Q. Then similarly in Newcastle in 2005?
A. Yes.

Q. One of the principles, if you like, set out in the model ordinance, and particularly the one in Grafton and Newcastle, is that the issue of independence between the various entities established there is important; would that be a reasonable summary?
A. Yes.

Q. Is that, in some ways, to avoid that conflict of interest matter that you described earlier with respect to bishops?
A. Yes.

Q. The main organs appear to be a professional standards committee, a professional standards director and a professional standards board?
A. Yes.
Q. I wonder if you could assist with how the claim process worked within Sydney and how you envisaged it would work under the ordinance in Grafton with respect to a claim. Let's start at the beginning, if you like. You received a complaint or a claim from a particular individual. What is the process that applied - in Sydney, let's start with?

A. It was fairly important that they had someone that they related to from the church who had a very good understanding and ability to communicate with them, to hear their story, to assist them to get it down, as it were. So our contact people were all either social workers or counsellors or people who, to put it bluntly, weren't lawyers, and they had the ability to work with the claimants, who weren't always ready immediately to tell their story. Sometimes they just wanted to explore the possibilities and sometimes that process took quite some time - months, even years. But there was that initial process of helping them to document, if I can put it that way, what it is that had happened to them in relation to the church.

A big part of that was trying to get from them some indication of what, if anything, they wanted the church to do or how they wanted the church to respond. That sometimes involved them saying, "We would like some compensation", but even when they did say that, in my experience it was not usually the most significant part of how they wanted the church to respond, but often a part of it.

Then, once we had got that, we would explain to them the possibility of the care and assistance package - effectively, the compensation scheme - where they could go through a process of telling their story to that panel, either in writing or in person, and usually most people did both, and they knew that there was an assessment then made in terms of the scales that we had in that scheme by that panel, which had a level of independence, too, because it was not part of the church structures, as such. You had people - lawyers, medical professionals and psychologists and so on - who weren't intimately involved in the hierarchy of the church. They knew that they could go through that process, getting evidence from their psychologist or other specialist, if necessary, tell their story and get an assessment. Then at the end of that process, that panel would nominate a figure somewhere...
between nought and $75,000, and then they could consider,
with the assistance of legal advice, which we paid for as
well, whether they should take that, whether it was in
their best interests to take that, whether they wanted to
take it and sign a deed of release.

Q. What was the attitude of the Diocese of Sydney,
particularly in those years 2004 to, say, 2007, towards the
issue of onus of proof, or at least the claimant
establishing a factual basis for their claim?
A. Essentially, we didn't put any onus on the person to
prove their case. We didn't take into account or raise the
issue of statute of limitations. Those issues were just
not considered. We expected the people to tell their
story. I can't think of a case where we ever said, "Well,
that isn't true", but that was always a possibility,
I suppose. So there was that level of proof; that is, we
expected people to be able to tell their story and say who
the offender was, if they knew, where they were, and so on
and so forth, but there was no sort of balance of
probabilities or anything like that imposed upon them.

Q. Was there a degree of investigation undertaken by the
church?
A. Usually not in relation to - or not significantly in
relation to the care and assistance package, although we
did appoint a person, Lisa Watts, as the administrator of
the scheme - she had been one of the contact people - to
particularly concentrate on that and assist claimants. She
did do some investigation from time to time but, really,
more what perhaps you would call low level - like, she may
do some investigation just to confirm that the member of
the clergy was at the parish or at the institution where it
was alleged, and that sort of thing. It was very low-level
investigation. We really relied mostly on the story that
was told to us by the claimants.

Q. Once the Diocese of Grafton had adopted the 2004
ordinance, was the same approach applied to the
investigation of claims?
A. Sorry, are you saying that there is a connection
between an adoption of the ordinance and the investigation
of claims?

Q. No. I was more talking about the period of time after
the adoption of the ordinance, what the position was in
Grafton with respect to the investigation of claims in the
way that you have just indicated with respect to Sydney?
A. The ordinance really is, effectively, as I understand it, a process to deal with perpetrators or accused people or offenders rather than - I mean, it obviously has principles in it that claimants will be assisted and supported and so on, but the --

Q. I think I may have misled you slightly, I am sorry to interrupt. What I am asking you really is about the time period rather than the application of the ordinance. I am talking about the time period after the ordinance had been adopted, what the position was in the Diocese of Grafton about proof of claims, investigation of claims?
A. Well, I don't know. My understanding was that the Diocese of Grafton - my understanding at the time was that they were taking our advice that they should adopt a care and assistance package, but my understanding was that in the end they didn't really go down that route at all. If they had, yes, they would have adopted what I have just described in terms of not putting any onus on people, and so on. But any hearings that were had in relation to dealing with perpetrators, there would have been some investigation. So we certainly - and this is - sorry to go into too much detail, but --

Q. When you say "we", what do you mean?
A. Sorry, in Sydney, if we had an allegation against a member of the clergy or a church worker, we did actually appoint investigators to investigate the circumstances so that we could proceed with disciplinary proceedings, if it was appropriate. That's a separate area.

Q. I will ask you about the connection between those two matters, and clearly the ordinance has a lot to say about that particular issue. So a claim has come to you. It has been dealt with in terms of the appropriate response for the claimant?
A. Yes.

Q. That may include processing through the care and assistance package and consideration at the - I forget the characterisation you used, but there was a meeting at which the person could present their evidence?
A. It was effectively a hearing, but it was fairly informal. A meeting, perhaps.

Q. Are disciplinary matters then pursued at the
conclusion of that, or have they already started in the process?
A. It varied, depending on a whole lot of factors, but they ran concurrently. The care and assistance process could be concluded well before the disciplinary proceedings were perhaps even commenced sometimes.

Q. You mentioned a moment ago an investigation point, as part of the consideration of disciplinary matters. Could you just explain what the trigger points are? Would the investigation be triggered as soon as the claim comes in, or is there an intermediate step?
A. Once we have got a documented - no, no intermediate step. Once there had been that process of documentation, we would then appoint an investigator to look into it. The trigger would have to be, also, that we had an alleged perpetrator still operating or still resident in the diocese.

Q. So there had to be some connection with the diocese; is that correct?
A. Yes.

Q. What if they lived elsewhere rather than Sydney?
A. If they lived elsewhere and the allegations related to events in the diocese, we would still appoint an investigator, yes.

Q. Then you would wait for the investigator's report before referring it to back to the PSC, or would it go to the PSB?
A. The PSC, and then the PSC had to make certain decisions about where it went from there based on the investigator's report.

Q. One of those decisions was that it could be referred to the professional standards board for consideration of disciplinary matters?
A. Correct.

Q. And then there is a separate hearing of the PSB?
A. The professional standards board is, in effect, a - the PSC is effectively a prima facie sort of consideration and the PSC says, "Well, we think there is a case that needs to be answered", in effect. I'm not using the words in the ordinance, but that is the effect of it. Then they send it to the board, and the board is constituted and
considers the matter with appearances from the perpetrator and, effectively, a prosecutor, and so on.

Q. Is the support of the bishop required to refer a matter from the PSC to the PSB?
A. No.

Q. So the PSB then gains jurisdiction, I presume?
A. Yes.

Q. And considers the matter?
A. Yes.

Q. If the issue is about, for example, a member of clergy who has retired and no longer has a licence to officiate, they still have jurisdiction, do they not, with respect to those people?
A. That's right, yes, that's correct.

Q. One of the options that they can consider is deposition from holy orders?
A. That's correct.

Q. That would be by way of a recommendation then made to the bishop at the conclusion of the PSB hearings as to what should occur?
A. That's correct, yes.

Q. What I'm a little unsure of is, after that particular stage, is there a special tribunal process that is then interposed prior to the bishop being able to make a decision as to whether or not to accept that recommendation?
A. Look, my understanding is no. There was already - and this is where it gets complicated or murky and I don't have it all at my fingertips - a tribunal process in place both for clergy and for bishops, there was a special tribunal for bishops, which had been set up by a canon of General Synod, and it wasn't abolished when these professional standards canons or ordinances were adopted by individual dioceses.

Q. Does that mean there are two parallel processes?
A. There are actually two parallel processes. That's my understanding.

Q. Do they intersect? So, for example, a recommendation
from a professional standards board, for example, to depose a member of clergy from holy orders, possibly - was the practice to refer it to a special tribunal, or was that effectively implemented?
A. My understanding is, no, they didn't intersect or have any connection. The problem with the tribunal process, which went back to the 1960s and perhaps even further back, was that there were only five specific charges that could be brought, and I can't remember what they are. One of them related to immoral conduct, or words to that effect. So you had to make out your case in a quite rigid framework. That's why that was not abolished, but basically we went down the route of recommending professional standards where it was examinable conduct and a more broader definition of what could be brought before the boards.

Q. So there was an expansion, to some degree?
A. Mmm.

Q. I will just ask you, then, about Reverend Kitchingman. Were you aware in August 2002 that he had been convicted at Newcastle of five counts of indecent assault?
A. I can't now tell you when I was aware that he had been convicted. I was aware that he had been convicted at some point, but I can't tell you when I became aware of that.

Q. I will show you a document. It is a press release issued by Archbishop Herft. Could RH-2 be put on the screen, please. Page 001.0013. Would you just read that particular page, please?
A. Yes. I have read that.

Q. Have you seen that document before?
A. I don't think so. I can't swear that I haven't seen it before, but I don't particularly recall it. My best recollection is that I was aware that Kitchingman had been convicted, but I can't at this stage tell you how I became aware of that.

Q. At this stage, the evidence that we have available is that Reverend Kitchingman was resident within the Diocese of Newcastle, certainly before he was imprisoned?
A. Yes.

Q. And that he was released approximately 18 months after this report to the media and stayed in the Diocese of
Newcastle. First of all, in terms of jurisdiction, there would have been no impediment in 2002, would there, to the Diocese of Newcastle taking disciplinary action against Reverend Kitchingman?

A. That would be my understanding, yes.

Q. Residence alone would be sufficient?
A. That's certainly my understanding.

Q. During that period between 2002 and when Archbishop Herft left the Diocese of Newcastle, did you have occasion to speak with him about Reverend Kitchingman and any disciplinary proceedings?
A. I don't recall having a conversation with him about that at all.

Q. Do you recall making any inquiries about Reverend Kitchingman during that time, particularly concerning disciplinary matters?
A. No, I don't recall that. I didn't know that he was - I don't have a recollection of knowing that he had come out of gaol, that he had been released from gaol, or, indeed, that he had come back to live in Newcastle.

Q. What was the position about consideration of such matters within Newcastle? You said you were providing professional standards director services to the Diocese of Newcastle in about that period 2002 to 2005. What was the process for considering such matters?
A. I was really reacting to any requests or matters that Newcastle brought up, either by way of coming from the bishop or from - well, mostly from the bishop or the diocesan office there, or, indeed, a complainant that came forward. I think Newcastle had its own contact people. So I was reacting to what came forward rather than being proactive in taking action in relation to it.

Q. One of the changes with the Professional Standards Ordinance, at least the model ordinance and that adopted in 2005 in Newcastle and 2004 in Grafton, is that it becomes the duty of a professional standards director, does it not, to engage in disciplinary matters where information has been received?
A. Yes.

Q. That term "information" is in fact defined in the Professional Standards Ordinance; is that correct?
A. I think that's right. I would have to --

Q. That would include not only convictions, criminal convictions, but also allegations of such conduct; is that correct?
A. Yes.

Q. Given that you were the professional standards director during that period of time, and I'm including the period after the commencement of the ordinance, did you take any steps to consider Reverend Kitchingman's matter and whether disciplinary proceedings should be taken against him after the commencement of the ordinance?
A. No.

Q. Why was that?
A. I have reflected on this, and I think - I accept what you say about information being fairly broad and including convictions and the like. I think there were two things happening, as far as I was concerned. One, I was the titular professional standards director and was reacting to what Newcastle wanted me to do, for better or for worse.

But the other thing was that, in my mind, he had been convicted and he was now no longer practising. Now, I know there still need to be steps taken for him to be deposed, so that it is clear-cut and final and there is absolutely no doubt, sort of a belts and braces approach, but, in my mind, where there were a lot of things happening at the time and we were focusing on protecting people, protecting children going forward and protecting other vulnerable people going forward, in my mind, that was a person that was not - that was a case that didn't require proactive action at the time. I'm trying to recall why it was that I didn't take it --

Q. Let me ask you about some of the comments you have just made. You referred to a "belts and braces approach". Certainly Reverend Kitchingman had been convicted and he had been gaol at that particular time, but there was nothing stopping him from calling himself "Reverend Kitchingman" on his return from gaol, was there?
A. That's correct, or, indeed, whilst he was in gaol.

Q. And he could maintain that title, really, for the remainder of his life, if no action had been taken?
A. Look, the short answer is yes, because he's still
ordained.

Q. So he could represent to the world, really, that he remained an ordained minister of the Anglican Church?
A. Yes, that's correct.

Q. You didn't consider that there was a particular danger to that, both in terms of reputation for the Anglican Church but also in terms of those people who would come in contact with him?
A. I now would say yes and agree with you entirely. At the time, I'm trying to recall why we didn't - why I personally didn't do anything about Kitchingman. I think I was putting him in the category of a person that had been dealt with, because he had been convicted and he was now no longer licensed and he was retired.

Q. Are you aware that his name appeared in the Anglican directory all through that period that he was in gaol, all the way through to 2007?
A. I became aware of that. I think there is a letter, 25 July 2006 or something. I became aware of that when I looked it up, on that date when I wrote that letter, which was - you would probably be able to tell me what it is. It's PG-33 or PG-34, where I informed the solicitors for [CH] that he was in the directory.

Q. Did you take any steps yourself to make contact with those who were compiling the directory?
A. I don't think I did in relation to that one. I did in relation to other matters, but not in relation to that one.

Q. I think the tape has been stopped. There was a mention there of one of the people who has a pseudonym.
A. I am sorry. I am sorry.

Q. Mr Gerber, I apologise, I should have spoken to you and indicated what the practice of the Royal Commission has been.
A. I am sorry, I can see here there is a list.

Q. There is a list. If you glance down it, you will recognise some of the names.
A. I am sorry.

Q. In that time up until you ceased professional standards director duties for Newcastle - was that at the
same time as Grafton, namely the end of 2007, that you
stopped providing those services?
A. Yes.

Q. In that period, particularly after the conviction of
Reverend Kitchingman, all the way through until 2007, did
you take any steps in terms of issues about parish safety
with respect to him?
A. No.

Q. Was there in place a protocol within the Diocese of
Newcastle with respect to those matters in those years?
A. Not that I'm aware, and I don't know whether he was
involved in any parishes or attending any churches in
Newcastle. The reason for that is that I was really, to
some extent, relying on any information that Newcastle were
giving me. I'm not wanting to avoid personal
responsibility by that; I'm just telling you what the
situation was, which was quite different to Sydney, where
I was in a position to - in a better position, anyway, to
make inquiries and to --

Q. Are you saying, then, that effectively you were
hampered by being down in Sydney and you weren't able to be
in touch with the people within the Diocese of Newcastle on
a day-to-day basis to be able to understand the nature of
his involvement in the diocese at that stage?
A. Yes.

Q. Were you aware - Archbishop Herft has informed us that
Reverend Kitchingman worshipped at Christ Church Cathedral
in Newcastle both prior to and after his period of
imprisonment?
A. I wasn't aware of that, but it doesn't surprise me.

Q. Could I then move on to paragraph 26 of your
statement, if that could be brought up.
A. Your Honour, am I allowed to just explain why it
didn't surprise me that he was at the cathedral?

THE CHAIR: Q. Yes.
A. I had a feeling, or an understanding, that there was
a number of people, and I didn't know who they were, but
that there was a number of people, including the dean of
the cathedral - and, as it turned out, that turned out to
be true - who had some sort of history of misconduct or
abuse that were collecting around the Newcastle cathedral.
That came from a few sources. One of them was - there was a person, whose name I did not know, who was seeing one of our contact people and was not prepared to divulge their name, who was alleging that there had been serious misconduct by the dean of a cathedral at Newcastle in previous times. He was not prepared to come forward because he was afraid for the safety or the wellbeing of members of his family, who still went to the cathedral.

That, at least, was one of the things, and there were probably other general senses that you got that that was a place where people who had less than savoury pasts were congregating. I can't give you chapter and verse as to why all that was in my mind. I was very uneasy, for example, when the dean of the cathedral ended up - I couldn't believe it, he ended up on the sexual abuse working group. Dean Graeme Lawrence actually ended up on the working group for a time. He only lasted one meeting, I think, and resigned and didn't come back. I thought that was odd, but I didn't have anything concrete to say or do about it.

There was a lot of sort of low-level information that made me very uneasy about who and what was going on at the cathedral of Newcastle.

MR BECKETT: Q. There are a number of elements there. In terms of the working group, did you raise with the chair of the working group as to what your concerns were?
A. No, I didn't really have anything concrete to raise.

Q. But even those rumours - did you raise that?
A. No, because, as I say, I didn't have anything concrete. And also, the chair of that group was, if I recall it, Richard Appleby, who had a very strong connection with Newcastle, in any event. Was he the bishop of Newcastle or an assistant in Newcastle? I just forget. I think he might have been an assistant bishop in Newcastle. Anyway, he had very strong Newcastle connections, so that was probably a reason why I didn't raise it with him.

Q. Are we talking 2003?
A. Yes.

Q. And in years after that as well, or mainly in 2003?
A. At the time of the sexual abuse working group,
whenever that was.

Q. Were you aware that Graeme Lawrence had provided a reference for Reverend Kitchingman as part of his court proceedings?
A. I don't think I was aware of that.

Q. Did you raise the issue with the bishop at the time, Roger Herft?
A. No, I didn't.

Q. Mr Gerber, considering that it sounds like there were serious concerns about a number of people who were attending Christ Church Cathedral and some substantial rumours, or at least the rumours were with respect to serious conduct, namely, child sexual abuse - is that correct?
A. Yes.

Q. Why didn't you raise that with the bishop?
A. Because I didn't have anything concrete to raise with him.

Q. You didn't raise the fact that you had received certain pieces of information, that you weren't aware of the veracity of them, that they were rumours, or that you had heard rumblings or missives; you didn't raise that with him?
A. No, no, I didn't, because I just didn't feel like I had enough concrete to be able to say to Bishop Herft, "This is the information I have got and" - I just didn't have anything concrete that I could raise.

Q. Did you raise it either with Dean Lawrence or with - is it Reverend Appleby?
A. No, again, because I didn't have anything concrete.

Q. I don't know the workings of Christ Church Cathedral, but I presume you knew that children would attend the cathedral from time to time?
A. I have never been there to a service, but, yes, that's a reasonable assumption.

Q. Presumably there are altar boys and there are children involved in the choir at the cathedral?
A. Yes, yes. As I say, I had concerns about it, but I didn't have anything concrete that I could tell anybody.
That was the problem.

Q. Just returning to paragraph 26, in terms of
disciplinary action, you set out there that the
jurisdiction with respect to disciplinary matters can rest
with often a number of dioceses, because, for example, the
act may have been perpetrated in a particular diocese, but
the clergy member involved may live elsewhere; is that
correct?
A. Yes.

Q. Or it may be the case that the member of clergy lives
in a particular diocese, but the act occurred elsewhere?
A. Yes.

Q. It may also be the case that - I may incorrect in
this - if the victim was resident in the particular
diocese, but both the act and the member of clergy resided
elsewhere - would that also give you jurisdiction?
A. My understanding is that it wouldn't, that a diocese
would - if their jurisdiction was challenged by
a perpetrator - sorry, by a respondent or an accused, that
that would be a valid challenge. Now, I'm not an expert in
this, but my understanding is that the fact that a victim
was in a diocese, but the actions and the alleged
perpetrator had no connection, would mean that the diocese
wouldn't have jurisdiction.

Q. Let's explore the issue about Reverend Kitchingman in
terms of obligations to pursue disciplinary proceedings.
With respect to Reverend Kitchingman, by 2002 we had
Reverend Kitchingman resident within the Diocese of
Newcastle?
A. Well, I know that now.

Q. You know that now?
A. Yes.

Q. But charged and convicted of acts which took place in
the Diocese of Grafton some many years ago?
A. Yes.

Q. On the basis of residence of Reverend Kitchingman in
Newcastle and the act having occurred in Grafton, both of
those dioceses had jurisdiction?
A. Yes.
Q. Back at that time, in the 2002 to 2004 time, prior to
the ordinance - and I will ask you about the position after
the ordinance - how was that sorted out between dioceses as
to who would take action?
A. If it arose, it would probably be essentially by
agreement that one diocese would say, "We will take the
action." I think Mr McLary gave the example of the
Shearman case yesterday. Because Shearman, by the time he
was dealt with, happened to live in Deception Bay in
Brisbane, there was a willingness from the archbishop of
Brisbane's part to take the action that he did. Now, that
could have been taken in Bathurst, where the events
happened, and it could have been taken - and where he was
licensed. It probably could have been taken in Grafton,
because he had been the Bishop of Grafton.

Really, apart from the fact that he then lived in
Brisbane, there was no other connection with Brisbane in
relation to either the offender or - no, actually, I think,
sorry, the informant, the victim, she may have lived up in
Brisbane at some stage. But, anyway, it was essentially
the Diocese of Brisbane saying, "We will take this action
because it has to be taken."

Q. After the ordinance came into force, effectively the
position didn't change, did it; that is to say, for
example, with respect to Reverend Kitchingman, either
Grafton or Newcastle could have theoretically taken
disciplinary action against him?
A. Yes.

Q. We haven't been able to discover any communication
between the two bishops on the issue of disciplinary
matters. Are you able to shed any light as to why,
apparently, that issue was not discussed between the two
bishops?
A. No. Only that - and this is only an opinion and it
could be completely off the mark - my sense of it was that
Dean Graeme Lawrence was a very powerful man and he
protected people that were in his cathedral and his parish
or his congregation and exercised a power, and again this
is only a sense that I have, that he was quite a powerful
person who exercised influence over even bishops.

In fact, he was a candidate for the position of the
bishop of Newcastle at one stage, and I understand the
archbishop of Sydney stepped in and said, "You are not" -
the archbishop at the time stepped in and said, "You are not - you know, I won't stand for that." So it was known by people other than myself that there were concerns about Dean Lawrence and his past.

Q. Specifically with respect to Reverend Kitchingman, did you receive any information that Dean Lawrence had influenced or attempted to influence Bishop Herft with respect to the disciplining of Reverend Kitchingman?
A. No, no, and so that's why it's - I don't have information to that effect, no.

Q. I understand that one of the ways in which, at least certainly prior to the establishment of the national register, you say at paragraph 27 of your statement that there was effectively an informal process - if concerns were raised about a particular member of clergy, or, I presume, also any other church worker, the process was for the bishop or at least the relevant officer of the diocese to write to all the other dioceses, or perhaps all the other bishops, to alert them to that particular fact; is that right?
A. That's correct. I think that informal protocol really only operated in relation to clergy. I don't ever recall seeing any lay church - non-clergy, church workers, letters written in that informal protocol. It may very well be that that is in fact - there may have been a letter written in relation to Kitchingman to Sydney. I'm not saying that is the case, but it would be consistent with what the practice was.

Q. What was the practice in Grafton about receipt of those letters? Were they kept somewhere? Was there a list? Was there a register? How did it operate?
A. I don't know, because I never operated in the office of Grafton - I never was situated in the office of Grafton or worked from the office of Grafton, so I can't answer your question. I don't know what they did with letters.

Q. So even though you were the professional standards director, or at least performing those services, between 2004 and 2007, you were not aware of how the practice operated within Grafton?
A. No. I didn't have access to any files or to the office of Grafton.

Q. You didn't consider that part of your duties, as
professional standards director, to know about those sorts of things?
A. Are you asking me now?

Q. Yes, I'm asking you now.
A. Now, I regret deeply that I didn't insist that I have access to everything in the diocesan office and go up there and go through everything that was up there.

Q. And then? Why was the position --
A. At the time, I was trying to assist them and reacting as best I could to information that they gave me.

Q. Mr Gerber, I wonder if I could take you to a document in exhibit 3-2. It is tab 154A. You will see that this is an email from Bishop Peter Stuart at the Diocese of Newcastle, dated 7 June this year. It is sent to, amongst other people, the professional standards director at both Newcastle and Armidale, Michael Elliott; do you see that?
A. Yes. Alison Dalmazzone - who is that? I don't know who that is.

Q. If you go down, you will see that Bishop Peter is forwarding an email below, which says:

Subject: Private and Confidential

Dear Bishops

If you are approached by the following persons regarding employment in ministry, please contact the Registry of Sydney Diocese.

Then there were four names there that we have redacted.
A. Yes.

Q. Is that a reasonable example of the practice that you said previously applied?
A. Yes.

Q. Are you surprised that that particular mode of communication is still being utilised, apparently, in 2013?
A. Surprised? No, not really, in the sense that I think bishops - it's an example of bishops wanting to run the show, as it were. Yes, so I'm not surprised, because you will see there it goes to - I am sorry, is that - oh, so
Q. It is addressed to bishops.
A. Yes, addressed to bishops. So Dr Philip Selden has acted on behalf of the archbishop of Sydney to send out names. No, that doesn't surprise me.

Q. From 2004, the Anglican Church established something called a national register; is that correct?
A. Yes.

Q. On that national register is every member of clergy; is that also correct, to your knowledge, at least?
A. Sorry, I was reading that and I didn't concentrate on your question, I'm sorry.

Q. No, not at all. The national register - you are aware of the national register?
A. Yes.

Q. That was also one of the related suggestions from the standing committee and, before that, the working group?
A. Yes.

Q. The idea of a national register is so that, I presume, relevant members of the Anglican Church can access a register which sets out, amongst other things, any professional standards concerns about a particular member of clergy?
A. Yes.

Q. That would include sexual abuse convictions as well as allegations?
A. Yes - yes. I can't remember the exact definition, but I think it does enable, if I remember rightly, information which is not yet substantiated to get a person's name on that register.

Q. We will receive some further evidence shortly about that, but can I just ask you this: wasn't one of the ideas behind the establishment of a national register to supplant, if you like, the ad hoc process that we can see in the letter in front of you being provided to bishops across the country?
A. Yes, yes, that's right, yes. So it may very well be - and I don't know the four names, obviously; they have been
redacted, but it may very well be that people are still not
having confidence that what might be called soft
information about people is not getting on to the register
and they still want to-so out of a concern for protecting
people, children or vulnerable people, and again the term
"belts and braces" comes to mind, they are saying, "We will
also give people information which didn't make its way on
to the national register so that people we have concerns
about don't end up getting licensed in another diocese."

Q. Let's go forward, if you could, to paragraph 36 of
your statement and a meeting of the Grafton professional
standards committee in 2004.
A. Yes.

Q. Mr Gerber, by this stage, as I understand it, you were
a member of the professional standards committee; is that
correct?
A. That's correct.

Q. And you were also the professional standards director
for the Diocese of Grafton; is that correct?
A. I would describe myself, when I think about it, as the
titular professional standards director, because I did not
have the capacity to act as professional standards director
that I did in Sydney, but, yes, I was described as the
professional standards--

Q. Was that because of a geographical issue or was that
because of arrangements made at the Diocese of Grafton?
A. A combination of both - both that I was geographically
remote, but also I'm not convinced that I was being told
everything that I needed to be told.

Q. Is it not the case that under the ordinance and the
protocol, the director of professional standards is the one
who actually convenes but does not chair the professional
standards committee?
A. That's what the ordinance says, but in fact in the
case of Grafton, they were being convened by people in the
diocesan office.

Q. Can we have a look at PG-7, if page 1 of that could be
brought up, please. You will see that of the people who
were present, there is Dr Peter Catt, Reverend Comben,
Col Pritchard, Ann Skamp, yourself and apologies from
Ms Cripps Clark.
A. Yes.

Q. I think Ms Cripps Clark was in fact the chair at about that time; is that correct?
A. I don't recall Aniko. I have never met Aniko. I don't think I have, anyway. I don't have a recollection of her ever being the chair. I thought it was Ann Skamp, but you could be right.

Q. Clearly elected as a result of that particular meeting?
A. Do you think she might have been the first convenor?

Q. I was asking you the question.
A. I don't have a recollection of that. It might be true, but I don't have a recollection.

Q. Mr Gerber, the issue I want to ask you about is that it says Dr Pat Comben was there and present. Presumably, he was sitting on the committee on that particular day?
A. He was certainly recorded as being present. I was in Sydney, so I was on the telephone; I was at the end of a telephone, and I think - I'm not sure, some of the others may have been at the end of a telephone, too, and some of them were in the office at Grafton, as I understand it. I don't know whether Pat was a member of the committee or not.

Q. Mr Gerber, the issue I want to ask you about is that Mr Comben was there; we have minutes where he was present at the professional standards committee at least on 29 September 2004 - that is this one, on 1 November 2004, on 26 April 2005, and then on a number of subsequent professional standards committee meetings. Was that his practice, to attend and participate in those committee meetings?
A. Yes.

Q. And did he vote in those meetings?
A. He certainly expressed his views. I don't think we ever got to any formal voting. It tended to be, "Does everybody agree with that?", "Yes", and probably Pat said "Yes" as well.

Q. I take it that he was an influential member of the committee?
A. Yes.
Q. Did it concern you at the time that this may have been a breach of the independence requirements established by the ordinance, that is to say, that a member of the executive was sitting on the professional standards committee when he was in fact to be the person who received recommendations, particularly for financial compensation, for example, from the committee?
A. It didn't at the time.

Q. Does it appear to you now that that was a problem with his involvement in the committee?
A. Yes.

Q. Was that raised by anybody on the committee?
A. No.

Q. Was it raised by you to him personally or to the committee?
A. No.

Q. Was it raised with the bishop?
A. No - well, not that I'm aware.

Q. Going over to paragraph 39 of your statement, you say at the end of that:

To the best of my knowledge, the Grafton Diocese did not initiate any internal disciplinary action against Allan Kitchingman at any time following his conviction in 2002.

I would like to ask you perhaps the same questions I asked you with respect to the Diocese of Newcastle. At any stage during your time as the professional standards director, did the name Allan Kitchingman come up for discussion at the professional standards committee meeting?
A. Well, I would have to go to the records to see that. I mean, looking at PG-9, my best recollection is that his name probably did come up when it was talked about as the matter of [CH] on the second page of PG-9.

Q. With respect to that, you knew, didn't you, by this stage, I think, that proceedings were being considered by [CH] through his lawyers; was that the case?
A. I'm not - well, I may have known that from - I mean,
I am relying on records a bit. I don't have an independent recollection. I probably knew that from the discussion at the meeting of 26 April 2005.

Q. Did you, at the time - that is, 26 April 2005 - appreciate the nature of Reverend Kitchingman's conduct towards [CH]?
A. I'm not sure. [CH] - I can't recall, did [CH] - I know I can't ask you questions, but did he at some stage go to a contact person in Sydney and make a report? Oh, yes, it's in the same paragraph. Yes, so I would have been aware of what [CH] had disclosed to the contact person in Sydney, the Sydney contact person, in December 2004.

Q. Sorry, I missed that last bit?
A. Sorry, I would have been aware - as a matter of course, I would see reports that come in from contact people, and so I would have been aware from about December 2004 what of [CH] disclosed to the contact person in Sydney.

Q. I was going to come to this later, but I think I will do it now. I wonder if PG-30 could be brought up, please. It is annexure PG-30 to your statement. Do you see that is a statement of claim against Mr Kitchingman and the second defendant, being the Diocese of Sydney; do you see that?
A. Yes.

Q. You received this, I think, on or about the time that it was served?
A. Yes.

Q. Because it was, in fact, served on the Diocese of Sydney and not on the Diocese of Grafton?
A. That's correct. Yes, I think it was served on us on 25 July, and there was a date for appearance of 27 July.

Q. Could I take you to page 25, which is the third page of the pleadings. You will see at paragraph (b) it says:

The plaintiff has provided detailed statements to the police setting out the nature of the assaults which were used by the police in the criminal prosecution of the first defendant to which he entered a guilty plea and the plaintiff will refer
to those particulars ...

Et cetera, et cetera.

A. Yes.

Q. Do I take it that you read these pleadings when they were served on the Diocese of Sydney?
A. Yes.

Q. And that you knew, as a result, that Reverend Kitchingman had been convicted of those assaults?
A. Yes.

Q. I think you indicated earlier that you were in fact aware from other bases, that you knew about the conviction; is that correct?
A. That's my recollection, that I was aware that Kitchingman was a convicted person.

Q. Those were received by you, I think you said, on 21 July 2006. Did you take any steps at that stage to commence any form of disciplinary proceedings against Reverend Kitchingman in the Diocese of Grafton?
A. No.

Q. Why is that?
A. I think probably for the reason that I have given you, that I didn't - he was not on my radar as someone that was still actively practising as a clergy person. So it was a combination of that and the fact that it was Grafton rather than Sydney that put it lower on my priority. I'm very regretful of that. In retrospect, looking back, certainly if it had been a Sydney person, I would have acted differently and acted more decisively or deliberately, but, in a sense, the Grafton matters - and I am being quite frank with you - were being dealt with by Grafton rather than by me.

Q. Did you raise the issue with Reverend Comben or with Bishop Slater at or about the time that you received those pleadings?
A. I don't think so, but --

Q. Did they raise it with you at about that time?
A. I don't think so.

Q. At the PSC meeting, going back to April 2005, do you
think there was general understanding by the other
committee members that Reverend Kitchingman had been
convicted of particular offences?
A. I think that would be right, yes. Yes, I think it was
well known that Kitchingman had been convicted.

Q. You say at paragraph 40 that there was discussion with
respect to [CH]'s matter. Again, we are back in 2005. You
say that you recall that the committee debated whether the
North Coast Children's Home was an Anglican Church home at
that stage?
A. Yes.

Q. I take it that this was in advance of receiving any
communication from Tommy Campion or any of the group
claims; is that correct?
A. I can't remember the chronology as to when I got or
I heard information from Tommy. I knew nothing about North
Coast Children's Home except information I had been given
by Pat Comben or people from Grafton, and the information
I was getting from them was that there was some sort of
informal arrangement where it had "Church of England" on
the entrance vestibule or a sign outside, but it wasn't in
fact a Church of England home. I didn't know whether that
was true or not.

Q. Mr Gerber, all of those matters seem to have arisen in
2006 --
A. That's probably right, yes.

Q. -- between the claimants and the Diocese of Grafton in
exchange of correspondence between those parties, including
a reference to the sign that you have just mentioned there.
A. Yes.

Q. What I am interested in is whether that was an issue -
that is to say, the association between the Anglican Church
and the North Coast Children's Home - prior to the group
claims, namely, when [CH]'s litigation was being discussed?
A. Yes, my best recollection was that it was always being
said by Grafton that it really wasn't their home, you know,
that it was not an Anglican home.

Q. In that period prior to Mr Campion's claim, who was
the main proponent, if you like, of that particular view?
A. Oh, Pat Comben.
Q. What about the bishop?
A. I don't think I ever had a conversation with him about it.

Q. You came to receive the letter from Mr Campion dated 29 August 2005; is that correct? PG-12 to your statement.
A. Yes, I think that came into our office, yes.

Q. The address is to Sydney?
A. Yes.

Q. Is that the post office box of the Sydney Diocese?
A. That's correct.

Q. You received it, as such, then?
A. I think it came to me, yes, to the PSU - to me.

Q. You will see on the second page --
A. Sorry, perhaps I can qualify that. It may very well have gone to - and this is one of the problems. Because it was addressed in that way, it may very well have gone to the registrar, Philip Selden, rather than to me, so I'm not certain that it did actually come to me as professional standards director. It may very well have gone to the registrar, and he did have a habit of --

Q. Which registrar are you talking about?
A. This is the registrar of Sydney. He did have a habit of dealing with correspondence from time to time which should have more appropriately gone to the professional standards unit, but it was dealt with by the registrar.

Q. Let's have a look at paragraphs 43 and 44 of your statement. You say, first of all, that you recall seeing this letter when it was received. Is that not your evidence now?
A. That's my best recollection, yes.

Q. So irrespective of whether it went to the registrar first, you received a copy and read it about that time?
A. I think so.

Q. In any event, by 2 September, you had had a conversation with Reverend Comben about that?
A. Yes, yes.

Q. One of the things, as you will see from Mr Campion's
letter, particularly at page 2, if 1103.0707 could be
brought up, please - at the bottom of the page on the
screen, do you see the two underlined passages there in the
middle of the screen?
A. Yes.

Q. If you could just read those to yourself.
A. Yes.

Q. Is that underlining that you provided to the letter?
A. I couldn't tell you.

Q. You will see that at the bottom, the last sentence of
that paragraph, he says:

There was also a clergyman by the name of
Reverend Brown, who, as I now know, was
a paedophile and took advantage of me from
time to time in the minister's residence
across from the Children's Home - and other
places.

So I take it by that that you had an alleged perpetrator at
that stage?
A. Yes.

Q. And you had a victim in the name of Mr Campion, who
had provided that information?
A. That's correct.

Q. And you had contact details from Mr Campion at that
stage?
A. Sorry, contact details for Mr Campion?

Q. Yes, if we scroll back, please, to page 1.
A. Yes, yes, the answer is yes.

Q. Did you provide that information to the police at that
stage?
A. No.

Q. Why not?
A. I can't tell you at this stage why I didn't do it.
I don't have an answer for you.

Q. Mr Gerber, you were the professional standards
director at Sydney.
A. Yes.

Q. The Diocese of Sydney, or those operating within it, were bound by its own ordinance, which required professional standards directors to report matters to the police; that's correct, isn't it?
A. Yes.

Q. And you knew at the time that it was your duty to report such allegations of criminal conduct to the police?
A. Yes.

Q. But you didn't do it?
A. That's - it looks like that's the case, that I have missed that one, yes.

Q. Did you speak to Mr Comben about that? In other words, did you say to Mr Comben, "Can you take steps to report these allegations to the police" - up in Grafton, for example?
A. I don't have a recollection of doing that.

Q. By 2 September, you had provided Mr Comben - that is, the then Reverend Comben - with a copy of Mr Campion's letter of 29 August, hadn't you?
A. I think that's probably right.

Q. Could paragraph 44 of the statement be brought up, please.
A. Yes.

Q. Did Mr Comben raise with you the issue of reporting to police?
A. I don't think so at that stage. I don't have a recollection of that being discussed at that stage.

Q. Well, at some later stage, was the issue of informing the police about Reverend Brown brought up?
A. My recollection was that it came up at a subsequent professional standards committee meeting, and we took steps at that stage.

Q. Are you referring to - there was a professional standards committee meeting in November 2006. Let me get the exact date so that I don't mislead you. 21 November 2006. I will come to that chronologically, but is that the professional standards committee meeting --
A. I think that's what I'm referring to, but I do -
I mean, I have a recollection that Mr Comben and I talked
about who Mr Brown was and where he was and whether people
knew where he was, and so on. I don't recall the
particulars of that conversation, but I have a vague
recollection that we did talk about whether his whereabouts
was known now and whether he was still alive, et cetera.

Q. Did you have a look in the Anglican directory to see
which diocese he might be associated with?
A. Well, I think - I don't recall doing that, but I think
the problem was that his clergyman name of Mr Brown,
Reverend Brown - you know, it's not an uncommon name.
It's, you know, "Brown". There was no first name given or
anything.

Q. But, Mr Gerber, you could have asked Mr Campion what
his first name was?
A. Yes, yes.

Q. It wouldn't have been much of a stretch, would it, to
have actually done some research to ascertain what his name
was and whether he had been licensed to officiate in the
Diocese of Grafton?
A. Yes, I'm not trying to defend myself. I'm just trying
to recall what we did at the time. When I look at it now,
I'm very unhappy with myself that I didn't take the sort of
steps that you are talking about and am quite embarrassed
and apologise that it might have potentially caused - put
other people at risk, children and other vulnerable people
at risk. I'm appalled that my actions might have caused
that. But that's looking at it now.

Q. Turning, then, to the steps that Mr Comben then took,
it appears that he responded first to Mr Campion rather
than you. I think you indicated in paragraph 45 that it
normally would be the role of professional standards
director and professional standards staff to offer this
support, not the registrar; is that correct?
A. Yes.

Q. So that was unusual, was it - the way in which
Mr Comben had responded directly to Mr Campion?
A. Yes, in the sense that normally, yes, it would be the
professional standards director that normally responded,
yes.
Q. Were you aware that that was the practice in Grafton at that particular time, or was the practice emerging as of the end of 2005 about the way in which professional standards matters were dealt with there?
A. I think what you say about emerging is probably a good way of describing it, that is, that things were being handled by the Grafton office.

Q. By 20 September 2005 there was a further meeting of the professional standards committee. If PG-15 could be brought up. Just having a look at the first page there, you will see there is a reference to "In the matter of [CH]?"
A. Yes, yes.

Q. And potential counselling costs were being considered at that particular stage. Do you recall whether the Grafton Diocese was providing counselling for [CH]?
A. My best recollection is that they were paying for some counselling, yes. My best recollection was that they were paying for some counselling for [CH], yes.

Q. Then over the page, we have reference of Mr Campion's complaint.
A. Yes.

Q. And that further investigation of the generalised complaints against a cleric "will be made"; do you see that?
A. Yes.

Q. Is the reference to "a cleric" a reference to Reverend Brown or Reverend Morgan, or somebody else?
A. Oh, look, at this stage, I'm not sure who it was particularly referring to, but certainly one of the clergy that was at the North Coast Children's Home is my understanding - one or more of the clergy there.

Q. Did you involve yourself in that further investigation or who did that further investigation?
A. No.

Q. Was there an investigation, to the best of your knowledge?
A. I think, from my end, the only action that we were taking - that I was taking - was to put him in touch with a contact person so that we could gather information and
document information through that process.

Q. And you then involved Jenni Woodhouse, is that correct, as the contact person?
A. I can't remember who the contact person was. It would have been either Jenni or one of the Sydney contact people.

Q. We certainly have evidence that she was involved in providing those sorts of services to Mr Campion; that's correct, isn't it?
A. I thought he saw another contact person, but, yes, she was certainly involved in terms of supporting him and so on, yes.

Q. At that stage, you, as professional standards director for Grafton, were involved at least in the provision of counselling and that sort of support to Mr Campion at that stage?
A. That's correct.

Q. Did you continue in that role of providing counselling support to Mr Campion?
A. Well, I didn't have any direct contact with - I mean, I may have met Mr Campion and spoken to him, but I didn't have any ongoing contact with him, really. Ms Jenni Woodhouse was providing that ongoing contact and support.

Q. You say in paragraph 50, and it is also in the second page, if we could scroll down a bit, that consideration was being given in Grafton to the adoption of the Diocese of Sydney's care and assistance package?
A. Yes, that was my understanding.

Q. Just to short-circuit matters, we have a paper signed by Ms Skamp that was taken to Bishop-in-Council in September 2006, suggesting that that be adopted.
A. Yes.

Q. Then in November 2006 there was a further Bishop-in-Council meeting where there was a motion to accept the Sydney Diocese care and assistance package as the package to be implemented in Grafton; were you aware of that?
A. Only recently.

Q. Only recently?
A. I wasn't aware of what the Bishop-in-Council resolved, but I read it just the other day, and the wording was different to the recommendation and I thought there was some significance in the different wording; that is, that there seemed to be some pulling back from the package, to some extent. I would have to look at the wording to tell you what I mean.

MR BECKETT: Maybe we can come to that after the break. Is that a suitable time?

THE CHAIR: Yes, we will take the morning adjournment.

SHORT ADJOURNMENT

HIS HONOUR: Yes, Mr Beckett.

MR BECKETT: Perhaps Mr Gerber can come back into the box.

Q. Could tab 23C of exhibit 3-2 be brought up on the screen, please. Mr Gerber, these are the minutes of the Bishop-in-Council meeting for 24 November 2005. Presumably you haven't seen a copy of these. Your name is not mentioned as being in attendance there.

If we could scroll down to the second page, ending 003, and to the bottom of that page, if we keep scrolling down, we might be able to see the resolution also. Would you read that resolution, please, Mr Gerber?

A. Just the highlighted part?

Q. Excuse me?

A. I have read the resolution, yes.

Q. In any event, I was asking you before the break about a resolution by Bishop-in-Council to accept the Sydney diocesan care and assistance appraisal program, as it is called here?

A. I think that's just terminology, but I think that's the bit that I thought - I saw this just the other day, and that surprised me, because I got the impression from that they were considering becoming part of what we were doing in Sydney, whereas my understanding was that the proposal was that they set up their own scheme, and either could have worked.

Q. I will ask you about that in a moment. I will just
show you a document. Could the witness be shown volume 3, tab 4A. You will see that is a document entitled "Pastoral Care and Assistance", and it has "Anglican Church Diocese of Sydney" at the bottom?
A. Yes.

Q. I presume I don't need to take you through it. This is the relevant care and assistance scheme that operated in the Diocese of Sydney when you were there as professional standards director?
A. I am fairly familiar with it. I was basically the author of it.

Q. Sorry, I didn't hear you?
A. I am fairly familiar with it. I was basically the author of it.

Q. In any event, we appear to have a resolution of Bishop-in-Council adopting that care and assistance policy. You say that your memory is not of that but of something else - if you could please explain that?
A. I was not aware that they had decided to adopt a care and assistance process - either adopt the Sydney process or adopt their own process in a similar way. I wasn't aware that they had done that.

Q. You didn't receive any communication from the bishop or from Reverend Comben saying that Bishop-in-Council had adopted this particular policy and that you, as professional standards director, were to follow its terms?
A. Yes, I don't think I received that communication. I don't have any recollection of receiving that communication.

Q. You said just a moment ago that there was some other package or some other method by which the Diocese of Grafton was to operate. What was that?
A. Oh, I'm sorry, I was only referring there to the fact that there were two ways they could have gone, was to set up their own panels and adopt their own process in Grafton, or, which seems to be what they were heading towards, that they approach Sydney and say, "We will prepare our cases and they will go before the Sydney panels." I think that's the only distinction I was making. And that would have been doable, but it would have had to have been negotiated and paid for.
Q. It sounds like, from your evidence, that request never came?
A. That's correct.

Q. Just to clarify something about the use of panels, is that the panel that a claimant goes before --
A. Yes.

Q. -- to set out the nature of their claim, any evidence they have, and to seek redress in whatever form it might be?
A. Yes. The panel usually consisted, typically, of a lawyer and probably one other expert - I think we had a psychologist or a psychiatrist, or someone in that field, anyway, in the behavioural sciences field. They would relate to the person in an informal meeting, hear their story, would go through the papers, would marry that up with the schedule of possible suggested payments and make a recommendation with a figure. They also made other recommendations, like this person would like to have a meeting with the bishop or the archbishop, or this person - you know, any other things that the person was saying would assist them in terms of their healing.

Q. Just turning, then, to paragraph 52 of your statement, and particularly PG-17 - if PG-17 could be brought up, please, and if we could have the whole document on the screen, to begin with. Mr Gerber, is this a document that you have seen before?
A. Yes. I mean, I don't have a particular recollection of it, but as a matter of course, I would see those reports when they came in from the contact people.

Q. A contact person's report on initial telephone contact - is this the start of the process under the care and assistance package?
A. Not really. A person participating in the care and assistance package would - it would depend on when the person indicated - they would be told about it, and then they would indicate that they wanted to participate in that. So Mr Elms has used this form, but it really wasn't - he was just using the form for the sake of giving us information. It probably wasn't the appropriate format.

Q. Did a process start within the Diocese of Sydney to deal with Mr Campion's matter as a result of this?
A. No. No, my recollection was that we had a contact
person in touch with Mr Campion because he - because of the
letter that we got and then the conversations with
Mr Comben and we were trying to get more information from
Mr Campion.

Q. If we could enlarge the handwritten box about
two-thirds of the way down the page, you will see at the
second paragraph:

Richard C states Grafton have offered to
pay for counselling and to arrange
a meeting with the Bishop.

Do you see that?
A. Yes.

Q. Were you ever aware of any meeting that was arranged
between Mr Campion and the bishop in 2005 or, indeed, in
2006?
A. I don't have a clear recollection of it now, but I'm
not saying that I wasn't aware of it at the time. I just
don't recall whether - I may very well have been aware of
it at the time.

Q. If we go to PG-18, this is an indication, is it not,
that Mr Comben was stepping into the breach, if you like,
and providing, directly from the registry at Grafton, not
only assistance for travel arrangements but also payments
for counselling?
A. Yes.

Q. In the way that things operated in Sydney at that time
under the care and assistance package, those are the kinds
of things that would be undertaken by a contact person or,
indeed, by you as professional standards director?
A. Myself, Jenni Woodhouse or a contact person, yes.

Q. Did you have any concerns at that particular time that
effectively he was performing your role and that there
wasn't a role for you, not the normal role, at least, that
you enjoyed at Sydney?
A. I wouldn't say that I had concerns at the time,
because - because of the relationship that I had with
Grafton, where I was remote, Mr Comben was handling things,
and in the nature of that arrangement, it, at the time,
didn't seem completely inappropriate to me, and with the
workload that I had in Sydney, in any event.
Q. Just going to the last sentence of the last paragraph, it says:

This will let me progress matters towards at least internal discipline towards one of the clergy you mentioned.

A. Yes.

Q. I think I asked you about this earlier, or at least a related question: are you aware of what internal disciplinary steps were taken against any clergy with respect to Mr Campion?

A. No. No, and I was kept out of that loop. That's my recollection.

Q. Do I take it from that answer and some of the other ones that you have earlier given about your role as professional standards director that essentially the main parts of your role, or, should I say, the role of a professional standards director, were in fact being utilised or expressed by the registrar up in Grafton rather than you?

A. I think that would be a fair comment, yes.

Q. You say at the end of paragraph 53 of your statement that the way in which Mr Comben had "done this", in the sense of involving himself in the payment of counselling fees and dealing directly with Mr Campion, avoided double handling?

A. That's correct.

Q. It is certainly the case, is it not, that it crossed the boundary of independence of a professional standards director that would normally apply, by him intervening at that stage in the process?

A. Looking at it with the benefit of hindsight, I would agree with you.

Q. What was the involvement, to your understanding, of Jenni Woodhouse, who was a member of the professional standards unit with you in the Diocese of Sydney, with Mr Campion?

A. Jenni’s role - she was described variously as a support person or the chaplain to victims, or terms like that. Her role was to really be a - the point where
a victim could remain in contact with the church, because obviously both because of time and because of my training as a lawyer, I probably wasn't the best person to be doing that. You know, I didn't have the time to do it, and also you needed people, really, that had training in human services and the like.

So her role was to be the person that a victim could continue to be in contact with, and she initiated contact back to them as well, to see how they were going, to see how their counselling was going and generally to keep in touch with them, because that was one of the criticisms that we had early on, that people would come to the church and then there would be this silence for months and they wouldn't hear from us. It was a fair criticism, so we appointed someone like Jenni.

Q. She was your subordinate in the sense that she reported, in the structure, to you?
A. Effectively, yes. We worked as a team, but --

Q. How did she come to have involvement with Mr Campion?
A. In all likelihood, I probably said to her, "Look, there's this person that has come with a complaint in relation to issues in Grafton Diocese. Can you keep in touch with him?", or it would be something like that.

Q. Was she tasked with taking over counselling, the coordination of counselling?
A. The second, coordination. She didn't really - she provided counsel in a general sense, but she didn't - her role was, and she quite deliberately saw her role as not providing in-depth counselling but making sure that people felt supported, felt that they were in contact and that if they needed counselling, she made sure that they got that with a counsellor of their choice, or if they didn't have someone --

Q. And with respect to Mr Campion specifically?
A. You would have to ask Jenni about that. You know, she reacted to what each person's needs were - what needs were expressed. So if they already had a counsellor and they wanted to keep seeing that counsellor, she would facilitate that, or she would try to assist them to find a counsellor if they didn't have one.

Q. In any event, at all stages, as far as you were aware,
counselling was being paid for, at least, from the Diocese of Grafton and not through the offices of the Sydney Diocese?
A. Yes, that's my understanding.

Q. In paragraph 57 of your statement - if we could go to that, please - you will see there is a reference there to a letter that [CA] wrote to Mr Comben dated 20 October 2005. PG-20. You say that you do not recall seeing either of these two letters - that is, that one and PG-21, which was the reply from Mr Comben.
A. Yes.

Q. You say that at no stage did you open a new file in the Sydney office, as was your practice with respect to new complaints; is that correct?
A. Yes. So I'm really relying on the evidence - sorry, on the documents there to sort of do a count-back and say, well, I mustn't have seen those. I don't have a recollection of them, but that's possible even though I had seen them. But given that I didn't open a file, my best recollection is that I probably didn't see them. That confirms the recollection that I have.

Q. Can I show you a particular provision in exhibit 3-3, tab 1. Could we turn to clause 24. Do you see that obligation at subclause (1) of clause 24?
A. Yes.

Q. That is a requirement on clergy to report to the professional standards committee any information that comes into his or her possession?
A. Yes.

Q. That word "information" is in fact defined in the ordinance as including any alleged conduct of a church worker involving sexual harassment or assault or sexually inappropriate behaviour, and also allegations of similar matters?
A. Yes.

Q. The process is that whoever that clergy member might be, they should report to the committee and presumably also to the professional standards director; is that correct?
A. Yes.

Q. Am I correct in saying that you, in your position
either as a member of the professional standards committee
or as professional standards director, did not receive the
information contained in that letter, PG-20?
A. That's my recollection.

Q. At some later stage, did you become aware of [CA]'s
claim?
A. At some point, I became aware that - I mean, I was
aware of Mr Campion's story, and at some point, and I can't
tell you exactly when, I became aware that there was more
than one, and I think I probably - I have a vague
recollection that I was also aware of the particular ones -
is it [CH] that you are referring to?

Q. [CA] is the one.
A. Sorry, [CA], I mean, [CA]. Yes.

Q. At paragraph 58, returning to the issue of the
appropriate care and assistance scheme, you say at least at
the stage when you completed this statement in October of
this year:

I do not recall whether the
Bishop-in-Council approved this action, but
I do not think it did.

A. Yes.

Q. Is it reasonable, then, to assume that certainly as
recently as last month, you were of the position that the
care and assistance package had not been adopted at all?
A. Yes. When I signed this statement, which was
31 October, I was still of the understanding that they had
not adopted it, and I saw the Bishop-in-Council minute
after the 31st, in fact I think this week or late last week
or something.

Q. I will take you to paragraph 61 of your statement, but
before I do so, in the period of time in between the
Bishop-in-Council meeting of November 2005 and March 2006,
which is addressed in your statement, were you aware during
that period of the approaches by Simon Harrison,
a Brisbane-based solicitor, on behalf of a number of
claimants who had been former residents of the North Coast
Children's Home?
A. I think I was aware that it was happening, but I knew
no details or particulars about it and wasn't being told
Q. Did you have any conversations with Mr Campion in that four-or-so month period concerning those particular claims?
A. I wouldn't swear that he didn't tell me that it was happening, because I think he probably did indicate to me that they were dealing with a number of claims in relation to North Coast Children's Home, but I do recall that it was made quite plain to me, either explicitly or implicitly, that that was being dealt with by him and the diocesan solicitors.

Q. Did you know that Mr Roland from Foott Law & Co was handling the claims on behalf of the Diocese of Grafton?
A. I can't remember now whether I knew the name, but I knew that they had a solicitor acting for them at the time.

Q. Did you speak with him directly?
A. I don't think so, no.

Q. Did he refer any of the matters to you?
A. No, not that I - no, I don't think so.

Q. His position was as diocesan advocate. To your knowledge, is that a member of Bishop-in-Council?
A. I don't know the Grafton legislation. It's a position that relates to the old tribunal system that I was talking about, so it's the person in the old tribunal system that essentially prosecutes charges under the old tribunal system. I would be surprised if he's on Bishop-in-Council by virtue of that office. He may have been.

Q. During the first six months of 2006, I presume the professional standards committee met at some stage during that period, did it not?
A. Sorry, which period are you referring to?

Q. The first six months of 2006.
A. I would have to rely on any records that are there.

Q. We have one dated 25 April 2006. I think you were concerned, in your statement, that it may not have actually occurred on Anzac Day. In any event, it was appropriate, was it not, that if there were claims, whether made through a solicitor or otherwise, to the Diocese of Grafton, that
they be put before the professional standards committee for
its consideration?
A. Sorry?

Q. Is that correct?
A. I was concerned back then?

Q. No, was it appropriate --
A. Oh, yes. Sorry, I will let you finish.

Q. Was it appropriate that such matters be put before the
professional standards committee for consideration by it if
there had been one, two or any number of complaints of
child sexual abuse against the diocese?
A. Yes.

Q. Could we just go to that meeting, at PG-28. You will
see on the second page reference to Mr Campion.
A. Yes.

Q. We have on the notes that you were in attendance,
Ms Skamp was presiding as chair and Reverend Comben was
also there.
A. Was this the meeting dated 25 April 2006?

Q. That's correct.
A. Oh, yes, yes, he was, yes.

Q. Do you recall this meeting at all?
A. Not without looking at the minutes.

Q. Yes, well, you are looking at the minutes now.
A. Correct.

Q. Does that assist with your recollection?
A. It's consistent with what memory I do have, yes.

Q. You were in a teleconference meeting, so I presume you
were attending by telephone from Sydney?
A. Yes.

Q. You will see on the second page:

No further particulars have been received
by the Diocesan Solicitor.

Do you see that?
A. Yes.

Q. In any event, we know that by this stage at least 34 claims had been made through Mr Harrison to the diocese, and I presume, on the basis of the absence of that from the committee minutes, that the issue was not raised, the group claims were not raised at all with the committee at that point in time?

A. I think that is right. I was aware that there were a number of claims, but I'm pretty sure I didn't know how many there were. I just knew there were a number of claims.

Q. I will take you to a couple of documents. Would you look at the first volume of the tender bundle, exhibit 3-2, tab 39. Could we have the first page on the screen, please. You will see that that is a letter from Reverend Comben to Foott Law & Co, enclosing a summary of statements made about the home by those who wished to bring an action.

Then if we scroll down to the next page, you will see that there is a table there. If we continual scrolling, you will see that there are further entries in that schedule going all the way through to an analysis, at the bottom of that eighth page, and then a further table summarising the information that was provided above - alleged abusers, setting out staff and clergy who were involved in the abuse?

A. Yes.

Q. And who the residents were, where they were involved in the abuse. This came about, as I think we will see, from a very substantial amount of documentation that was provided to Mr Roland by Mr Harrison, that is, from the claimants' solicitors to the diocesan solicitors. Were you aware in September 2006 that such information had been provided to the Diocese of Grafton?

A. I may have been aware that information had been provided, but that's as far as it went. I had no access to the information and didn't know what it contained.

Q. You will need to speak up little bit.

A. I had no - I may have been aware that information had been provided but only in a very general sense. I didn't see the information or have access to it.
Q. Did you receive at that stage, in September 2006, any copies of the 41-odd statutory declarations that had been provided by Mr Harrison?
A. I didn't receive them and I didn't see them.

Q. Did you see a 15-page statement setting out the basis upon which the claimants said, amongst other things, the diocese had liability for the abuse that occurred in the home?
A. Was that a statement by Mr Campion, because I have a vague memory that I saw a long statement by Mr Campion?

Q. I will show you the documents. No. It is in fact a letter from Mr Harrison to Mr Roland. I will show it to you.
A. I mean, I'm happy to look at it, but I'm pretty sure I didn't see it.

Q. Just to clarify, SJH-14 is the document. That's a 14-page letter. I don't suggest you read all of it, but perhaps you can at least read the first page and see whether it is a document that you saw in September 2006, or afterwards?
A. I'm certain - well, I'm as certain as I can be with recollection - that I didn't see that letter. In fact, I think today is the first time I have seen it.

Q. Then returning, if I could, to tender bundle 39, the schedule which was provided to Mr Roland in September 2006 - if that can be brought up, please?
A. Yes, I first saw that in the last couple of weeks. I hadn't seen it before then.

Q. You hadn't seen it before; it wasn't referred to you in September?
A. Sorry, September 2006?

Q. Correct.
A. Yes, no. The first time I saw that document is just a week or two ago.

Q. If we can go, then, to annexure PG-35 to your statement, the minutes of the professional standards committee of 21 November 2006. I see again Ms Skamp is presiding and that you are in attendance. Do I presume that you were in attendance by teleconference again?
A. Yes.
Q. But Reverend Comben is not there; he is an apology for the meeting?
A. Yes.

Q. In any event, somebody seems to have briefed the professional standards committee about the North Coast Children's Home group claims?
A. Yes.

Q. Do you remember that meeting?
A. Only from the minutes. I don't have a separate recollection of it.

Q. Can you assist us, perhaps, by indicating who briefed the committee about the North Coast Children's Home?
A. I honestly can't recall who gave us all that information that was noted down. I have seen - I have thought about this before today, and I can't - it sounded more like information we'd get - that's why I'm surprised that Mr Comben is an apology, because it sounds like the sort of information he would normally report, and I can't remember who reported it to us.

Q. A number of matters are raised there. It says three priests are alleged to have been involved: Reverend Winston Morgan, Reverend Campbell Brown, and the third member of clergy is an archdeacon, John Robinson, now deceased. Are those the three priests that are described there?
A. I assume that from the minutes.

Q. Technically speaking, an archdeacon is not a priest; is that correct?
A. Oh, no, an archdeacon is a priest - oh, sorry, no, technically he may not be; he may be a deacon. But mostly, archdeacons were priests. Archdeacon is a position rather than an ordained - it is a role rather than an ordained position.

Q. In italics at about two-thirds of the way down the page, if we could just scroll down a little bit, please, it says:

Peter to check if Rev'd Brown has applied for licence, if so, can this be suspended pending an enquiry.
Do you see that?
A. Yes.

Q. The reference to "Peter" is to Peter Catt; is that correct?
A. I would think so, yes.

Q. I presume that means that the committee had asked him, or he had volunteered, to check if Reverend Brown currently had a licence?
A. Yes.

Q. Was that an inquiry that was to go beyond Grafton, so, for example, to Newcastle, where he had apparently recently moved?
A. I'm not sure. I took it, reading it, to mean that he would check only in Grafton, but it may have meant Newcastle as well.

Q. Then various steps were taken. If we go to the bottom, there is a reference to referring matters to the police?
A. Yes.

Q. It says "Pat" - I presume that is Pat Comben; is that correct?
A. Yes.

Q. Pat to write to police using standard letter provided by Philip.
A. Yes.

Q. So the standard letter that you used in the Diocese of Sydney about how you reported allegations of child sexual abuse to the police; is that correct?
A. Yes.

Q. Did you provide such a standard letter to Mr Comben?
A. I think so, but I only conclude that from the fact of what happened after that.

Q. What happened after that is, in fact, you wrote letters rather than he wrote letters?
A. Yes. I do have a vague recollection that I had
a conversation with Pat and we decided that I would do it, so it got done, and I can't remember the reasoning for that. It may have been because it was just more convenient or I had more time or something like that, but, you know, both Pat and myself, after this meeting, were committed that we had to do this, and we got it done, and I think the letter that I wrote is the outcome of that.

Q. There was an indication about referring the matter to the bishop at the bottom of that page. Then over the page, it says:

Pat to inform the bishop?

Do you recall whether Bishop Slater was informed of the referrals or proposed referrals to the police at that stage?

A. I have no knowledge of that. I don't know.

Q. Then "c. Newcastle Diocese". I presume Newcastle was relevant because Reverend Brown at least was resident in Newcastle; is that a reasonable assumption?

A. Looking at the minutes, yes.

Q. Then it says:

Philip is also the Director of PSC in Newcastle and is informed of the matter.

So do I take it, by that, that means that you became informed of the allegations against Reverend Brown as a result of this meeting of the professional standards committee at Grafton?

A. I think that's what it means, yes.

Q. What did you do with that information with respect to Reverend Brown, in your capacity as the professional standards director at Newcastle?

A. My recollection - I don't recall doing anything in relation to it after we got the letters from the - the response from the police saying to take no action.

Q. I will come to that in a moment, because clearly you moved on to write letters to the police about Reverend Brown and some other clergy as well. I just want to ask you about disciplinary matters - whether you determined to commence or seek the commencement of
disciplinary proceedings in the Diocese of Newcastle with
respect to Reverend Brown?
A. My - I don't have any recollection of doing that.

Q. Do you recall now whether any action was taken by you,
as professional standards director, to the Diocese of
Newcastle with respect to Reverend Brown?
A. My best recollection is that there was no action
taken.

Q. We have directory notes that, in 2007 and
subsequently, Reverend Brown was listed in the directory of
Newcastle, so you would have been able to establish that he
had a permission to officiate at that stage; is that
correct?
A. Yes.

Q. I will take you to exhibit 3-2, tab 60. We have been
able to obtain copies of the internal directories of the
Diocese of Newcastle for 2007.
A. Yes.

Q. The one you have on the screen is for 12 January 2007.
If you can accept from me that we also have, at tab 79,
a directory with Reverend Brown's name in it for 31 May
2007, and for 28 September 2007 at tab 94, so it appears to
be clear from the record that at least the directory
indicated that Reverend Brown was licensed to officiate in
Newcastle as at those dates. Is that an inquiry that you
made, that is, as to whether he had a licence to officiate
in Newcastle?
A. I don't recall making that inquiry and I didn't have
access to this document at the time.

Q. Could you have called the registry at Newcastle and
asked them to inform you as to whether Reverend
Campbell Brown had a licence to officiate in 2006 or 2007?
A. Yes.

Q. You didn't do that?
A. No.

Q. Why is that?
A. I think it was the same issue, that I was juggling
a lot of balls. My main focus was on my Sydney work, which
was my nine-to-five, seven days a week, or six or seven
days a week, focus, and I was doing effectively the Grafton
and the Newcastle work on a part-time basis and I regret that I wasn't giving it the attention that I was giving my principal job, which I was being paid for.

Q. Unlike a retired member of clergy, who does not have a licence to officiate, where a member of clergy does have a licence to officiate, it's a well-trodden path, if I can use that term, for a bishop to be able to remove the licence of that particular member of clergy, isn't it?
A. Mostly it is a fairly straightforward procedure, yes.

Q. It is less cumbersome, if you like, than trying to depose somebody from holy orders?
A. Depending on the terms of the permission to officiate, it can generally be done fairly quickly, promptly.

Q. If I could just come, then, to the references to the police. It is reasonable to assume that you took over that particular task from Reverend Comben and determined that you needed to write to the police about that?
A. I have a recollection that Pat and I talked about it on the phone and we agreed that I would do it. I can't remember the reasons for that, but I do have a recollection that that's what happened.

Q. You have annexed three letters to your statement, PG-36, PG-37 and PG-38. Could PG-36 please be brought up. Would you just read that to yourself.
A. Yes.

Q. This was one of the three letters that you wrote to "The Commander, Child Protection & Sex State Crime Squad" on 19 December 2006?
A. Yes.

Q. Do I take it from that that you had been provided with a copy of a statutory declaration of Mr Campion which revealed certain allegations with respect to Reverend Brown; is that correct?
A. Yes.

Q. And similarly for PG-37, you had received a further two statutory declarations of two further people, [CM] and [CL]. Similarly, you conveyed those allegations of sexual assaults to the same police officer; is that correct?
A. Yes.
Q. Then the third letter, PG-38, you had a further statutory declaration of [CN] against one of the former residents, [CL], and that was also referred to the police; is that correct?
A. Yes.

Q. Do I take it that by 19 December, you had received a copy of the statutory declarations of those particular people?
A. Yes.

Q. Had you received any other statutory declarations?
A. Not that I recall.

Q. The question I have for you, Mr Gerber, is that the evidence, certainly what is indicated in the September schedule, tab 39 - please accept, if you would, from me that that indicates that there were in fact 20 individual victims and approximately about 10 perpetrators, some identified, some not identified there?
A. Yes.

Q. Was any indication given to you at the professional standards committee meeting in November 2006 that there may, in fact, be additional allegations against additional perpetrators apart from the three that you had referred to the police?
A. I can't recall being given that sort of specific information.

Q. Is it simply the fact that you weren't given that information?
A. I mean, I can't recall being given it, so I'm assuming from that that I wasn't given it.

Q. Allegations against additional members, serious allegations of sexual and other indecent assaults against children, is something that would have stuck in your mind, isn't it?
A. Yes. My best recollection is - and I think I said this before - that I was aware that there were other allegations, but I didn't have any particulars either of the numbers or what the allegations involved.

Q. Was there any discussion, to your memory, at the professional standards committee in November 2006 about a differentiation between allegations against clergy and
allegations against non-clergy?
A. No.

Q. Was there any issue taken about whether a particular person against whom allegations were made was a church worker or not?
A. I don't recall that.

Q. In any event, I think one of the allegations, particularly PG-38, is actually an allegation against a former resident and isn't an allegation against a member of clergy.
A. Yes.

Q. Did that stand out to you, in the sense that you wanted more information about any other allegations that related to non-members of clergy?
A. No, because I didn't have - I don't think I had enough information to start to formulate those questions in my mind and ask them. I mean, I was just given the names of these three people, or I became aware of those three names through the processes that are apparent from the minutes and given those three statutory declarations and not given any further particulars as to whether they were church workers or not.

Q. I think I asked you about disciplinary proceedings with respect to Campbell Brown in Newcastle. Similarly, were any steps taken to commence disciplinary action with respect to Reverend Campbell Brown in Grafton?
A. No, not that I'm aware.

Q. I think you subsequently received a reply from a police officer?
A. I was copied in to that, yes.

Q. PG-39 is an email from Wayne Armstrong, inspector and intelligence coordinator at the Child Protection & Sex Crimes Squad. He emailed you, it appears, on 16 January 2007, so just under a month from when you had written to the Sex Crimes Squad, and he asked:

   At present we would prefer that the Diocese does not take further action to investigate if it could interfere with any potential police investigation.

Do you see that?
A. Yes.

Q. Do you recall that that's what you did - that you took no further action on that basis?
A. Yes.

Q. I presume, from the terms of the letters that you wrote on 19 December and that reply, that some form of disciplinary proceedings were contemplated at least in the Diocese of Grafton?
A. Yes.

Q. And that they were effectively suspended as a result of this particular letter?
A. Yes.

Q. Let's start with Reverend Brown. I will come to Reverend Morgan in a moment. Have any disciplinary proceedings with respect to Reverend Brown been commenced since the suspension of disciplinary proceedings in January 2007?
A. Not that I'm aware.

Q. Did you keep in contact with the police officer to see how the police investigation was going?
A. I don't think I did. He indicated:

> We will inform you in due course what action NSW Police propose to take ...

Q. Did you consider it your role or Reverend Comben's role to be the main point of contact between the Diocese of Grafton and the police?
A. Looking at it now, it would have been my role. I think probably at the time, I might have expected Mr Comben to contact - but that was - yes.

Q. Mr Gerber, I think you were in that position of professional standards director to Grafton until the end of 2007?
A. That's correct.

Q. Then you ceased providing those services to Grafton?
A. That's correct.

Q. Did you take any action between January 2007 and the
end of 2007 to contact the police or Inspector Armstrong to
determine whether, and how, that particular investigation
was progressing?
A. Not that I'm aware.

Q. Why not?
A. Having said that, I haven't been able to have access
to my emails that I had at the diocese, that I sent and
received at the Diocese of Sydney, so there could be some
contact there. I'm not saying there is - I don't have
a recollection of it - but there may be some email contact.
Given that he contacted us by email, I would more than
likely have contacted him back by email.

Q. Mr Gerber, we haven't been able to obtain any such
correspondence.
A. No, no, I'm not saying it is there. I'm just saying
I haven't had a chance to check, and it's possible that
I did contact him by email. I'm not saying I did, because
I don't have a recollection of it.

Q. But the appropriate course, when the diocese is in
such a position, that is to say, where a matter has been
referred to police and you have suspended disciplinary
matters within the diocese, it's reasonable to presume that
you would keep in contact with the police --
A. Yes.

Q. -- so as to ascertain whether the police investigation
has concluded and so that any disciplinary action inside
the diocese can be resumed?
A. Yes.

Q. It appears from at least the evidence that we have
been able to gather that no attempt seems to have been made
to contact the police to ascertain the status of that
particular investigation, at least in 2007?
A. That would seem to be the case.

Q. Going further, then, to paragraph 78 of your
statement, we are moving into January 2007. First of all,
I should ask you, at about that time were you aware of
settlement negotiations which were occurring in the Diocese
of Grafton, particularly in the diocesan centre, on 19 and
20 December 2006?
A. I may have been aware of them through information
I was getting from Jenni Woodhouse.
Q. Effectively, the information you were receiving was filtered and indirect about what was happening with the group claim in Grafton; is that correct?
A. I think that's right.

Q. You weren't directly involved, were you?
A. I was completely excluded from it, yes.

Q. Were you involved in any way in the negotiations up to March 2007, when it appears that a sum, at least, was agreed on between the claimants' solicitors and the diocese's solicitors?
A. No, I had no involvement in that at all.

Q. Knowing what you do now about the way in which the Diocese of Grafton was operating, particularly I want to ask you about counselling. Am I correct in saying that your evidence is that the issue of counselling, particularly of Mr Campion, was being handled by the Diocese of Grafton and not by Sydney, save that Ms Woodhouse was providing some assistance?
A. Yes. Typically if the victim was saying that they wanted to continue counselling or get counselling, Ms Woodhouse would have been strongly recommending, as she did to Sydney, recommending to Grafton that that either continue or be obtained.

Q. As you are aware, the group claim included Mr Campion and also [CA], but, in addition, there were 39 other claimants; you were aware that the number was about 40 or so?
A. Oh, I'm not sure that I was ever aware that there was 40. I was just aware that there were a number.

Q. A number of five or at least in the tens?
A. My recollection is that I did not know how many there were, just that there were a number.

Q. Were you ever contacted by Reverend Comben, Bishop Slater or anybody else, for that matter, at the Diocese of Grafton to arrange or at least coordinate counselling for any of the group claimants from the North Coast Children's Home?
A. No.

Q. Given the arrangement that you and Ms Woodhouse had
with supporting Mr Campion and his arrangements for
counselling, would you have expected to be involved, if
such counselling was to be provided by Grafton?
A. That would be reasonable, yes. That would be what
I would reasonably expect, yes.

Q. You say at paragraph 78, in the last sentence there,
that Mr Comben and Mr Roland kept the progress of the
negotiations close to their chests. I presume that is
a reference to what you have just told us, namely, that
those negotiations between the diocesan solicitors and the
claimants' solicitors were basically handled, as far as you
knew, by Mr Comben and Mr Roland; is that correct?
A. That's correct.

Q. Were you concerned by March 2007 that the absence of
reporting of the group claimants to the professional
standards committee may have been a breach of the ordinance
which Grafton had adopted?
A. I'm not sure that my concern was that specific, but
I certainly had a concern that it was being handled
in-house, as it were, by Grafton.

Q. What were your concerns about that?
A. Well, that Mr Comben and the diocesan office of
Grafton were simply handling this matter without involving
the PSC or myself, as the titular professional standards
director.

Q. Did you raise that with Mr Comben?
A. No, I didn't.

Q. Is there any particular reason why you didn't?
A. My sense of it was that it was made pretty clear to me
that they were getting on with it and I was excluded.

Q. As far as you could see - and it appears that you were
receiving scant pieces of information about the
negotiations, but at least you knew that they were
occurring; is that correct?
A. Mmm.

Q. Did you have any specific concerns about the way in
which it was being handled at Grafton?
A. It may have been - yes. The short answer is yes,
I did have concerns.
Q. What were those concerns?
A. That the Diocese of Grafton was trying to handle these as sort of a mass litigation, a response to mass litigation, without trying to get it directed towards a scheme like the care and assistance scheme, where there would be some sort of logical and helpful process of letting people relate to the church, tell their story, get assessed as to an amount, not be charged exorbitant amounts by lawyers to go through that process, because going through that process you really cut out the lawyers, and so if they were assessed as being worth $75,000 and accepted that, they got the full $75,000; none of it went to lawyers. And those were really my concerns, that they were going off on this sort of - I don't know whose fault it was, but they were going off on a litigation process which ultimately would not have been helpful for claimants.

Q. Apart from the issue of legal costs to the claimants as a result of going through the process represented by lawyers, what other concerns did you have for the claimants being put through the sort of process that was engaged in by Grafton?
A. That issues like statute of limitations, liability issues, who was the proper defendant - all those sorts of issues which come up in litigation - would come up in that process, whereas none of those really arose in a care and assistance process.

Q. What about in terms of the pastoral care, the support, the counselling, acknowledgment, apology, all those sorts of issues?
A. Yes, all that would also be cut out as well, because you would be dealing second hand with a lawyer, and no matter how good the lawyer was, you wouldn't be getting first-hand - you wouldn't be relating first hand to the victims and really getting from them a response as to what their felt needs were so you could respond to them, and so - you know, it would be effectively counterproductive both to the claimant and, indeed, to the church, in terms of the relationship that they had with these claimants.

Q. The last thing I want to ask you about is the operation of the national register, particularly at the stage in 2005 through to the end of 2007, when you were the professional standards director at Grafton. Did you take any steps to refer the claims that you knew about, particularly that with respect to Reverend Brown and
Reverend Morgan, to the national register?
A. No, and I'm not sure when the national register actually came to a point where it was starting to receive information.

Q. Is there a particular point when you understand that the national register was up and running, or can you remember, by the end of 2007, was the national register in operation as far as you were concerned?
A. I know it became operational, in the sense that it was able to receive information from dioceses, at a particular point, but I can't recall when that point was.

Q. Is that the sort of knowledge you were likely to have obtained prior to leaving as professional standards director at Grafton?
A. I can't remember when it was, I'm sorry, I just - I can't recall when the date was that we were told that the register is now able to receive the notifications. I do remember a process that we went through, certainly in Sydney, of going through all our files and putting information on to the register, but I can't recall when that was.

Q. I will just take you back, then, to the professional standards committee meeting of November 21, 2006, PG-35, and the second page of that document. You will see there is a note about an update provided by you about the national register, and that there is the prospect of a new canon for the national register?
A. Yes.

Q. In fact, there had been a 2004 canon, had there not, establishing the national register?
A. I think that's right, and I don't think it was activated as a result of that canon. My recollection was that the next General Synod, which was probably 2006, was a point at which there were significant amendments to the national register canon, and so it was probably some time after 2006 that it finally got up and running.

Q. I think I can simply ask you this: while you were professional standards director at Sydney or at Grafton, did you take any steps to place information with respect to Reverend Kitchingman, Reverend Brown or Reverend Morgan upon that register?
A. I don't have any recollection of doing it in relation...
to those three particular people.

Q. We have searched the register and we have been unable to find any entries with respect to those three people?
A. Yes.

Q. Is it reasonable to assume that you did not take any steps to have those names placed upon the register in 2007?
A. I think that's right. And, as I say, I don't know when the national register actually was in a position to start receiving information.

MR BECKETT: Is that a suitable time?

THE CHAIR: Yes, very well. We will take the luncheon adjournment.

LUNCHEON ADJOURNMENT
UPON RESUMPTION:

MR BECKETT: If Mr Gerber could come back into the witness box, please.

Q. Mr Gerber, I have a few brief matters to conclude with. I wonder if the witness could be shown exhibit 3-3, page 528, clause 20. Mr Gerber, you will see this is clause 20 of the Grafton Professional Standards Ordinance of 2004.

A. Yes.

Q. And that clause 20 sets out at subclause (1) a number of powers and duties of the PSC. Do you see that?

A. Yes.

Q. If you go over the page, you'll see at the top paragraph (j) says the PSC has the power and duty:

To refer any information in its possession to a member of a law enforcement, prosecution or child protection authority of a State or Territory or of the Commonwealth of Australia to which the information is or may be relevant.

Do you see that?

A. Yes.

Q. So do I take it from that that the professional standards committee which is in receipt of that information, which includes, as we've been over, convictions or allegations of child sexual abuse, is under an obligation to refer those matters to the police.

A. Well, not convictions, because how would that assist?

Q. Yes, fair point.

A. But certainly other information, allegations and so on. Look, yes, I was well aware of that responsibility both in terms of the criminal law and in terms of the requirements under the ordinance, and I systematically tried to comply with that, particularly in relation to my Sydney duties, and we've already - you've already identified that that didn't happen in relation to some of the Grafton - two of the Grafton matters.

Q. I just want to ask you about the procedures, but
before I do that, if you could also look at the next
document, that's tab 2 in exhibit 3-3, particularly 14.6.
I think it's Ringtail 056. You will see there that under
the provisions that relate to the professional standards
director, there is a particular paragraph that concerns
reporting to State authorities, and the fourth of those
paragraphs set out there indicates that:

If the Organisation is not a school and the
Sexual Abuse is a criminal offence then
report the Allegations to a police officer.

Do I take it from that that it was also an obligation on
a professional standards director to report such matters to
police; is that correct?
A. I don't quite understand the question, in the sense
that - yes, that's an obligation that's there, I will -
yes.

Q. Just in terms of the procedure that applied,
particularly in both the diocese of Sydney and the Diocese
of Grafton when you were the professional standards
director, was there a practice in terms of seeking the
consent from the complainant before referring a matter to
police?
A. My invariable practice was to explain to the
complainant, if I had any contact with them, or get the
contact persons to explain to the complainant that we took
that obligation seriously and we would report it. However,
we would also explain to them that whether or not they
assisted the police or chose to assist the police was up to
them, but that we really understood our obligation to
report, in any event, and then the police would be in
touch - may be in touch with them, and they would have to -
and we also, from time to time, gave assistance to
complainants to go to the police themselves, if they needed
that, in terms of support people and the like.

Q. And if the complainant said that they didn't want to
go to the police or they didn't want it reported to the
police, what was the practice at Sydney, first, and then
Grafton?
A. Well, in terms of Sydney, we would indicate that we
took that obligation seriously and we would report it, and
we would probably include the information that the
complainant - we would probably tell the police that the
complainant is unwilling or unable or not wanting to make
a complaint to the police, and then let the police decide what they would do about it.

Q. It sounds like it was an advisable practice to speak with the complainant before you indicated that you were going to advise the police, so that at least they were forewarned?
   A. We tried to make that our practice in Sydney, yes.

Q. What was the practice in Grafton during the time that you were professional standards director about reporting to police?
   A. I think that was the difficulty. There was not really an established practice. We were working out - I mean, from 2000 through to - you know, we were in the early stages of dealing with these matters in ways which they hadn't been appropriately dealt with in the past and we were working out what we should and shouldn't do. But certainly what I described in terms of Sydney became our practice, and I can't tell you exactly when we got into those fixed practices. But that didn't happen in relation to Grafton because of all the reasons I've already stated - that I was only part time. I'm not trying to excuse it, but I'm just trying to explain how it came about that we didn't really develop those practices in Grafton in the same way that we did where I was full time.

Q. When you say "develop the practice", it's quite patent on the face of the ordinance what the obligation of the professional standards committee is, that is, to report such allegations to the police.
   A. Oh, I'm referring to the way we handled it with the complainant - explain to them, and so on - that sort of part of the practice. We developed those practices rather than simply just shooting off a letter to the police, which obviously ticks the box in terms of the legalities. But we wanted to do more than that - we wanted to do what was helpful to the complainant and, more importantly, what protected, if it was able to, people going forward, children and vulnerable people going forward.

Q. The letters you sent on 19 December 2006 to the police with respect to the three alleged perpetrators - did you or somebody at the Diocese of Grafton speak with the complainants prior to referring those matters to the police?
   A. I didn't, and I'm not aware of whether anybody else
Q. Did you take any steps to ask Reverend Comben or somebody else whether that had occurred?
A. No, no. And the reason for that is that I was at a distance and I was assuming that Grafton was handling things. In retrospect --

Q. Are you aware that Mr Harrison wrote to the Diocese of Grafton, or at least their solicitors, to indicate his objection to those statutory declarations particularly, that had been provided as part of the group claim, being referred in that form to the police?
A. I wasn't aware of that.

Q. I wonder if you could go to, and if it could be brought up on the screen, annexure PG-41.
A. Incidentally, that's an example of why we were keen always to deal with complainants directly, so that we could work with them as to how we fulfilled our obligations in terms of police reporting, and so on. That was the very reason why we adopted the approach we did in Sydney - because, you know, there are very many different expectations or desires from complainants depending on where they're at. So having to work second-hand through a lawyer is unsatisfactory in those circumstances.

Q. Just going to PG-41, then, we have evidence that this is a file note made by Bishop Slater with respect to at least a telephone call with you, 5 July 2007, which you in your statement have adopted as being accurate.
A. Yes.

Q. Just in terms of the chronology, first of all, if you could please assume that there was a meeting between Bishop Slater, Mr Campion and [CA], as well as Jenni Woodhouse on 3 July 2007?
A. Yes.

Q. And this telephone call seems to have occurred in the context of that.
A. Right. I was certainly aware that Jenni Woodhouse had gone up there for a meeting. I didn't know the contents of the meeting in detail, although I think Jenni probably would have told me in general terms that they were discussing Mr Campion's concerns, claims, and so on.
Q. Was any concern raised about the involvement of 
Ms Woodhouse by Bishop Slater in that telephone call or 
subsequently?
A. No, I don't recall. I didn't have many - this is 
probably the only phone conversation I ever had with 
Bishop Slater. I don't recall having conversations with 
him, apart from this one. I think I had a conversation 
with him when we went up to do the training, but that was 
more informal and not about particular issues. I think 
they were the only two times I really met him.

Q. Do you remember any concerns about Ms Woodhouse being 
involved in liaison between the Diocese of Grafton and 
Mr Campion?
A. No.

Q. Do you recall Ms Woodhouse being asked not to involve 
herself with Mr Campion on or about that particular date?
A. I have a recollection of Jenni Woodhouse telling me 
that, but I can't recall when it was - whether it was 
before or after the meeting.

MR BECKETT: Those are the questions for this witness.

THE CHAIR: Mr Griffin?

MR GRIFFIN: No, thank you, your Honour.

THE CHAIR: You may be excused.

<THE WITNESS WITHDREW

MR GRIFFIN: Your Honour, I had a discussion with counsel 
assisting about two matters I want to raise briefly, with 
your leave.

Firstly, I seek leave to appear for Martin Drevikovsky 
in these proceedings. Mr Drevikovsky was the general 
secretary of the General Synod of the Anglican Church of 
Australia from the middle of 2008 onwards, and it seems 
clear that there are a number of issues that will be of 
interest to the Commission when he gives evidence.

THE CHAIR: Mr Beckett, do you have anything to say about 
that?

MR BECKETT: Yes. The application is not opposed.
THE CHAIR: The application is granted.

MR GRIFFIN: Thank you, your Honour.

Secondly, your Honour will remember at the end of yesterday, when Mr McLary was giving evidence, he was asked about what I might term cross-jurisdictional issues involving different dioceses, and he indicated that he thought there was something in the professional standards canon of the Diocese of Brisbane on that topic.

That document is exhibit 3-7. I have now received instructions from him that it is section 26 to which he was referring.

THE CHAIR: Section 26, yes. Thank you.


<JENNIFER HELEN WOODHOUSE, sworn: [2.15pm]>

<EXAMINATION BY MR BECKETT:

MR BECKETT: Q. Ms Woodhouse, I wonder if you could state your full name and occupation for the Royal Commission?
A. Jennifer Helen Woodhouse and I'm a social worker.

Q. You have provided your address to the Royal Commission, I understand?
A. Yes, I have.

Q. You have provided a statement to the Royal Commission dated 1 November 2013. I wonder if that could be brought up on the screen. Ms Woodhouse, have you had an opportunity to review that statement recently?
A. Yes, I have.

Q. Do you say it's true and correct to the best of your knowledge?
A. Yes.

Q. You say you were employed as a contact person with the Anglican Church Diocese of Sydney from 1996 through to 2003; is that correct?
A. Yes.
Q. Then after that, until the end of June 2012, you were employed as a chaplain with the Diocese of Sydney; is that correct?
A. Until June 2012, yes.

Q. During that entire period, did you work in the professional standards unit at the Diocese of Sydney?
A. Yes, I did.

Q. And was that under the management of Mr Gerber, who we’ve just heard from?
A. Yes, until he left in 2009.

Q. His evidence was that he ended as professional standards director for Grafton at the end of 2007.
A. Yes.

Q. You say in paragraph 6 of your statement that the professional standards unit at Sydney occasionally provided professional standards services to some of the smaller outlying dioceses and you recall providing professional standards services to Grafton on three occasions over a 10-year period. Do I take it from that that your interaction with Grafton, the Diocese of Grafton, and particularly the professional standards issues there, was minimal?
A. Yes, it was.

Q. During that period of 10 years, what was the nature of the services that you provided to the Diocese of Grafton?
A. I recall three occasions when I was asked to be the support person for the complainant.

Q. What did you do as support person for those complainants? What were your general duties?
A. Each complainant comes with their own particular needs, and needs for support, and so that depended upon the person I was supporting. Generally it would be to refer them to counselling if they required counselling; to be in contact with them to let them know at what part of the process their complaint was up to; perhaps to go back to them with any questions that the director may have had; listen; and other particular support that people may need.

Q. You say at paragraph 8 that you have been shown a couple of documents - the Professional Standards Ordinance for Grafton for 2004 and the protocol for dealing
with complaints of sexual abuse. Do you see that part of
your statement?
A. Yes.

Q. You said that you have not seen either of these
documents previously; is that correct?
A. That's correct.

Q. Did you understand then - that is, back in 2005, 2006
and 2007 - that these were documents that governed
professional standards matters in the Diocese of Grafton?
A. I understood at the time that there would have been
such documents, but I don't recall personally reading them
myself.

Q. Is that because you were familiar with similar
instruments in the Diocese of Sydney and didn't need to
refer to those in any detail?
A. That was because I was familiar with the Sydney ones,
yes, and also because the ordinance procedures were well
known by the bishop and the registrar of Grafton, and I was
not particularly engaging with the ordinance procedures.

Q. In paragraph 10 you talk about your role as chaplain.
From a practical point of view, the services you provided
as a contact person, to begin with, and then later as
a chaplain, were they different, particularly, or were they
effectively the same sort --
A. A contact person and a chaplain were different, do you
mean?

A. Yes.

Q. So in the light of the services you were providing to
the Diocese of Grafton, what were the services you provided
as chaplain?
A. In the case of providing services to Tommy, do you
mean?

Q. Yes, for example, but just generally speaking, what
were the services you provided?
A. Probably referring a person to a counsellor and
staying in touch with them and making sure the counselling
was okay, and keeping them informed, as much as I knew, of
the complaint, where it was up to, and perhaps just ringing
and seeing how people were going themselves and if I could
be of help.

Q. In your role as chaplain of Sydney - I'll come to Grafton in a moment - what was your role in terms of the provision of counselling to victims of child sexual abuse that had come forward to the diocese?
A. My role was generally to talk to people about the possibility of counselling and whether it would be helpful or not, and if somebody was keen to see a counsellor, then I would give them a couple of names that they could ring or I could ring on their behalf in order to book them in for counselling. Then usually we would offer about 10 sessions, to begin with, and after 10 sessions I said I would be in touch with the counsellor and ask them to provide a short report on whether the counselling was going okay and how many more sessions either the counsellor or the complainant felt that they needed and approve that.

Q. If both the counsellor and the victim concerned had requested additional counselling after the first 10 sessions, what was the general practice in the Diocese of Sydney?
A. Go for another 10. We'll do this again in 10 more sessions.

Q. You would review the practice, effectively, every 10 sessions or so?
A. Yes.

Q. Was there a finite limit on the amount of counselling?
A. No. There was no finite limit. I would be concerned about what was happening in the counselling if it went for too long and would just ask questions around the professional ability of the counsellor, but, no, it was up to the victim and if they required more counselling, they would keep going.

Q. At paragraph 23 of your statement you say that you saw a copy of Mr Campion's letter to the Anglican Church of 29 August 2005. This is the first time that Mr Campion comes forward to the Diocese of Grafton, we know, and tells them of the abuse that he suffered at the North Coast Children's Home. What did you do, if anything, as a result of that letter, because, as I understand it, it came to Sydney first?
A. I don't recall seeing it when it first came to Sydney. I recall being asked by Mr Comben to be in touch with
Mr Campion over an issue to do with counselling and could I please talk to him. At that point, I accessed the file and read the letter.

Q. There was an electronic file, was there?
A. No, a paper file.

Q. There was a copy of the letter of 29 August, and was there also a copy of Mr Comben's letter to Mr Campion of 2 September?
A. I don't recall seeing the letter from Mr Comben to Mr Campion, but I do recall reading Mr Campion's letter.

Q. You say at paragraph 28 that you contacted Mr Comben and you discussed Mr Campion's complaint and how much counselling he would receive, and you told him what the processes were in Sydney. Then you sent him a copy of Sydney's 2005 pastoral care and assistance package; is that right?
A. That is my recollection.

Q. Why did you send that to Mr Comben?
A. Mr Comben had been asking me how - sorry, I'll start that again. Mr Comben had been suggesting to me that he felt Mr Campion's counselling shouldn't go on for too long and asked how we dealt with the issue of paying for counselling in Sydney. After that, I discussed with him the care and assistance package and that, in Sydney, we would continue to pay for counselling until such time as a care and assistance package was offered and accepted, and then the person would take over the cost of counselling themselves.

Q. Do I take it from that that the idea of a care and assistance package was relatively new to Mr Comben?
A. I don't recall whether he had already had discussions about it before or not. I just recall having the discussion with him myself.

Q. Then at paragraph 29 you say that you had a discussion with Mr Comben about a financial settlement made to Mr Campion. Do you see that?
A. Yes.

Q. The process in Sydney in terms of the way in which these claims were dealt with is a reasonably lengthy process, in the sense that one would sit down, speak with
the claimant, and then there was a process of assisting
them to prepare material for a panel, I think Mr Gerber
called it, that the person would go before.
A. Yes.

Q. And that it was only after that material had been
provided - obviously counselling and other immediate
support had been addressed, but it was after that process
of preparation for the panel and the panel meeting that
a financial settlement would be discussed; is that correct?
A. Yes, that's correct.

Q. Just returning to paragraph 29, then, you say you had
a discussion with Mr Comben about an offer of financial
settlement made to Mr Campion:

_I cannot recall the figure, but I believe
it was around $45,000 to $50,000._

Do you see that?
A. Yes.

Q. How did that come about? It seems that this was
relatively early days in terms of the receipt of
Mr Campion's complaint. How did there come to be
a discussion about a nominated amount for Mr Campion?
A. I can't recall the discussion clearly in detail.
I recall that Mr Comben was suggesting that it may be
better for Grafton if they just offered Mr Campion
a certain amount of money and that perhaps they didn't need
to take that through an independent panel. The independent
panel were paid, my recollection is, $1,000 each, and there
were two on the panel. I think Mr Comben was just
preferring just to offer a certain amount of money to
Mr Campion to see if he would accept that.

Q. Did you say anything to him about that, about whether
you thought that was a good or bad way in which to proceed?
A. I recall suggesting to Mr Comben fairly strongly that
that was not a very good way to proceed. It had many
problems to it.

Q. Such as?
A. Such as the fact that it meant the registrar in the
diocese, with the bishop's permission, I imagine, would be
making up how much money should be offered rather than an
independent panel. It would mean that the victim of abuse
would not have an opportunity to talk to an independent panel, which we had found had been very helpful.

Q. Helpful for whom?
A. For the victim of abuse, to tell their story to someone outside the church and be believed as well.

Q. Yes.
A. I felt that Mr Comben determining the amount of money did not take into consideration the psychological impact, the emotional impact, the spiritual impact, that this would have - that the abuse has had on Mr Campion, that he could glean from the counsellor's report, for example.

Q. You mentioned there at the bottom that Mr Comben told you about another matter that had been resolved without the use of an independent panel. Do you see that at the bottom of the paragraph?
A. Yes, I do.

Q. The name of the person concerned has been removed, but in any event were you aware that a settlement with respect to that person had been made in the order of I think $54,500? Did he mention that to you?
A. In fact, he not only mentioned that to me; he asked me to take that offer to the person concerned directly.

Q. Is that what you did?
A. I was unhappy to do so and talked to him at the time about the fact that doing it through the pastoral care and assistance scheme would be much better, but Mr Comben was insistent that we try it this way.

Q. You say in paragraph 29:

... I recall having a discussion with Mr Comben about an offer of financial settlement made to Mr Campion.

Did you ever see that offer in writing made to Mr Campion?
A. No.

Q. Did Mr Comben advise you that he had made such an offer to Mr Campion?
A. My recollection is that he just mentioned he was thinking of it or intended to.
Q. I see, so you're not sure that Mr Comben said that he
had made that offer to Mr Campion, but, rather, he was
considering making such an offer?
A. I became more sure a bit later, when Mr Campion
himself talked about it.

Q. He mentioned it?
A. An offer of money.

Q. Then in paragraph 30 you say that you don't recall
Mr Campion's response to the offer from Mr Comben, but you
do recall him saying that it would be unfair for only him,
that's Mr Campion, to get a settlement as there were other
former residents who had experienced abuse at the North
Coast Children's Home. Do you see that?
A. Yes, I do.

Q. So do I take it from that that what occurred is that
Mr Campion then took certain action, including asking for
public notices to be put in the newspaper to try to attract
other former residents of the home to come forward?
A. Yes, I recall Mr Campion being very pleased with
Mr Comben's response and wanting others who had been
similarly abused to have the benefit of that response.

Q. Then at paragraph 32 you say that in late 2005
a lawyer was engaged by the group of ex-residents of the
home to represent Mr Campion and the other residents, and
you did not have any contact with the other residents other
than limited involvement with [CA], set out below. Do you
see that?
A. Yes.

Q. Can I ask you, then, who told you first about the
group claim and when did they tell you?
A. I can't recall.

Q. Did you come to learn about the group claim in late
2005/early 2006?
A. Yes, I did.

Q. Obviously you were in discussions with Mr Comben about
the provision of counselling to Mr Campion; that's correct,
isn't it?
A. Yes, that's correct.

Q. Did Mr Comben ask you to process, if you like,
Mr Campion under the care and assistance package?
A. Not that I recall.

Q. What, to your understanding, was the process that was to be engaged to consider Mr Campion's claim by the Diocese of Grafton?
A. I don't recall having a conversation about a process in which he could claim money.

Q. Was it evident that at least you were not to be involved in any process under the Sydney care and assistance package, or some equivalent, at Grafton?
A. That was evident, yes.

Q. So what was your involvement with Mr Campion during 2006?
A. I talked to Mr Campion on the phone a number of times. He was very concerned that Mr Comben was unhappy about paying for the taxi that he needed to get to counselling, and so I called Mr Comben to talk to him about that on Mr Campion's behalf. I spoke to Mr Campion a number of times to ask him how the counselling was going, and I guess - we had a few conversations around what Mr Campion would like to see happen with the complaint.

Q. What did he indicate to you about the complaint?
A. Mr Campion was very distressed just talking about the complaint. It was new for him to be talking about it and he was keen for other people to be able to speak up about it as well.

Q. You have annexed a letter of 5 March 2006, JW-2 to your statement, if could that be brought up. Mr Campion expressed to you in March his concern about a letter that he had received from Mr Comben concerning the possible withdrawal of counselling. Do you remember that?
A. Yes, I do.

Q. What did you do as a result of that concern being expressed to you?
A. My recollection is that I spoke with Mr Campion and then spoke with Mr Comben about the provision of counselling.

Q. How was it resolved, if at all?
A. I believe that Mr Comben agreed that Mr Campion could continue with counselling.
Q. What were Mr Comben's concerns about the counselling?
A. The cost.

Q. So he was concerned that the costs to the Diocese of Grafton of continuing to pay for counselling for Mr Campion were, what, too much or he didn't want it to go any further?
A. My recollection was that Mr Comben talked about the limited funds available to the Diocese of Grafton.

Q. Were you aware at that stage of any general financial difficulties at the Diocese of Grafton?
A. Only through Mr Comben telling me.

Q. What did he tell you?
A. That there were limited funds available to the Diocese of Grafton.

Q. Then you received a further letter dated 23 July 2006 from Mr Campion, which expressed similar concerns about counselling; is that right?
A. Would you direct me to that?

Q. Yes, it is JW-3. It's the one on the screen at the moment.
A. Yes. That's right.

Q. So in your role as support person for Mr Campion, you then raised the issue again with Mr Comben?
A. Sorry, can you repeat that question?

Q. Yes. As a result of that letter, you raised the issue of counselling again with Mr Comben, this time in July 2006?
A. Yes. I recall I did.

Q. You say at paragraph 39 of your statement that you were concerned for Mr Campion's mental health and that it was in very poor condition. I wonder if you could describe in your experience, at least during those first four months of 2007 when you were contact person for Mr Campion, what was, at least to your mind, the way in which he was responding to the issues about counselling?
A. I wasn't actually a contact person. I was the chaplain supporting him.
Q. Thank you. In any event, you were supporting him. What was the nature of his mental health, to your understanding, during that particular period?

A. Mr Campion had had two completely different responses by the same man in the church. The first response when he raised the issue was a caring and warm response, and then that response from Mr Comben changed and Mr Campion was struggling to understand the difference in Mr Comben.

As Mr Campion was an abuse survivor from childhood, one of the difficulties he would have had was difficulties with trust. As the North Coast Church of England Children's Home, he believed, was run by the Church of England and the Church of England was treating him in two such different ways and it was the same person doing so, I believe that that was badly affecting Mr Campion's trust of the church.

Q. If I could just show you a document, if PG-13 could be brought up on the screen. You will see that this is a letter dated 2 September 2005 from Mr Comben to Mr Campion.

A. Yes.

Q. You referred earlier to a change in position by Mr Comben. First of all, is this the sympathetic response from Mr Comben that you were referring to earlier?

A. Yes, it is.

Q. Then Mr Campion has expressed to you that there was a change in position. Did you consider that there had been a change in position by Mr Comben after this letter was sent?

A. There was a remarkable and distressing change of position from Mr Comben.

Q. You obviously had spoken to Mr Comben a couple of times by 2006, certainly in March and July, concerning the counselling issue. Is that when you formed the opinion that he had changed his position?

A. Yes, it is.

Q. What was distressing about that opinion?

A. It was distressing because Mr Comben seemed more concerned about the finances of the diocese than he did about the many people who had been abused in the North Coast Church of England Children's Home.
Q. You were involved with the provision of counselling, or at least acting in your role as chaplain with respect to Mr Campion, through all of 2006 and into 2007; is that correct?
A. That's correct.

Q. How frequently did you contact Mr Campion during that period of time?
A. I can't recall specifically. Sometimes I would have been in contact with him every week or two, and sometimes not for a couple of months.

Q. Were you aware of the negotiations that were going on between the Diocese of Grafton and the claimants for the settling of the group claim?
A. I was aware that it was happening.

Q. Were you speaking to Mr Campion about how that was going?
A. I can't recall.

Q. Was there any involvement of the professional standards unit at Sydney with respect to matters of redress, such as an apology or acknowledgment or recognition from the Diocese of Grafton of Mr Campion's complaint?
A. I had been speaking with Mr Comben right from the beginning about the fact that Mr Campion wished to meet with the bishop and receive an apology, and I continued saying that throughout my correspondence with him.

Q. Then I think by the middle of 2007, about 3 July 2007, you came to have a meeting with Mr Campion, [CA] and Bishop Slater?
A. Yes.

Q. How did that meeting come about?
A. I recall being at a conference, I can't remember which conference, and spotting Archbishop Aspinall and Bishop Slater chatting together, and I felt that was a very good opportunity to go and talk to both of them at the same time. I knew from Mr Campion that he had been writing to Archbishop Aspinall. So I approached both of them and asked what they intended to do to assist Mr Campion and would Bishop Slater please meet with him, as I knew that Mr Campion wanted to meet with him. I felt that
Archbishop Aspinall being there might lend me some support, which he did.

Q. Had Mr Campion expressed to you that he wanted to meet the bishop prior to April 2007?
A. Yes, he had suggested that a number of times.

Q. A number of times, and throughout the period that you were speaking with him as chaplain?
A. Yes.

Q. So the meeting went ahead?
A. Yes, it did.

Q. What was the purpose of the meeting?
A. The purpose of the meeting was for Mr Campion and [CA] to let the bishop know first hand of some of their experiences in the children's home and for the bishop to respond to that. Also, Mr Campion and [CA] had some requests for the bishop that they wanted to put to him, which they did in that meeting.

Q. Did that include the consideration of certain additional material that Mr Campion had been able to gather about the history of the home?
A. Yes.

Q. Were there any other major issues that Mr Campion raised with the bishop?
A. The other major issue they both raised with the bishop was the request that Mr Comben not be involved in any child abuse allegations and the dealing with those matters and that Mr Campion had, my recollection is, about six other people that wished to make a complaint to the church but wanted to be reassured that Mr Comben would have nothing to do with those complaints before he suggested they go forward and make the complaint to the church.

Q. What was Bishop Slater's response to that concern by Mr Campion and [CA]?
A. Bishop Slater said, yes, he would see what he could do. My recollection is that Mr Campion said to him something like, "Is that a promise?" I recall Bishop Slater nodding and then Bishop Slater saying, "I'll have to work out how I make that happen", or words to that effect.
Q. Did you set your note of the meeting of 3 July out in a confidential file note marked JW-7?
A. Yes.

Q. I think in the last paragraph there, you say:
Both Richard and [CA] asked that Pat Comben not be involved in any more matters concerning the Church of England North Coast Children's Home.
A. Yes.

Q. And then:
The Bishop said he would have to consider how to do that.
A. Yes.

Q. I also understand from paragraph 46 of your statement that there was some discussion at that meeting about some form of financial settlement by the Diocese of Grafton with Mr Campion; is that right?
A. Sorry, I'm just trying to find my statement again. What paragraph was it?

Q. Paragraph 46, particularly over the page.
A. And now I apologise to you, as I've forgotten the question.

Q. That's all right, so have I. There was some discussion there about a financial offer. You say that Mr Campion mentioned the $75,000 cap under the Sydney pastoral care and assistance package. Do you see that?
A. Yes.

Q. Were you aware at that stage, so in July 2007, that Mr Campion had been sent a copy of the Sydney pastoral care and assistance package back in 2005?
A. I became aware in the meeting, as I recall it, because Bishop Slater raised it and Mr Campion said to me, "I've lost the documents", and so I undertook to send him some more.

Q. And you did so?
A. Yes.
Q. Did Bishop Slater raise any concern about that particular document being sent?
A. Not that I recall.

Q. Had you had any indication by July 2007 that the Sydney pastoral care and assistance package, or at least a similar one adopted by Grafton, was to apply to Mr Campion?
A. I'd had no indication, no.

Q. What was the purpose of providing it to Mr Campion?
A. Do you mean after this meeting?
Q. Yes.
A. Mr Campion asked me to.

Q. And Bishop Slater was there when he asked that?
A. Yes.

Q. He didn't raise any concerns as to whether that particular assistance package applied or not?
A. No. I have no recollection of that, no.

Q. You say that you understood Mr Comben's original offer to be $45,000 to $50,000, so that's going back to a memory that you had from 2005 about a discussion you had had with Mr Comben; is that correct?
A. That's correct. That was the assumption I made when they talked about the original offer.

Q. Was there any mention of the amount offered to the group claimants during the settlement which had concluded in March 2007?
A. During this meeting, do you mean?
Q. Yes.
A. Not that I recall.

Q. As a result of this meeting, did you have any further role to play on behalf of the Diocese of Grafton with Mr Campion?
A. Mr Campion called me a number of weeks after the meeting to ask my recollection of the meeting. I said that I would forward him my file note, which I did. Shortly after that - I can't recall how long, but shortly after that - I was asked not to have any more involvement with
Mr Campion.

Q. Who asked you not to have any further contact with
Mr Campion?
A. My recollection is that either Mr Comben or the bishop
had asked Philip Gerber to tell me not to have anything
more to do with him.

Q. Were you told why?
A. No.

Q. Have you subsequently come to a conclusion about why
that did occur, or would you be speculating?
A. No, no, I have no information about that.

Q. You say at paragraph 54 that you have been shown
a copy of a letter from Bishop Slater to Mr Campion dated
14 August. Could annexure RC-46 be brought up on the
screen, please. Do you recall seeing this letter from
Bishop Slater to Mr Campion dated 14 August 2007?
A. I recall seeing it, but I can't tell you when I first
saw it.

Q. Was it in 2007, do you think, when you first saw it or
was it more recently?
A. It was more recently.

Q. You say in your statement that you were surprised to
see that Bishop Slater had described any financial
assistance to Mr Campion as a betrayal of the other
victims. Why was that the case that you came to that
conclusion?
A. Why was I surprised?

Q. Yes.
A. I was surprised that Bishop Slater felt he could be
the judge of whether Mr Campion would feel like he was
a betrayer. I don't know that that made sense. Let me say
it again: I was surprised that the bishop felt it was his
responsibility to determine whether Mr Campion felt he
could receive the money or not.

Q. What is it about the position of the bishop that made
you surprised?
A. Sorry, I don't understand the question.

Q. That's all right, I'll withdraw it and ask another
one. What was your primary concern about the use of that particular language with somebody who had made a complaint to the Diocese of Grafton of child sexual abuse?
A. The language obviously plays upon a victim's sense of being betrayed by the church, and now we have the head of that particular diocese suggesting that the victim himself might become a betrayer.

Q. Then you say at the end of paragraph 55 that you did not have any further involvement with Mr Campion's matter and that you're not aware of any other pastoral support being provided to Mr Campion after you were removed from that role; is that correct?
A. That's correct.

MR BECKETT: Those are the questions for Ms Woodhouse.

THE CHAIR: Thank you for coming. You are now excused.

<i>THE WITNESS WITHDREW</i>

MR BECKETT: I call Mr Peter Roland.

<EXAMINATION BY MR BECKETT:

MR BECKETT: Q. Mr Roland, I wonder if you could state your full name and occupation?
A. My full name is Peter John Roland. My occupation is that I am a retired legal practitioner.

Q. You were a Grafton-based solicitor for a large number of years, working at Foott Law & Co?
A. That is correct.

Q. When did you first start with them?
A. I started in August 1973 and I finished there in August 2012.

Q. During your time as a solicitor with Foott Law & Co, did you become the diocesan advocate?
A. Yes, I was originally the diocesan solicitor. After I had been there for a few years I succeeded my former senior partner, who had been diocesan solicitor before me. And quite a few years after that, I was renamed diocesan advocate.
Q. I wonder if you could describe briefly what the nature of that position is, that is, what does a diocesan advocate do?
A. Technically, the diocesan advocate's responsibility is to be the adviser to the registrar, as I understand it. And of course in that role I was often called upon for legal advice, often on an ad hoc basis, and of course much of it was pro bono.

In addition to that, I was expected to attend synod each year. In later years, I used to attend Bishop-in-Council meetings, but I was not a member of Bishop-in-Council as such. I also was engaged in property transactions representing the diocese and, of course, I was eventually asked to advise the diocese in regard to the so-called group claims referred to earlier.

Q. The group claims - did you do that on a pro bono basis or were you paid for your time to do that?
A. It was agreed that I would be able to charge for that role.

Q. You may have heard from Mr Gerber earlier today, who referred to the position of diocesan advocate also having a role with respect to diocesan tribunals in discipline matters. Did you hear that evidence?
A. I heard him say that, but I was not involved in that sort of procedure.

Q. So that was never a role that you were involved in?
A. No, no. Basically, although I was described as diocesan advocate, my main role was simply the diocesan solicitor over those years.

Q. By 2005 were you aware of the financial situation, at least in a general sense, of the Diocese of Grafton?
A. I would say yes.

Q. Were you aware of the debt owed by the Clarence Valley Anglican School as a result of building works and other capital expansion?
A. I believe so, yes.

Q. Were you aware that certainly by 2007 that debt had grown to approximately $12 million?
A. I'm aware that it did eventually reach that sort of
Q. Were you a member of synod, that is, the diocesan synod, in 2004 and 2005?
A. Yes.

Q. So do I take it that you were aware that the Diocese of Grafton had adopted a Professional Standards Ordinance in that year?
A. I would have been aware of it, but I did not have any occasion to study it at that time.

Q. At that time, you mean in 2004. Did you look at it subsequently?
A. I have looked at it subsequently, yes. I was aware that there was such a protocol in place.

Q. There are two documents, are there not? First of all, there's a Professional Standards Ordinance 2004?
A. Yes.

Q. Were you aware in 2004 of that ordinance?
A. I would have been, yes.

Q. You said that you read it, and if I'm correct in concluding that you're referring to the ordinance rather than the protocol, did you read that ordinance prior to the group claims matter commencing?
A. I don't recall whether I did or not.

Q. Did you have occasion to refer to it during 2005 or 2006?
A. In 2006, it was mentioned in correspondence in terms of the group claim.

Q. But are you referring to a letter of 15 September 2006 from Mr Harrison to yourself when you --
A. I believe that would be right, and my response to it.

Q. Do I take it, then, that your evidence is that you had not read the Professional Standards Ordinance prior to September 2006?
A. Not in detail, no.

Q. In general form, had you read it or understood its terms?
A. I would have been aware that it existed, but I would
not have been familiar with all the terms of it, no.

Q. I'll show you a document. If exhibit 3-3, tab 2 could
be put on the screen, please. Could I have the full page,
please? Mr Roland, you'll see that's a document entitled
"Protocol for Dealing With Complaints of Sexual Abuse" and
said to have been approved by Bishop-in-Council in 2004.
Is that a document that you considered or had recourse to
prior to September 2006?
A. No.

Q. Had that been referred to you by either
Reverend Comben or Bishop Slater in the period up to
September 2006?
A. Not in this context, no.

Q. In any other context?
A. I don't recall ever being asked to advise in regard to
this protocol, no.

Q. So prior to 2006, you said you had some familiarity
with but perhaps not a close understanding of the
Professional Standards Ordinance of 2004; is that right?
A. That would be right, yes.

Q. Were you aware that the ordinance established
a professional standards committee within the Diocese of
Grafton?
A. Yes.

Q. Were you aware that it also established the office of
a professional standards director in the Diocese of
Grafton?
A. I would have been, yes.

Q. You would have been. You don't remember; is that
right?
A. I don't have a clear recollection of that, but
I assume that it would have been the case that I did.

Q. And a professional standards board - were you also
aware that it established a professional standards board?
A. I just can't recall that, no.

Q. Perhaps you can inform the Royal Commission, what was
the purpose of the professional standards committee
established by the ordinance? What were its roles?
A. The purpose of it was to deal with complaints of sexual abuse, but my involvement in the group claims was in my legal capacity, not in relation to this protocol, because as I understood it, the diocese was facing a major legal action by some 40-odd complainants --

Q. We'll come to that in due course, but at the moment I'm just asking you about the role of the professional standards committee. You said that you understood that it was to handle claims of child sexual abuse. Is that a correct summary of your evidence?
A. That's correct.

Q. Did you also understand that the professional standards director was effectively the executive officer of the professional standards committee and could take claims to the committee?
A. I would say so, yes.

Q. Were you aware that Mr Philip Gerber, who was sitting, if you like, in the Diocese of Sydney providing those services to Sydney, was also the professional standards director of Grafton?
A. I became aware of that, yes.

Q. You probably heard his evidence today. Do I take it that you had little or perhaps no involvement with the professional standards director in 2005 and 2006 with respect to the group claims?
A. That is correct.

Q. You said that your position as diocesan solicitor was to provide advice to the registrar of the Diocese of Grafton; is that correct?
A. Yes.

Q. Certainly by 2005 and perhaps from earlier years, Reverend Pat Comben was occupying that position; is that right?
A. That's correct.

Q. So do I take it that there was a great deal of communication, if you like, on legal matters during that period leading up to the end of 2005?
A. That would be correct.

Q. Just in terms of the structure, the way the diocese
works, at the bishop's level, he was able to draw upon legal advice from an office known as the chancellor; is that correct?

A. That is true, yes.

Q. That is to say, the bishop could from time to time, if he wanted advice from a senior member of either the Bar or a serving judge or a retired judge, turn to that person for advice?

A. The chancellor of the diocese in my time was usually a Supreme Court judge or a senior counsel, and the bishop, as I understand it, would occasionally contact the chancellor if he required any specific advice. The chancellor used to attend synod each year.

Q. Who was the chancellor of the Diocese of Grafton in 2006?

A. It would have been Justice Bill Windeyer, I believe.

Q. I'll take you to a document now. If you could please have a look on the screen at tab 25 in the tender bundle, exhibit 3-2. If you could just read that to yourself.

A. Yes, I've read that.

Q. Was this the first occasion on which Mr Comben had written to you about the claims arising out of the North Coast Children's Home?

A. I would believe so, yes.

Q. It appears from this letter that you had a telephone conversation with Mr Comben prior to this; is that correct?

A. It is quite likely. I'm just trying to find where it says - is that referred to in the letter?

Q. I'll just set this up. This is a letter from Reverend Comben to yourself dated 16 January 2006 regarding the North Coast Children's Home. He is conveying to you a letter from Nicol Robinson Halletts, which is dated 6 January 2006.

A. Yes, I see that.

Q. The date of the letter says "16 January 2005", but I think it's reasonable to assume it was actually 2006.

A. That's correct. I gather that's a typo.

Q. He asks for your advice in response to that particular letter and says:
It is my view that this is a fishing expedition.

Do you see that?
A. Yes, I do.

Q. At the third paragraph, last sentence.
A. Yes.

Q. So do I take it from that that you, at this early stage, had an indication from your client that this was a fishing expedition or at least it was a claim of little merit?
A. I wouldn't put it in those terms. As I --

Q. What terms would you put it in?
A. I'd put it in the terms that Registrar Comben considered that this was a very serious matter that required advice in regard particularly to the legal basis of any claim or claims.

Q. Then he says in that fourth paragraph:

Your thoughts on bringing to the attention of the solicitors the legal cases which deny the liability of an employer for the criminal acts of employees would be appreciated.

Do you see that?
A. Yes.

Q. Is it reasonable to assume that you had a conversation with him about those legal cases prior to him writing this letter?
A. I would say that there would have been a discussion, yes.

Q. During that discussion, did he indicate to you that he was looking for a basis upon which to deny liability?
A. Well, the letter does seem to raise suggestions that there should be an appropriate legal response to the letter.

Q. Well, it's a bit more than that, isn't it:
... the legal cases which deny the liability of an employer for the criminal acts of employees.

A. I think the advice or discussion I would have had with Mr Comben would have been reflected in my response to Nicol Robinson Halletts, the solicitors.

Q. Before we go to the letter that came after that, let me ask this. In January 2006 when you first received instructions from Mr Comben with respect to the North Coast Children's Home, had he indicated to you that the professional standards committee was dealing with one, some or all of these claims?
A. I don't believe that that was specifically raised at that time.

Q. Well, at some later time?
A. I'm aware later that the professional standards director was informed of certainly a couple of earlier claims that had come, that hadn't been referred to me at that stage.

Q. Which claims - are you referring to Mr Campion or to [CA]?
A. I'm referring to [CA] and to Mr Campion.

Q. I think by this stage Mr Harrison had instructions from approximately 20 clients. Did Reverend Comben say to you that the professional standards committee was dealing with those claims?
A. I don't recall. I don't believe so, no.

Q. Did you take any steps to refer those claims to the professional standards director?
A. No, I didn't, because I didn't consider that that was in my brief.

Q. Did you ask Mr Comben - that is to say, then Reverend Comben - whether he was taking steps to refer the matters to the professional standards director?
A. I don't believe it was discussed at that stage.

Q. Did you have occasion to refer to the Professional Standards Ordinance 2004 to understand the way in which that process, which bound the Diocese of Grafton, applied vis-à-vis the legal proceedings that appeared to be
commencing at this stage?
A. It was mentioned in correspondence that in this case, which was basically a significant or major legal case, seeking probably large amounts of compensation, and where the claimants were all represented by a law firm, my responsibility in the matter was to deal with the legal response.
Q. Mr Comben had instructed you to act in that particular manner?
A. Well, I believe so, yes.
Q. He had done so explicitly, hadn't he, in that letter of 16 January 2006?
A. Well, in the paragraph:

It might also be appropriate to advise the solicitors that the Diocese is interested in obtaining as quickly as possible details of the matters so that they may act not only in response to the potential legal matters but also to assist with a Christian response ...

That's what that letter says.
Q. What was your understanding of what the "Christian response" meant?
A. Well, presumably to deal with the matters in a compassionate way, as far as possible, without prejudice to the church's legal position.
Q. So that's not a reference to any particular procedure or policy of the Diocese of Grafton?
A. No.
Q. Just the manner in which the matter would be approached?
A. Yes.

THE CHAIR: Q. What did you understand to be the Christian response that wouldn't prejudice the diocese's legal position?
A. Well, your Honour, I'm aware that some of these matters have been, and are, settled without recourse to legal advice or without recourse to litigation. But in this case it was perceived that there was a serious risk of
Q. That's not an answer to my question. What did you perceive to be the Christian response that you were to assist with that might not prejudice the diocese's legal situation?
A. Well, to offer them perhaps some compensation on a without prejudice basis, or counselling, or some other response.

Q. That's what you understood at the time, was it?
A. Well, I believe that would have been - that's what the letter asked me to do, so I would have considered it.

Q. Did you discuss it at that stage with Mr Comben?
A. I'm sure I would have had a discussion with Mr Comben before taking the matter further.

Q. Did you discuss with him the elements of the Christian response?
A. I don't believe at that stage that side of it was pursued to any great extent, no.

Q. When you say "to any great extent", does that mean it wasn't discussed?
A. Well, I assume it would have been. But as I indicated earlier, I was - and indicated my response that we were mainly concerned with responding to the letter from these solicitors.

THE CHAIR: Yes, Mr Beckett.

MR BECKETT: Q. If SJH-2 could be brought up on the screen. Mr Roland, you replied to Mr Harrison on 24 January 2006. Please read that.
A. Yes, I have read that.

Q. Do you see there in the third paragraph you're asking for effectively further and better particulars of the assaults, including the identification of the alleged perpetrators. Do you see that?
A. Yes.

Q. At the fourth paragraph, you also indicate that the Diocese of Grafton is not a separate legal entity. Do you see that?
A. That's true, but I also draw attention to the sentence
in the previous paragraph --

Q. Yes, I'm going to ask you about that in a moment. If you could just concentrate on the legal aspects of this particular matter. Essentially you were seeking information from Mr Harrison in the nature of, effectively, particularisation of his claim?
A. Yes.

Q. And you were seeking the identity of a defendant so that you could provide proper advice to your client; is that right?
A. Yes.

Q. And you were also alerting Mr Harrison to the fact that if he was going to proceed against the Anglican Diocese of Grafton, it was not a legal or, I think you also used the term, juridical entity. Is that correct?
A. Yes.

Q. You mention in that third paragraph that the diocese has established a professional standards committee for the purpose of dealing with such matters. What did you intend by that? Were you intending, for example, to have Mr Harrison proceed through a process before the professional standards committee?
A. I believe the purpose of that would have been to find out the information in question with a view to it being referred to professional standards committee.

Q. So you were putting yourself in the position of indicating to Mr Harrison that you would receive claims which would then be referred to a professional standards committee; is that right?
A. Well, that is what it says. I believe that that is what the intention was.

Q. Did you indicate to Mr Harrison the procedure that might be adopted with respect to making of claims to the professional standards committee?
A. No, I didn't.

Q. Why is that?
A. Because I didn't consider that was - professional standards were what I was being involved in.

Q. But you have clearly indicated that it was a matter of
relevance because you included it in that letter of
24 January?
A. Yes.

Q. Mr Harrison replied to that letter, and then you sent
a further letter, SJH-4, if that could be brought up. Just
read that letter and I'll go over the page when you've
finished.
A. Yes.

Q. Then the second page, thank you.
A. Yes.

Q. There is a reference there in paragraph number 2
regarding office bearers, that you weren't in a position to
provide the names of individuals who might have served,
I presume, on the committee of the North Coast Children's
Home. Is that what that's a reference to?
A. Sorry, are you referring to paragraph 2?

Q. Yes, "Office Bearers". You say:
... not in a position to undertake open
ended investigations without having details
of the identity of the persons making the
allegations ...
A. It's the identity of the persons making allegations,
not the office bearers.

Q. Yes, all right. Then towards the end of that
paragraph, you say:
Our client remains willing and anxious to
immediately progress Mr Campion's matter
through Diocesan processes to a conclusion,
but is awaiting further communication
regarding the matter.

First of all, what are the diocesan processes that you are
referring to?
A. I assume that's an indirect reference to the
protocols, protocol.

Q. That was a matter that Reverend Comben was handling,
was he?
A. Well, obviously there would have been discussion
between Mr Comben and myself in which that point was raised.

Q. And "is awaiting further communication regarding the matter", so that had yet to be explored; is that right?
A. Yes.

Q. You didn't take it upon yourself to be involved, save for this letter, with that particular process, did you?
A. That's true.

Q. Over the page, then, paragraph 6, "Procedural issues" - sorry, before I go there. "Time elapsed" was a reference to limitations issues with respect to these claims, some of which were quite old?
A. Yes.

Q. So do I take it that you were raising at least as a relevant matter at that stage that the diocese would be relying upon limitation issues, if you like?
A. Not necessarily relying on them, but wished to be aware of the issue for consideration.

Q. Did you have instructions to claim limitations?
A. I believe there was a reference in an earlier letter to the question of limitations.

Q. But at least by 1 March 2006 was it the position that the diocese was relying on a defence based on the statute of limitations?
A. I don't believe any firm decision had been taken.

Q. But a firm decision was taken at some later stage, wasn't one?
A. Well, it was one of a number of - a number of issues.

Q. Was it or was it not?
A. Well, it was - it was.

Q. It was?
A. Yes, it was an issue, among others.

Q. But it was a defence that the Diocese of Grafton relied on, was it not?
A. Well, it never came to that, because the matter was settled by compromise in the meantime, so they never needed to take that --
Q. Are you referring to the formulation of a defence in pleadings, when I ask you about whether the diocese was relying upon the statute of limitations?
A. As I said, it never came to the point of having to plead a defence, so it was a matter that obviously was - it would have been pleaded, had litigation been commenced. But it would only have been one of a number of --

Q. But in correspondence with Mr Harrison, you're not shying away from the fact that limitations issues are mentioned there as a basis upon which --
A. Given the nature --

Q. Let me ask the question first, please, Mr Roland - as a basis upon which the Diocese of Grafton would rely, should there be litigation?
A. Given the size and extent of the number of people claiming, I had no doubt that it would have been relied on, if necessary.

Q. It was more than "would have been relied on if necessary". You did rely on a limitations issue in correspondence between you and Mr Harrison --
A. Well, we mentioned it, yes.

Q. So the procedural issues there - do I take it from your comment there that, "Our client has instructed us that it does not see the value of any general conference until the matters alleged are better particularized" - do you see that?
A. Yes.

Q. So I presume that Mr Harrison had raised with you the prospect of having some form of general conference or perhaps informal settlement prior to this particular letter?
A. I assume he must have, because it makes that comment.

Q. Mr Comben had provided you with instructions to decline the opportunity of having a general conference?
A. Well, at that stage, yes.

Q. In fact, there was no agreement to have any form of settlement conferences until the end of 2006, was there?
A. That's true, there was no agreement to have one until later in the year - well, as it turned out, I think it was in December of that year.
Q. In fact, you didn't have instructions to engage in such a settlement conference or any other form of informal conference until December of that year; is that correct?
A. Probably, yes.

THE CHAIR: Q. Mr Roland, did you come first to live in Lismore in 1973?
A. Grafton, your Honour.

Q. Sorry, Grafton in 1973?
A. Yes, your Honour.

Q. So you hadn't lived in that area before then?
A. No. I started my legal career in Sydney, your Honour.

Q. Were you familiar with the home before this problem arose?
A. No, I wasn't. I had never seen it until quite recently, when we happened to be visiting Lismore and I made a point of driving past it.

MR BECKETT: Q. If the witness could be taken to SJH-8, please.
A. Yes.

Q. At the end of that letter, you are indicating that you could not see "any basis on which such Corporate Body could be held liable in Tort for the actions of any person" with respect to the North Coast Children's Home. So that was the position on your instructions from Reverend Comben; is that correct?
A. That's right. That's correct.

Q. We have a file note, SJH-9, dated two days later, 12 May 2006, which is apparently your note of a telephone conversation you had with Mr Harrison. Do you see that?
A. Yes.

Q. That's your note, isn't it?
A. Yes.

Q. Mr Harrison is again asking whether the church was prepared to mediate or whether it would have to proceed to formal proceedings.
A. Yes.
Q. You don't seem to have replied at that stage, but essentially your instructions were not to go to mediation or some form of informal settlement at that stage?
A. At that stage, yes.

Q. And that's because the issue of particularisation had yet to arise; is that correct?
A. That's correct.

Q. You said again:

... that the Diocese had a professional standards protocol and was prepared to deal with any matters where the Church could be deemed responsible in respect of Counselling and Pastoral Care ...

Do you see that?
A. Yes.

Q. So the indication was that that procedure could be followed for the provision of counselling and pastoral care; is that correct?
A. I think it needs to be read in the context of "any matters where the Church could be deemed responsible", that's right.

THE CHAIR: Q. I wanted to ask you about that. What did you mean by that?
A. Well, I think we were still awaiting particulars of how they were claiming the church could be responsible for conduct on these premises.

Q. Yes, but you were saying clearly - and I can understand why; any lawyer would have said it - "You're going to have real trouble establishing legal liability", but you raised the concept of a deeming of responsibility in the context of the professional standards protocol. I just wondered what you had in mind?
A. I think by being "deemed responsible", I was referring to legally responsible.

Q. That would establish liability. See, if they were legally responsible, then the action may have succeeded, subject to the statute of limitations?
A. Yes, I take your point, your Honour. It does say:
... the Diocese had a professional standards protocol and was prepared to deal with any matters where the Church could be deemed responsible ...

That's right.

Q. So what did you have in mind? What were you telling him to think about?
A. Well, that's obviously what was said, and I - I don't know that I can take it any further than that. It says that matters that - could go before the professional standards protocol; the church would be prepared to do it.

Q. What I'm trying to find out is what you were telling him was the sensible course for him to take?
A. Well, obviously that the diocese was prepared to consider these matters with a without - subject to the information being presented.

MR BECKETT: Q. Was it your position that the counselling and pastoral care process which you had referred to earlier was only triggered where the church had some liability for the conduct that had occurred in the particular place?
A. That's correct, yes.

Q. So that was based on legal liability rather than upon a particular reading of the ordinance or the protocol?
A. That is correct.

Q. Had you had occasion to refer to the ordinance particularly before having this conversation with Mr Harrison?
A. Not specifically, no.

Q. How did you form the opinion that that was the trigger for the engagement of the counselling and pastoral care process within the diocese?
A. I must have referred to the protocol, I suppose.

Q. So you're now saying you did refer to the protocol?
A. Well, presumably at the time that that particular - this is in May. The matter first came up earlier in that year.

Q. Yes.
A. And in the meantime the question of this obviously had come under consideration.

Q. Well, it had come under consideration, so you're saying that you did refer to the ordinance, the Professional Standards Ordinance, in coming to this particular issue?
A. Well, I must have, yes.

Q. So you're maintaining later in that note that the North Coast Children's Home was operated by a separate unincorporated association run by a committee and was not under the supervision or control of the church; is that correct?
A. That is what I was instructed and what appeared to be the case from materials provided to me.

Q. Were you gathering materials at that stage to determine --
A. Well --

Q. Sorry, just wait for me to ask the question, please. Were you gathering material at that stage?
A. I believe that I had been supplied with material and had made inquiries.

Q. Going to SJH-10, you had a further conversation with Mr Harrison on 18 May. It is a lengthy note, so I'll let you read through it.
A. I'm sorry, that's headed up "North Coast" - oh, yes.

Q. Yes, I wonder if we could scroll up to the top of the file note. This is a note that Mr Harrison --
A. Oh, I see, yes. There are obviously words left out, yes. Yes, I see that.

Q. Please tell me and we can scroll through the document for you.
A. Yes. Yes. Yes, it's a long document.

Q. It is.
A. Yes.

Q. So do I take it from the reference on the first page to you - that is to say, the diocese - being prepared to offer counselling and then on the second page a concern by Mr Harrison that he was not satisfied with mere
counselling and ancillary payments, was that the subject of
the discussion between you and Mr Harrison, that is to say,
that the diocese was willing to provide counselling and
ancillary payments but not further compensation in the
financial sense?
A. That would be correct, I believe.

Q. It says that you said, at the top of that paragraph in
the middle of the second page:
... if we show -

that is to say, if Mr Harrison shows -

that the Rector and/or the Bishop was
involved for example, then that would be
a "fair cop".

What did you mean by that?
A. In other words, it would have to recognise liability.

Q. You understand, do you not, that by September you had
received information that certain clergy, for example, were
alleged to have been involved in abuse of individual
claimants, don't you?
A. Yes.

Q. If that was the case, then doesn't it appear, in terms
of the documents that we have, that the diocese said "fair
cop" with respect to the acts of those clergy?
A. That's the way I read it, yes.

Q. Perhaps I haven't asked the right question. As far as
I understand it, does that mean that if there was a member
of clergy who had been alleged to have engaged in some form
of abuse, the Diocese of Grafton would have accepted
liability for that; is that correct?
A. That would appear to be what it says, yes.

Q. You're aware that by September 2006, you had received
some very specific allegations set out in a number of
statutory declarations, some of which include allegations
against clergy, yet it appears that from September onwards
the diocese had not accepted any liability with respect to
those acts?
A. Well, I think we're talking about two different
things. We're talking about, on the one hand, professional
standards; on the other hand, we're talking about legal liability.

Q. What did you mean by "fair cop"? Was that a reference to legal liability or was that a reference to professional standards?
A. I think it refers to legal liability.

Q. But at no stage after September 2006 did you accept legal liability for allegations of child sexual abuse on behalf of the Diocese of Grafton with respect to clergy?
A. The question of legal liability is a different question from professional standards.

Q. That's not an answer to my question, Mr Roland. You appear to be saying in this document that if it was a member of clergy, including a rector or a bishop, who was involved in child sexual abuse, then the Diocese of Grafton would accept liability; is that not correct?
A. Well, that's - I think that's correct, yes.

Q. Do you agree with the proposition that by September 2006, you had received evidence in the nature of statutory declarations, which included specific allegations of child sexual abuse; is that not correct?
A. Yes, along with a great number of other complaints as well.

Q. Indeed. Does that mean that the position that you appear to have adopted in this particular note, of 18 May 2006, changed once you received information about allegations against clergy that they had been involved in child sexual abuse?
A. At this stage, this was, as you said, an off the record conversation. We were still in negotiations and waiting, obviously, for further particulars.

Q. But Mr Roland, it just appears to me that you adopted a position, presumably on instructions, in May 2006 which said, "We would accept liability with respect to allegations of child sexual abuse with respect to clergy", yet in September 2006 you had changed the position, or that is to say, the diocese had changed the position and it was now denying that liability?
A. Well, once more, I believe it is a question of in what context the responsibility of the clergy was raised. Was it being raised in a manner which was a matter for
professional standards or was it one that arose in the 
question of tortious liability?

Q. Are you saying that it depended on where the member of 
clergy was as to whether the Diocese of Grafton would 
accept liability? Let me clarify that. That is to say, 
are you saying that it depended on where the conduct 
occurred whether the Diocese of Grafton would accept 
liability for child sexual abuse?

A. I can't be absolutely certain as to how that would 
have worked in practice.

THE CHAIR: Q. Mr Roland, by the time these discussions 
were taking place, you knew that Reverend Kitchingman had 
been convicted, didn't you?

A. Reverend Kitchingman's matter was not referred to me. 
It was handled by somebody else.

Q. I know that, but you knew he had been convicted, 
didn't you? That happened in 2001 or 2002.

A. I became aware of it, but I don't remember at what 
stage, whether it was at this stage or earlier - or later.

Q. It was a matter of public notoriety, wasn't it?

A. I just can't recall. I just can't recall that 
incident, I'm afraid, your Honour.

Q. You were the diocesan solicitor or advocate and surely 
it must have been a matter of great -- 
A. As I recall it, Reverend Kitchingman was in 
a different diocese when that --

Q. When he was convicted. But the events related to what 
happened in your diocese.

A. I don't recall the detail of what Kitchingman was 
convicted for, I'm afraid, your Honour.

Q. Well, it's abuse in relation to one of the people that 
was being raised with you by the solicitors, wasn't it?

MR BECKETT: I don't think that's correct, your Honour. 
[CH]'s matter was not one of the group claims. It was 
proceeded with by way of separate proceedings.

THE CHAIR: Separate, was it?

MR BECKETT: Yes.
THE CHAIR: I'll withdraw that, I'm sorry.

MR BECKETT: Q. Mr Roland, if you could just go back to page 1 of that note, and you'll see there is a reference there in the second-last paragraph to Mr Kitchingman. You are said to have said:

... where they did have pastoral roles -

I presume that is a reference to clergy -

which is the abuses carried out by Kitchingham -

it should be Kitchingman -

then they did assist.

Do you see that?
A. Yes.

Q. So are you saying that there was a general acknowledgment that where a member of clergy had been involved in abuse, then the general position taken by the Diocese of Grafton was that they would provide a pastoral role; is that correct?
A. Yes.

Q. What was meant by "pastoral role"?
A. Well, I would imagine that related to implementing the provisions of the protocol.

Q. Was that triggered by liability at law or was that triggered by the operation of the protocol?
A. That would be operation of the protocol.

Q. If we could come to SJH-12, please, which is a letter from you to Nicol Robinson Halletts of 1 June 2006. Have you had a chance to read that?
A. Yes.

Q. There was an issue, wasn't there, about a reply to Mr Campion by Reverend Comben where he had referred to, with some acknowledgment and sympathy, Mr Campion having received abuse in an "Anglican place"?
A. Yes.
Q. That is the topic of that particular paragraph; is that right?
A. Yes.

Q. And you are refusing to acknowledge that as anything other than an offer of sympathy and comfort?
A. That's true.

Q. And not as an admission of liability?
A. That's true.

Q. You are saying over the page:
... we have still not received from you any indication as to the basis for any proposed cause of action against the Anglican Diocese of Grafton.

Is that right?
A. Yes.

Q. I should take you to SJH-13, if that could be brought up, please. There was an issue, as I understand it, about counselling between Mr Comben and Mr Campion; is that correct?
A. Yes.

Q. Mr Comben's attitude was that counselling was limited and there wasn't an open chequebook, if you like, with respect to counselling?
A. Yes.

Q. And in fact at various stages in the previous six months, Mr Comben had indicated to Mr Campion that counselling was either limited or in fact ceased; is that correct?
A. Yes.

Q. Then you're indicating that Reverend Comben is now asking for material to be put before the professional standards committee to show the church's interest in the matter before the committee further funds for counselling of Mr Campion; is that right?
A. Yes.

Q. In other words, there needed to be some legal
liability in the Diocese of Grafton before further funds
would be released for counselling; is that correct?
A. It appears to be, yes.

Q. Then the final comment is to cover your client's
position by saying that any moneys disbursed to date were
"an act of Christian charity" and not an admission on
behalf of the church; is that correct?
A. Yes.

Q. Then on 15 September, SJH-14 arrived. You must
remember this - a very substantial document from
Mr Harrison?
A. Yes.

MR BECKETT: Before I ask any questions about this
particular document, your Honour, I note the time.

THE CHAIR: Very well. We will adjourn until 10 o'clock
in the morning.

AT 4PM THE COMMISSION WAS ADJOURNED TO FRIDAY, 22 NOVEMBER
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