MR BECKETT: Bishop Slater is still in the box from yesterday.

<KEITH FRANCIS SLATER, on former oath: [10am]

<EXAMINATION BY MR BECKETT CONTINUING:

MR BECKETT: Q. Bishop, you raised a matter with me this morning that you wanted to make a short statement to the Royal Commissioners about. I wonder what was that about?
A. Thank you. Your Honour, I have noted in previous transcripts that one of the witnesses was noted to be smiling, and I was aware, after the session yesterday, that I had been smiling at various points.

I recognise the gravity and the seriousness of the matters that are before us, but I need to indicate that, of my personality, smiling is very much a part of the interaction with the person with whom I'm speaking at the time and I just want the Commission to understand that. I apologise in advance if I may seem to smile at a time which is not appropriate.

Q. Thank you. I wonder if the witness could be shown exhibit 3-2, tab 38A. Bishop, you'll see this is the minutes of the meeting of Bishop-in-Council dated 21 September 2006 where you were presiding. The Reverend Pat Comben is in attendance, as is Peter Roland, the diocesan advocate?
A. Yes.

Q. If we could go through to 811, the reference to North Coast Children's Home. Unfortunately, bishop, we only have what looks like an amended version of the minutes and we don't seem to have been able to find a final version of these minutes, so this is all we, unfortunately, have to work with. I wonder if you could just read the portion concerning North Coast Children's Home to yourself.
A. Yes.

Q. Do you recall this particular meeting in September 2006 of Bishop-in-Council?
A. I obviously was there.

Q. Yes.
A. As for recalling all of it I'm not sure, but, yes, I recall that there was a report about the 450 pages of material.

Q. Given the evidence you gave yesterday, would it be correct to presume that it was Reverend Comben who was reporting to Bishop-in-Council about what was occurring?
A. Yes.

Q. And that he was perhaps assisted by Mr Roland in that account?
A. I would suspect that would be so.

Q. Would Mr Roland have spoken in support of that particular report or at least indicated his views?
A. I would imagine he would have, yes.

Q. This is the only Bishop-in-Council meeting that we seem to have in the latter part of the year, certainly after the substantial dossier had been received by the diocese from Mr Harrison, and it's the only Bishop-in-Council meeting we have between September and I think it's February of the following year.
A. I would beg to dispute that, I would think, because that would not normally be the case. It may have been that year, but I can't imagine it would. Normally there would have been a meeting in November, yes.

Q. We have made extensive searches to try to find minutes of that meeting and have been unsuccessful. There is a paper that was provided later that year by Mr Comben about this matter that I'll come to in a moment, but there does not seem to be a Bishop-in-Council meeting in about that time. Do you recall there being specifically a meeting?
A. I can't recall the specific meeting, but it would not normally be the case, yes.

Q. In any event, there doesn't seem to be, in this note, any reference to the protocol; would you agree with that?
A. True.

Q. Is it unlikely, then, that the protocol and the application of the protocol to these claims was discussed at Bishop-in-Council?
A. I cannot recall that.
Q. You heard, no doubt, the evidence from Mr Comben that he received an indication from Bishop-in-Council that the approach to be taken was to follow the path of relying upon Mr Roland as solicitor for the diocese rather than the protocol; do you remember that evidence?
A. Earlier on in the year - that year.

Q. Well, at any time during 2006, do you remember what Mr Comben was saying, first of all?
A. Can you repeat the question, please?

Q. Okay. Mr Comben gave some evidence to the Royal Commission that he raised the issue of how to approach the claims, the group claims, from residents of the North Coast Children's Home with Bishop-in-Council. Do you him saying that?
A. Yes, yes.

Q. And do you recall me asking him why it was the case that there appeared to be no resolutions along the lines of departing from the protocol; do you recall me asking him that?
A. Yes, yes.

Q. And he said, from my recollection, that there was discussion in Bishop-in-Council which was to the effect that the legal approach was to be adopted in preference to the protocol; do you recall him saying that?
A. Yes, I do, yes.

Q. What do you say to that? Do you agree with what he said about that?
A. I think that's probably a fair comment on his part. The minutes are not highly substantial in that sense, and there is no contrary view in the minutes, I would think, to that.

Q. Do you agree, then, that Bishop-in-Council in 2006 supported the approach to the group claims of processing them through the diocesan lawyers?
A. There's no contrary view expressed to that.

Q. Yes. Do you agree with that?
A. Yes, in that sense, yes.

Q. Did there arise at that stage, or at any stage up until your contact with Dr Aspinall at the end of November...
2006, an issue dealing with the matter not as per the legal advice but on a moral basis?
A. I have been looking at the data that has been circulated and my note - my mind goes to the file note of Peter Roland in May, 12 May, which I referred to yesterday, in which he writes - well, had communication, I don't know if it's written, but it's communication, anyway, with Mr Harrison regarding the protocols.

Q. I'll just find that. If SJH-9 could be brought up, please. Does that assist with your memory?
A. I'm referring to the third line, actually.

... 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, et cetera ...

Q. You also heard of the letter of 10 October 2006 from Mr Roland to Mr Harrison where he says that the diocese has determined not to proceed under the protocol; do you recall that particular letter?
A. Yes. Thank you.

Q. If this is indicating, as it appears to do, that there was some consideration being given to following the protocol, what changed between May 2006 and October 2006?
A. I can't recall what the change was. I think it was just the process of the interaction between the lawyers that was going on at the time that arrived at that position of change.

Q. Mr Roland said that he received specific instructions from Mr Comben that that was the case. Are you saying that that was not your opinion or not the opinion of Bishop-in-Council?
A. Well, I think the minutes that you showed me before, the September minutes, basically don't provide a contrary view to that.

Q. I'll show you 10 October just so that we're clear. If SJH-19 could be brought up, please. Please have a look at paragraph (c) of that letter.
A. Yes, I see that.
Q. Do you agree that that was the position of the diocese by October 2006?
A. Yes.

Q. Then I think the next step is that you had received a telephone call from Dr Aspinall in late November 2006; do you recall that?
A. Correct.

Q. There had been some conversations between Mr McLary, the professional standards director at Brisbane, and Mr Comben, who was of course the registrar at Grafton, and then Dr Aspinall spoke with you. Do you recall what the import of that conversation was?
A. If I'm on the right conversation --

Q. I'll show you the annexure. AP-1 is a file note kept by the primate of that particular telephone call, just so I don't mislead you.
A. I think it was about taking a conciliatory approach.

Q. Yes. Just please familiarise yourself with this particular note.
A. Thank you.

Q. So do I take it from that that the nub of the conversation you had with the primate was that he was encouraging a conciliatory approach and you accepted that as the proper approach to take; is that right?
A. Certainly, yes.

Q. Sorry, I didn't quite catch that?
A. Certainly.

Q. Then there was some concern raised by the primate about Reverend Pat Comben; specifically he was concerned that Pat "hadn't dug his toes in" and was "playing hard-ball". Do you see that?
A. Yes.

Q. So was that your experience at that particular stage, that Mr Comben was playing hardball?
A. Mr Comben is a dominant character, and he would have been progressing the matter in the interests of the diocese.

Q. In an aggressive fashion?
A. I guess it could vary between being assertive and aggressive.

Q. We know that shortly following this the primate wrote to you setting out six principles that he suggested be applied; do you recall that?
A. I do, yes.

Q. Do I take it that as a result of that, you suggested that those principles be adopted and that a settlement offer be put to the claimants; is that correct?
A. Yes.

Q. Were you aware that those principles were amended on the instructions of Mr Comben?
A. I have tried to remember this. I would have considered that it was probably a conversation that took place between Mr Comben and myself and Mr Roland at the time, and actually moulded the principles to suit what we believed was the situation we were in at that stage.

Q. Did that include, there was a particular principle which related to unfettered access to the courts; do you remember that principle?
A. I do, yes.

Q. And do you remember that principle being watered down to recognise a right to litigate but not accepting an unfettered access to the courts; do you recall that?
A. I saw the words that were written there.

Q. Yes.
A. I didn't consider that that was a watering down in that sense.

Q. In your mind, it wasn't phrased in the way that it was so as to allow the diocese to maintain a limitations defence?
A. I don't recall that.

Q. In any event, you supported the letter of 14 December 2006 being sent to the claimants?
A. Yes.

Q. And the two offers, the (a) and (b) offers of settlement that were proposed there?
A. Yes.
Q. Do I take it, then, that you tasked Mr Comben and Mr Roland with undertaking the negotiations that occurred not just in December at the settlement conference on 19 and 20 December but throughout January, February and March 2007?

A. The delegation had been made considerably some time before, but, yes, in that particular settlement process.

Q. What was the delegation you just referred to?

A. Well, in matters of day-to-day interaction that needed to happen in progressing the claim, Mr Comben and Mr Roland were the key people. Mr Comben certainly had the strong lead in it.

Q. What were the circumstances around determining the global figure that was offered on 19 and 20 December? Do you recall that by the end of 20 December, the diocese had offered $750,000 to settle all of the group claims?

A. Yes, yes.

Q. How was that figure arrived at and who instructed the lawyers to put that offer?

A. The conference was - I wasn't at the conference, and so Mr Comben and Mr Roland were basically authorised to proceed with the conference to see where the figure would get.

Q. So was it a case that they were to come up with a particular figure that they thought in their minds was appropriate, and that they would then come back to you or Bishop-in-Council for approval of that amount, or were they sent in to the settlement negotiations with a ceiling, a top amount?

A. I don't recall there being a ceiling placed at that point. I think they were sent in there to broker, as Mr Harrison used in his witness, and the outcome of the settlement conference would then need to be approved by the Bishop-in-Council.

Q. But in terms of that matter, I think I've asked it poorly - did you approve Mr Comben putting an offer of $750,000 to the claimants prior to the meeting on 19 December?

A. No, not as far as I recall.

Q. During that conference, 19 and 20 December, were you
asked for approval to put such an offer?
A. I think the record shows that there was a phone call
to me during the conference and that I - it was at $500,000
at that point, and I urged them to move to $600,000 in the
process. I don't recall whether I had said at that stage
to go any further or not. But it was that situation of the
settlement being brokered at that time, and I think we were
looking to see where we would end with the figure - with
the process.

THE CHAIR: Q. Bishop, when you say the "settlement
being brokered", I take it what you mean is achieving the
best outcome for the church; is that what it amounts to?
A. I guess that would be a way of putting it, yes.

MR BECKETT: Q. Do I take it that following that
meeting, and between then and March 2007 when the ultimate
figure of $825,000 was agreed on, uppermost in your mind
was the financial burden that the settlement would place on
the diocese?
A. Yes, certainly, that was a concern for myself but also
for the Bishop-in-Council.

Q. You've heard of some of what Mr Roland agreed were the
commercial tactics that were used in the months that
followed.
A. Yes.

Q. And you heard, I think, at one stage of Mr Roland
taking the offer completely off the table. Were those
sorts of tactics discussed with you?
A. I think I need to say that you asked me this question
in the private hearing, from what I recall, around this,
about taking the offer off the table.

Q. Yes.
A. I said at the time that I couldn't remember that
situation. I think I need to retract that and - well,
maybe I didn't remember it at the time of the hearing. But
having seen the documentation and so forth, I have since
dredged up that memory.

Q. What is your memory now?
A. My memory was it was taken off the table.

Q. With your approval?
A. I guess it must have been, yes.
Q. All right. So you don't recall specifically saying yea or nay to such an approach?
A. No, I think it was seen as being still part of the negotiation that was taking place.

Q. Did you consider what effect those sorts of negotiations might have on the group claimants?
A. I think the answer is no.

Q. You were certainly aware of the nature of the abuse, including child sexual abuse --
A. Certainly.

Q. -- that had come forward?
A. Certainly.

Q. You considered, did you not, that you had a moral obligation to these people, notwithstanding the legal advice that you had received about denial of liability; would that be correct?
A. Yes, I think that's - that was in the previous document, when we talked about - well, sorry, Archbishop Phillip's file note, when it speaks of Grafton wanting to talk about care packages, and that's part of the moral responsibility.

Q. Did it strike you at the time - that is, in those first three months of 2007 - that the commercial approach that was being taken to negotiations might be at odds with a moral approach to respond to the claims?
A. No, but I can see, on reflection, yes.

Q. You can see why some people might now say that the approach taken was unduly harsh, given the nature of the abuse that these people had sustained?
A. True.

Q. I understand that as a result of the negotiations, a settlement was reached for $825,000 for all of the claims?
A. Yes.

Q. And that part of the arrangements included an apology being offered to the claimants.
A. Mmm.
Q. I'll just take you to the draft that was provided. If
the witness could be shown exhibit 3-2, tab 81.

THE CHAIR: I don't think it was all of the claimants, was
it?

MR BECKETT: If I indicated it was all of the claimants,
I withdraw that. I'll ask it again.

THE CHAIR: That's all right. I think we understand.

MR BECKETT: Q. The first page of this document is in
fact a letter to Mr Roland from Mr Comben enclosing a draft
apology, and then that is the draft that was provided to
Mr Roland on 14 June 2007. Please just read through that,
if you could.
A. Yes.

Q. Bishop, was this a letter that you had seen or
approved of in or about June 2007?
A. Yes.

Q. Had you made any amendments to the draft that had been
provided to you by Mr Comben?
A. I recall the draft being placed before me and
I certainly gave it quite a bit of attention at the time
and I can't recall any major changes, but Mr Comben and
myself have various styles of writing and expressing
ourselves, I think, and I may have, as he said, finessed it
in parts.

Q. Those words in the first paragraph, "community based
facility", to describe the home - was that your phrase or
Mr Comben's phrase?
A. I think it's probably a term that had been - we've
probably used over a period of time, I think, in our own
conversation.

Q. So do I take it that by this stage you were well aware
of the approach that Mr Comben had taken, which included
distancing Anglican Diocese of Grafton from the home by
describing it as an independent committee; is that correct?
A. Yes.

Q. And his position was that the committee was formed by
community members and that there was no legal association,
in the sense of there being a duty of care, in the Diocese
of Grafton for what occurred at that home?
A. Yes.

Q. Did you consider, when this apology was offered to the
claimants, that describing the home as a "community based
facility" might inflame rather than salve the wound?
A. I think I struggled with how we would write the
apology at the time, but on reflection I could see how it
might be read and how it may inflame.

Q. If you were accepting of the association with the
home - between the church and the home - that the claimants
had been pushing for, then it would have been more
appropriate to them to have acknowledged at least an
association between the church and the home, wouldn't it?
A. I think in the second paragraph it leads to that.

Q. Again, those words "support and chaplaincy" maintain
a degree of distance between the church and the home, don't
they?
A. They maintain a distance, I guess, if you view it from
one perspective, but they also indicate the kind of
connection that's there.

Q. Then the statement:

Whilst I am advised by the lawyers that the
Home was not our responsibility ...

That indicated clearly what the position of the church was,
didn't it?
A. Yes.

Q. You've heard some evidence about the receipt of this
apology and you're aware, are you not, that the Royal
Commission has been unable to unearth any copies of
a signed apology in this form?
A. I've heard that, yes.

Q. Do you recall signing any apologies to any of the
claimants?
A. Yes.

Q. You do?
A. Yes. I remember them being brought to me at some
stage and saying, "These need to be signed."
Q. Was it one, two, a whole stack of them or --
A. A stack of them.

Q. So do you disagree with Mr Comben's evidence yesterday that he thought Mr Harrison had rejected this form of the apology?
A. I don't recall that, but that may have been from his perspective. But I don't recall that.

Q. Evidence was given by Mr [CK], the first witness at the Royal Commission, that he had not received an apology. Can you assist us as to why that may have been the case?
A. I had no idea. I've thought this through. I knew that I'd signed them, and that's - when I signed them, I expected that they were going to go.

Q. You were aware, weren't you, by 2007 that the process under the protocol involved the provision of counselling, even from a very early stage of the making of a claim; that's correct, isn't it?
A. Yes.

Q. And that the protocol also includes the appointment of a pastoral support person for individual claimants; is that right?
A. Yes.

Q. And that there is also encouraged an ability for each of the claimants to be able to present their story for acknowledgment; is that correct?
A. Yes.

Q. Given what you now know of the evidence, plus your recollection, is it a reasonable conclusion to say that save for the process between the lawyers, the settlement process between the lawyers, none of those matters were provided to the individual claimants?
A. They were offered, I believe, but not provided.

Q. I'll ask you about that offering. Do you recall the letter of 14 December 2006?
A. Yes.

Q. And do you remember that there were two offers made in there?
A. Yes.
Q. And that counselling was certainly a part of the first of those two offers?
A. Mmm-hmm.

Q. And do you also recall that both of those offers were contingent upon entering into a deed of release?
A. That's what it says, yes.

Q. Do I take it from that that the counselling that was offered in that letter, for example, was contingent upon settlement of the claims?
A. That's what it says, yes. But --

Q. What I'm asking you is that if one considers the protocol, counselling, for example, is not something that is necessarily bound up in a process that is met with entering into a deed of release?
A. I understand that, yes.

Q. In fact, it's offered straightaway, without any requirement that the claimant accept some sort of deed of release to release the church from any obligation; do you understand that?
A. Yes, I hear where you're going, yes.

Q. So is it not reasonable to conclude that in fact counselling and those other elements, including an apology, became wrapped up in the legal process of dealing with the claim and were not offered separately?
A. I don't know if that was the intention, but that's how it reads in that particular letter, but I would contend that from the earlier stages of the whole process, there wasn't the opportunity to take - it was actually offered earlier in some of the literature I seem to have seen and I am not sure of how it eventuated, but I have a sense that because it was being dealt with lawyer to lawyer, we wouldn't get access to the claimants to actually offer that.

Q. Certainly after October when the protocol was expressly put to one side, there doesn't seem to be any approach to the claimants saying, "We'll deal with the legal matters and the question of financial settlement on one side, but we are now, today, willing to offer each of your claimants counselling, should they wish it"; is that correct?
A. Yes.
Q. Just to round off the group claims, we've dealt with the issue about financial settlement between the lawyers. Do I take it from the involvement of the PSC and Mr Comben that you left it to both that committee and Mr Comben to inform the police --
A. Yes.

Q. -- of any allegations; is that correct?
A. Yes, yes.

Q. Did you have an express conversation with him about that or was it just implied?
A. I don't recall the conversation, but we probably did have a conversation in which he shared that information with me and I basically probably said, "That needs to be dealt with."

Q. Perhaps yesterday you saw tab 39, the schedule that then Reverend Comben provided, having read the 450 pages?
A. I didn't read that, I don't think.

Q. I wonder if the witness could be shown exhibit 3-2, tab 39. Perhaps I should ask, to begin with, bishop, did you see or were you shown a copy of this document in 2006?
A. Yes.

Q. When were you shown that document?
A. I don't recall.

Q. Was it likely to have been prior to the December negotiations?
A. I can't be certain when I was shown it.

Q. I presume you read the document when you received it?
A. I must have, I think, at the time.

Q. And you'll note there on the sixth column it lists the alleged perpetrators against the type of abuse that had occurred. Do you see that?
A. Mmm-hmm. Yes.

Q. And were you aware, if we just scroll down to the second-last page, please, that there were 20 sexual matters, that is to say, 20 separate claims of sexual abuse?
A. I don't know if I was actually aware that there were
20, but I was aware that there were a number of claims, yes.

Q. What I'm attempting to ask you in my own ham-fisted way is how can it be the case that three letters were written to the police by Mr Gerber reporting two members of clergy and one former resident, yet it appears that there are a large number of other alleged perpetrators who were not reported to the police?

A. I don't know the answer to that, but I think I probably assumed that the matters that needed to be dealt with at that level were actually dealt with. I wasn't aware, I don't think, that there were actually just only three letters written at the time.

Q. So you weren't informed of that?

A. I probably knew that those three were, but I also assumed that all the matters that needed to be dealt with by the police were referenced --

Q. Did you consider that only the matters involving clergy needed to be reported to the police?

A. I don't know that I thought that one through at that level, but I imagine if - I didn't think it through. I just - I basically was taking the line that it was being dealt with at that stage.

Q. Do I take it from that that you didn't follow up again after those letters were sent by Mr Gerber in December 2006 to see what was happening with reporting to the police?

A. It was reported to me that the report had been made in relation to those three and the police had basically said, "Don't do anything at this stage."

Q. Did you take any steps after that to see what was happening with the police investigation?

A. No.

Q. And you heard Mr Comben yesterday saying that he didn't take any steps in the following two years that he was at the diocese to investigate that issue. Does the same apply to you?

A. Yes.

Q. And do you acknowledge that --

A. Yes.
Q. -- as a failing? I wonder if exhibit 3-5 could be put on the screen, please. This is a letter from Mr Comben to Mr Roland about what is to happen with, first of all, those claimants who did not agree to settle, in other words, Mr Campion and [CA], and then also future claims. If you could just read the two pages to yourself, please? And over the page. First of all, can I ask you did you support the approach taken by Mr Comben that further inquiries from the present group should be only responded to if legal proceedings had been commenced?
A. I don't recall that.

Q. Do you recall Mr Comben speaking with you or perhaps addressing Bishop-in-Council about that particular issue?
A. I don't recall it.

Q. The second sentence there says:

Our instructions to your firm will from the time of this settlement be to ask that all enquiries be passed to the Diocese and we will respond pastorally, but not with further settlement negotiations.

Do you see that?
A. Yes, on the second page?

Q. On the second page.
A. Yes.

Q. That's a reference, is it, not, to any future claims being dealt with pastorally rather than through any form of financial settlement?
A. It would appear to be that.

Q. This letter is dated 27 March 2007. Were those instructions provided by you to Reverend Comben at about that time? Sorry, I didn't hear your reply?
A. I haven't made it yet. I'm having difficulty recalling this part of it. We may well have had a conversation and instructions were given, yes.

Q. In any event, in or about March 2007 did you accept that that was to be the new policy of the Diocese of Grafton, namely, that future claims would be dealt with in a pastoral way rather than through some form of financial settlement?
A. Well, it's certainly there and even though it doesn't relate it very well, I suspect it's also relating it - trying to pull it back into protocol level rather than having litigious settlements.

Q. So you're interpreting the word "pastorally" as meaning application of the protocol, are you?
A. That's all I can think of at the moment, but I don't - I can't recall how we defined it at the time.

Q. Mr Comben gave some evidence yesterday that he had a conversation at Bishop-in-Council with a Mr Shorten - sorry, I'm not sure what his title is. Reverend Shorten, perhaps?
A. Mr.

Q. Mr Shorten, who asked specifically what was to happen with further claims if they were to arise. Do you remember that discussion at Bishop-in-Council?
A. Yes. Yes, in broad terms.

Q. What were those broad terms that you recall?
A. I think the broad terms - I recall the conversation taking place, but actually getting to the information side of the conversation eludes me.

Q. Let me move on. Later in 2007 it appears that you decided to deal with Mr Campion and [CA] yourself rather than through Mr Comben or the solicitors. Is that reasonable to conclude?
A. Yes, yes, yes.

Q. You'd just obviously been through the settlement process. That had been successful in the sense that you had 38 or 39 people who had agreed, yet you had two people who had not accepted the settlement; that's right, isn't it?
A. Yes. Three, I think there were.

Q. Three, yes, and the third one - I don't need to name him - did ultimately accept the settlement?
A. That's true, yes.

Q. Why did you determine to deal with Mr Campion and Ms [CA] yourself?
A. I was aware that they were original claimants outside of the group. I think there was probably some discussion
at the time with Archbishop Phillip Aspinall, and he was
certainly, I think, encouraging me to keep connected with
Mr Campion and with [CA], and I know that Mr Campion,
through various channels, had been asking for an
opportunity to meet.

Q. And you did agree to meet him on 3 July of that year?
A. I did, yes, yes, yes.

Q. And also with [CA], of course?
A. That's right, yes.

Q. Just about the decision to deal --
A. Can I just say that I believe that I was trying to act
from a pastoral perspective at that stage, because I wanted
to hear the story.

Q. You didn't consider at that stage that it may have
been appropriate to perhaps bring the professional
standards director back into the process to liaise with
Mr Campion?
A. I think my notes at the time - I'm trying to recall
them now, but I think there is a short note there which
basically says that it was not my intention to become
involved the way I did in an ongoing way with Mr Campion
and [CA] at that point. That was not my original
intention. My original intention was to give the
opportunity to meet, to hear the story, to hear some of the
issues that they wanted to present to me.

Q. You'd accept now, wouldn't you, that if you had
provided Mr Campion's matter to the professional standards
director, the matter could have returned to an arm's length
process?
A. I totally agree with that, yes.

Q. As a result of that 3 July 2007 meeting, I think there
was a letter on 10 July and then on 14 August, from memory,
you wrote to Mr Campion and to [CA]. I wonder if RC-46
could come up, please. Do you recall this letter?
A. Yes.

Q. If we could go over to the second page, please,
bishop, you've seen this letter many times, no doubt, and
heard evidence of it both from Mr Campion and from others.
Do you accept that accusing Mr Campion of having betrayed
the other members of the group claim was an inappropriate
way to write to Mr Campion?

Q. Yes.

A. I accept that. Can I just talk about the letter in general?

Q. Yes.

A. I have obviously looked back at this considerably, this particular letter, because it was raised in the private hearing, and thought about it. I think that I was trying to do too much, to write from various perspectives, in this letter and the styles simply became confused. There's some legal stuff, there's some practical stuff, there's historical stuff, and I suspect that this is almost - this section had almost got into my mind into being a spiritual direction, a challenge, in a sense, in that sense, in which sometimes we're challenged to think through again what is going on at this time. That's not always easy to do.

I apologise for that to Mr Campion and to [CA], because I think it's confused a whole lot of styles in the one letter, and I apologise for it.

Q. So you would accept it confuses a number of interests as well, wouldn't you?

A. Yes.

Q. One of the interests is to deal with in a pastoral way - and I mean that in the broadest sense - a claimant who has come to the diocese saying they had been sexually abused in a church home?

A. Yes, yes.

Q. It also confuses the interest of the bishop in protecting the finances of the diocese, does it not?

A. It does, yes.

Q. It also confuses your attempt to protect the interests of the other claimants who had accepted a settlement in the group claim?

A. Yes.

Q. And that it would be advisable, if you were ever to be put in this position again, to rely on the independent advice provided by a professional standards director --

A. Absolutely.

Q. -- and the committee. I understand that by 2007
concerns had been raised about a very substantial debt owed as a result of a loan provided to the Clarence Valley Anglican School. Is that correct?
A. Yes. I'm not sure of the date - 2007, 2008, in that sort of range, yes.

Q. It was in that range.
A. The beginnings of it.

Q. So it arose after the settlement of the group claims; is that right?
A. I think in my mind that's the historical sequence, yes.

Q. There has been some substantial evidence, but I think, simply put, the debt was in the order of about $12 million; is that correct?
A. The final debt was in the order of $10 plus something million. In the early stages, it was very difficult to define what the actual debt was. It took us quite some time to actually define it.

Q. Then steps were taken, I think, first by Reverend Comben and then later by Mr Newby to set in place a financial structure to deal with that particular debt; is that correct?
A. That's probably being simplified, I think.

Q. Yes, it's coming out of my simple brain, I'm afraid. A. I'm not being critical. Certainly during Mr Comben's time we were beginning to grapple with the debt, probably in 2008 I think particularly, in which we were drawing upon any reserves that we had as a diocese to try and find our way forward. And that process at that point wasn't as successful as we had hoped. It led into an appeal being launched, a bishop's appeal.

Q. The bishop's appeal was essentially a call to the various parishes that constitute the Diocese of Grafton and asking them to release assets, if you like?
A. Not initially. Not initially.

Q. Not initially?
A. I'm talking now in 2009. In the early stages - yes, 2009. I'm confused whether it's 2009 or 2010, actually, that I'm talking to now, in which the bishop's appeal was launched, and it was a general appeal at that stage across
the diocese for support. It was open, certainly, to
parishes and institutions within the diocese to contribute.
By May 2010 we knew that we were in deep trouble, financial
trouble, and so we began to have conversations with - well,
I had a conversation at that stage with the primate while
we were at General Synod; it would have been about
April/May 2010. Following on from that, a number of
possible support people from around the Australian church
dioceses and people with expertise were drawn together.
Subsequently, after synod in 2010, it was decided to have
a three-year plan for the diocese, and a key part of that
plan was to put in place an independent oversight
committee, which consisted of a range of expertise from
around the Australian church and from representatives from
a lines of credit that we had put in place at that time.

Q. I think we heard some evidence from Mr Newby about the
establishment of the independent oversight committee.
A. It was established through the synod's decision.

Q. As I understand it, part of that three-year plan
included the sale of a number of assets?
A. Yes, that's the extension of the bishop's appeal at
that stage.

Q. The question I have for you, bishop, is with respect
to the management of claims, it appears from the financial
statements that we have been able to unearth that no
specific provision was made in the financial statements for
professional standards matters, including future claims
from the North Coast Children's Home. Do you agree that no
provision was made in the financial statements?
A. I suspect there was the first year after the claim,
but I could be wrong. Following on that, there was no
money left to actually allocate.

Q. I want to ask you about that phrase "no money left".
Is that a reference to cash assets on hand?
A. All of our financial resources, cash resources,
available, had been drained.

Q. I understand that, but the comparison I'm attempting
to make is that whereas the debt to Clarence Valley was
dealt with by a relatively sophisticated approach -
establishment of an independent oversight committee,
a number of lines of credit from other dioceses around
Australia and the sale of a number of assets - you'd agree
with that, wouldn't you?
A. Mmm.

Q. Why wasn't the same approach taken to provisioning for future claims for professional standards matters?
A. I think we were totally distracted and focused upon the school situation.

Q. So priority was given to the school situation?
A. Absolutely, yes.

Q. And that priority included over the payment of claims for professional standards matters, including claims of child sexual abuse?
A. I don't think it was thought of in that situation, but I guess the outworking of that is, yes.

Q. In October 2008 you, or at least Mr Roland, received a letter with respect to claimants [CE], [CF] and [CG]. The evidence I think is quite clear that both Mr Roland and Mr Comben were of the opinion that there was no money available for settling of those claims; that's correct, isn't it?
A. Yes.

Q. So the approach taken was that they would be offered a pastoral response but not a financial settlement; is that correct?
A. I think that's so, yes.

Q. The evidence is also that neither of those matters concerning [CE], [CF] or [CG] were referred to the professional standards director; do you accept that?
A. Yes, yes.

Q. Do you know why that was the case?
A. No.

Q. Is it simply the fact that on the back of having settled the other claims and dealing with Mr Campion and [CA], you thought these matters were best handled within the offices of the Diocese of Grafton and there was no need to send them to the professional standards director?
A. I think these were not sexual abuse cases.

Q. Yes, that's right.
A. Yes. I think your question is probably correct, yes.
Q. Just moving on, then, to [CB] and [CC], by the time we come to [CB] and [CC] - and you know the two people I'm referring to, do you not?
A. Yes.

Q. And you received, in February and March 2011, two letters, one from each of them, setting out the sexual abuse that they had received?
A. Yes.

Q. I think your initial response was twofold. First of all, you wrote back I think to [CC] first, indicating that she would be, if she wanted to, offered a priest to speak with; do you recall that letter?
A. A priest or a pastoral support person or - I can't recall.

Q. I'll show you the document. It is 128 in exhibit 3-2. Just some background, [CC] had written to you setting out that she had been sexually abused at the North Coast Children's Home, hadn't she?
A. Mmm-hmm.

Q. Sorry, you'll have to say "yes"?
A. Yes.

Q. There was some apparent delay and you then responded, and in that final paragraph you say:

I wonder if you might allow me to put you in touch with a priest in the area where you live.

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

Q. I think she wrote back saying that would be inappropriate because --
A. True, yes.

Q. -- she had been molested by a priest?
A. Yes, yes.

Q. And it was at that stage that you then moved to offer her pastoral support not by a priest; is that right?
A. That's right, yes.
Q. At about this time, you had received a similar and quite detailed letter from Mr [CB]?
A. Yes.

Q. Which also set out in some graphic detail the nature of child sexual abuse that he had received?
A. Yes.

Q. In both cases, you did not provide that material to the professional standards director?
A. True.

Q. That, I think, you later acknowledged in your resignation speech was a breach of the ordinance?
A. Absolutely.

Q. We've received evidence that Mr Roland wrote to both [CB] and [CC] on your instructions. I wonder if AH-13 could be brought up, please. Mr Roland has indicated in evidence that he was instructed to write these letters directly by you, I seem to recall; is that correct?
A. That's probably so, I think.

Q. All right.
A. Yes.

Q. So you would agree, first of all, that the letter contains a denial of liability from a solicitor?
A. Yes.

Q. And that it also contains an offer of a - it says a pastoral support package there.
A. Yes.

Q. But the pastoral support package is either (a) or (b), being "the appointment of a support person to meet with you and seek to assist you to move towards wholeness". Do you see that?
A. Yes.

Q. And those words "move towards wholeness" - are your words, are they not?
A. Yes, yes.

Q. And there is nothing else in that package, is there?
A. No.
Q. You would agree, wouldn’t you, that the nature of this particular letter is such that it is an unduly harsh way in which to respond to a person who has come to the diocese complaining of sexual abuse in a church home?
A. I totally agree.

Q. And that the more appropriate response was, of course, to refer the person to the professional standards director?
A. Absolutely.

Q. So that they could be provided with counselling?
A. Yes.

Q. A pastoral support person through that process; is that correct?
A. Yes.

Q. And the process of facilitation that might apply under the Sydney care and assistance package is an appropriate way in which to consider the appropriate --
A. Yes.

Q. -- items of redress?
A. Yes.

Q. By the time we come to 2012, you had finally settled with Mr Campion. That’s correct, isn’t it?
A. That’s right, 2010.

Q. In 2010 he had agreed to a financial settlement which had some additional elements on top of the original financial settlement; that’s correct, isn’t it?
A. Yes.

Q. And that both you and Mr Comben had provided separate apologies to him in writing?
A. Yes.

Q. But it’s reasonable to say that Mr Campion was not satisfied with that and continued to approach you to seek some form of acknowledgment of responsibility that the church had for the home; is that correct?
A. Yes, yes.

Q. It was no surprise to you, I would imagine, that in February 2012 he was demonstrating outside the cathedral in
Brisbane?
A. Well, "no surprise"? I'm not quite sure how to respond to that.

Q. I'll withdraw the question. I think it was not a proper question to put to you. In any event, you became aware --
A. Yes.

Q. -- that Mr Campion was demonstrating outside the cathedral; is that right?
A. Yes, yes.

Q. And that as a result of that, Archbishop Aspinall contacted you --
A. Yes.

Q. -- to speak with you about Mr Campion's matters; that's right, isn't it?
A. Yes.

Q. Could we bring up AP-20, please. I'll let you read through that letter, particularly the last paragraph on that first page.
A. Yes.

Q. Do I take it that by March 2012, I think the evidence is that a number of letters had been written by you, and even by Mr Roland, setting out the legal position of the Diocese of Grafton concerning liability for abuse at the home; is that a reasonable summary of the steps that had been taken prior to that?
A. At what time frame are we talking of here?

Q. Sorry?
A. What time frame are you actually talking about?

Q. I was talking about from the period 2009 through to 2012.
A. Right, okay. Yes.

Q. Nonetheless, it appears that Mr Campion has gone to the archbishop and asked him for an explanation as to why the Anglican Church is taking the position that it is; is that reasonable?
A. Yes.
Q. And the primate, in this letter, is proposing that you provide an explanation to him?
A. Yes.

Q. And I think if we go through - I'll take you to some additional documents in a moment, but essentially discussions occurred during 2012 about a meeting with Mr Garth Blake SC to explain to Mr Campion the nature of the church's position?
A. Yes.

Q. And I think there were two proposals for such a meeting. The first fell through, but eventually, in I think August 2012, one took place?
A. Yes.

Q. If you could go to AP-21, then, please, this is also a further letter from the primate to you. In the second paragraph there, he says:

> You will understand by now how heavily Mr Tommy Campion’s pleas weigh on me. Over the past month or so you and I have spoken by telephone several times, met face to face during the national bishops meeting and exchanged emails over this matter. Still little has happened.

What was the nature of those telephone and other conversations you had with the primate in March 2012?
A. The particular part that I recall was at the national bishops meeting at which - I think I need to go back prior to that, actually.

Q. Yes.
A. Now that I've reflected upon it. The primate, from what I recall, was promoting the opportunity for Mr Campion and myself to meet and for this matter of duty of care, legal ownership of the North Coast Children's Home, to be placed before him. Arising out of those conversations, the primate was seeking to have a key profile legal person to present the case, so someone who was independent in that sense. I think Tony Fitzgerald was mentioned at that time and some communication with him took place, but that didn't eventuate.

Q. As I understand it, you resisted the inclusion of
Tony Fitzgerald; that's correct, isn't it?
A. I was reticent at first. That's the word I used at
the time, I think, in the communication. I was reticent.
But we were proceeding to explore that option.

Q. In any event, it didn't take place, did it?
A. Not with him, no.

Q. That is to say, Mr Fitzgerald was never involved in --
A. No, no, no. I'm just trying to relate the history for
you.

Q. Thank you.
A. And that's followed by a meeting, a conversation with
the primate and Garth Blake after the bishops conference.

Q. Before we get to that, there are a number of
intermediate steps there. Obviously the primate appears
somewhat annoyed. In that first paragraph, he says:

Still little has happened.

Do I take it from that that you had delayed on getting back
to him or accepting his advice?
A. I think this toing and froing around trying to
establish whether Tony Fitzgerald would participate
coloured the situation at the time.

Q. You were concerned, weren't you, that the involvement
of Tony Fitzgerald might encourage Mr Campion to commence
further litigation?
A. That was one of the issues, yes. I'm not sure whether
the involvement of Tony Fitzgerald created that or not,
but --

Q. All right. Why didn't you agree to Mr Fitzgerald
being involved in such a meeting?
A. I thought I'd already said that it didn't happen
because Mr Fitzgerald didn't want to be involved.

Q. Oh, I see. I apologise.
A. I'm sorry if I --

Q. Now, in AP-21, if we could go to the third paragraph
on the second page, you will see the third paragraph there.
It is clear that you were maintaining that the home was
administered elsewhere than by the diocese and --
A. I'm sorry, whereabouts are you?

Q. I'm sorry:

I acknowledge that your description of how the home was administered ...

The third paragraph.

A. Yes, thank you.

Q. I'll let you read that.

A. Yes.

Q. I presume at that point in time you had advised the primate of the legal position and the advice that you had received?

A. Yes.

Q. He indicates that those links, to his mind - that is, that "the home was closely, publicly and at times explicitly identified with the Diocese of Grafton" - were in themselves enough to establish "a continuing pastoral obligation to do all that is reasonably possible to assist Tommy". Do you see that?

A. Yes, yes.

Q. Did you agree with that?

A. Oh, yes, yes.

Q. What steps did you take to meet that pastoral obligation?

A. The meeting with Mr Campion was arranged.

Q. Mr Campion wanted his own lawyer to attend at that meeting, didn't he?

A. In the original understanding, yes.

Q. You were concerned about that and rejected his ability to take a lawyer along to that meeting; is that correct?

A. I was reticent about it at the time, in the initial phases, yes.

Q. But that reticence caused you to oppose the inclusion of a lawyer for Mr Campion; is that right?

A. I think I was acting under advice at that time, because of what you raised earlier about possible future legal litigation.
Q. When you say you were acting under advice, was that from the chancellor, Mr Blackburn SC?
A. Yes.

Q. So you took his advice, which was to discourage, or in fact prevent, the involvement of a lawyer for Mr Campion at such a meeting?
A. That was certainly the advice at the time.

Q. You didn't consider that there would be some imbalance at the meeting where Mr Blake SC was representing the Grafton Diocese but Mr Campion was denied any representation?
A. No, I did not. I think the eventuality of it was that Mr Blake actually said he wouldn't make himself available if another lawyer was present at that meeting.

Q. Do you understand why he had said such a thing?
A. No, I don't.

Q. If you could go to RM-38, please, if that could come up on the screen. Do you see this is a letter of 19 June 2012 that you wrote to Mr McLary, and then over the page as well?
A. Yes.

Q. I take it from that that you were firmly of the opinion that Mr Campion was contemplating further legal action at that stage in June 2012?
A. That's how we were reading the situation at that time, yes.

Q. You had received no indication from Mr Campion that he was proposing to commence further proceedings?
A. No.

Q. Are you aware that Mr McLary was himself not of the opinion that legal proceedings would be commenced shortly by Mr Campion?
A. Yes.

Q. So that was entirely on the basis of him asking for a lawyer to be present in the meeting with Mr Blake; is that right?
A. I think that's probably so.
Q. On the second page, the third paragraph, beginning, "It may be that the most charitable thing for Mr Campion is for all involved to draw a line under the matter", do I take it from that that essentially you wanted to say no to any further involvement of the diocese with Mr Campion?
A. I am not sure.

Q. I'll ask it a different way. It seems to be the case, especially the use of the term "draw a line under the matter", as indicating that the diocese would have nothing further, more, to do with Mr Campion?
A. I think it's more - that may well be part of it, but I think it's also we had interacted for a considerable amount of time with Mr Campion over a number of years, and I think we had probably found that we got to certain points and came to agreements at certain points, but then something else beyond that always seemed to emerge.

Q. Do I take it that you were quite desperate, at this stage, to really put what had been a long-running saga, some five or more years, to bed; is that right?
A. Yes, it - yes.

Q. And then you say two paragraphs down:
... I do not consider it appropriate to put at risk any persons who may have had a duty of care, and not actually involved in any abuse. Such persons may be elderly, frail or otherwise unable to cope with litigation ...

Do you see that?
A. Yes.

Q. So you were obviously concerned for former staff members or those involved in the running of the home?
A. Yes.

Q. And do you agree that you were putting the interests of that person above Mr Campion?
A. In the reading of it, yes.

Q. Sorry, I missed that?
A. It would appear that in the letter, yes.

Q. And that, in itself, was an inappropriate response to
provide to somebody who was seeking acknowledgment from the
Diocese of Grafton?
A. This is a letter from me to Mr McLary.

Q. Yes.
A. Trying to explain where we were at. It's not a letter
to Mr Campion.

Q. I agree. I apologise if that's what I said.
A. I got that impression that's where we were going.

MR BECKETT: I wonder if that's a suitable time.

THE CHAIR: We will take the morning adjournment.

SHORT ADJOURNMENT

MR BECKETT: Your Honour, I omitted to record the
appearance of Mr Brady for Mr Elliott. He may wish to
announce his appearance.

MR BRADY: May it please the Commission. I represent
Mr Michael Elliott. I seek leave to appear for
Mr Michael Elliott. I understand from my friend the
learned counsel assisting that previously a Mr Patterson
had been granted leave, your Honour, and I seek to carry on
that leave.

THE CHAIR: I granted leave, did I, in chambers?

MR BECKETT: You certainly did, yes, to Mr Patterson to
appear for Mr Elliott. He's been supplanted by Mr Brady.

THE CHAIR: He's not with us, and you --

MR BRADY: That's correct, your Honour.

THE CHAIR: Very well. You have no difficulty with that,
I take it?

MR BECKETT: No, your Honour.

THE CHAIR: Very well. You have that leave.

MR BECKETT: Q. Bishop, a matter that I omitted to ask
you about before - you were taken through some evidence
before the break concerning discussions you had with the
primate at the end of November and into December 2006. Do you recall those discussions? I will provide some more detail to you. We're going back to the period just before the settlement negotiations in December 2006?
A. Mmm-hmm.

Q. And do you recall you had a conversation with the primate about 24 November 2006?
A. This is leading up to the principles and --

Q. Yes, and then the principles letter arrived on 8 December.
A. Yes. Thank you, I'm with you now.

Q. And then, as I understand it, you also indicated that in 2007 you had some contact with the primate as well, possibly in connection with Mr Campion; is that correct?
A. There was a number of communications over the years, yes.

Q. You indicated that one of the things that was uppermost in your mind about the settlement of the claims was the ability of the diocese to pay out such a substantial amount of money?
A. Yes.

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

Q. Did you ever raise that issue with the primate, that is to say, did you ever ask him whether he would be able to assist with payment of that amount?
A. Not that I recall.

Q. Given that he was at that stage, and still is, the titular head of the Anglican Church of Australia, was it not something that came to your mind as being a possible source of funding or assistance for such matters?
A. If there had been such a source, it would have been sourced from other dioceses. There's no centralised funding at that level.

Q. So you wouldn't have even raised the question with the primate; is that what you're saying?
A. Not that I recall.

Q. Would you have asked him to assist with having
a perhaps better-resourced diocese, such as Sydney for
example, come to your assistance?
A. In reflection, I think that some of that actually did
occur.

Q. In what sense?
A. In the sense that when Mr Philip Gerber was appointed
as professional standards director, that was - I'm not
quite sure of the actual arrangement, but I think it was
more a gift, in a sense, to the Diocese of Grafton. Okay,
we paid costs and things like that, but --

Q. So the provision of Mr Gerber's services to Grafton
was a contribution?
A. I think that's so, yes.

THE CHAIR: Q. Bishop, can I go back to the question
counsel asked about discussions with Archbishop Aspinall.
A. Yes.

Q. It's apparent to the Commissioners that a significant
component of the way in which you and the diocese responded
was as a result of an appreciation of the serious cash
position, as you understood it, of the diocese.
A. That's true.

Q. But we appreciate also the very significant asset
position, which no doubt you appreciated at the time; would
that be right?
A. Sorry?

Q. Well, there were a lot of assets, but not much cash,
putting it bluntly?
A. That's true, yes, yes.

Q. And the lack of cash seems to have been a significant
motivating factor in the way the diocese responded?
A. Yes.

Q. Did you have a discussion with Archbishop Aspinall in
which you explained that part of the reasoning process that
was involved in the response of the diocese?
A. I can't recall having done so.

Q. Because it's plain from the correspondence that
Archbishop Aspinall was, as directly as he believed he
could, telling you to modify the approach that you were
taking, as a diocese, to these allegations; correct?
A. Yes, yes.

Q. Did it not occur to you to talk to him about the
difficulties which you saw the cashflow position as
providing for the diocese?
A. I'm sorry, your Honour, I can't recall. We may well
have talked about those things, but I cannot recall it.

Q. As has, of course, happened in relation to the school,
the answer to the problem, if there wasn't to be outside
help, as it were, was to reorganise the asset position of
the diocese, wasn't it?
A. It certainly was.

Q. Did Archbishop Aspinall ever say anything to you to
raise that as a possibility for the way you might meet any
obligation that came forward, that is, reorganise your
assets?
A. Not that I recall.

THE CHAIR: Yes, very well.

MR BECKETT: Q. Bishop, before the break I raised with
you the issue of referring various matters to the police.
A. Yes.

Q. You were aware then, or at least you're aware now,
that one of the members of clergy that was referred to the
police was a Reverend Campbell Brown?
A. Yes.

Q. And I think you indicated before the break that you
were not aware of what happened with the police
investigations after the diocese had been told not to
investigate further; do you recall that?
A. That's correct.

Q. I have a letter here that was provided to us only this
morning that I'll show you a copy of and hand up three for
the Bench.

MR BECKETT: I tender that.

THE CHAIR: We're up to --

MR BECKETT: 15, I think, your Honour.
THE CHAIR: Yes, 3-15.

EXHIBIT #3-15 LETTER FROM CAMPBELL BROWN TO BISHOP SLATER, DATED 26/3/2006

MR BECKETT: Q. Bishop, do you remember receiving this letter on or about 26 March 2006?
A. Yes.

Q. I'll just have a copy brought up on ELMO. Its clear from this letter that Reverend Brown knew about the allegations made against him by March 2006; is that correct?
A. It would appear so, yes.

Q. There is no mention in any of the professional standards committee meetings for 2006 about Reverend Brown at all. Do you know why it was the case that there was a lack of communication with the diocese about the allegations?
A. I'm surprised in your statement that there's no record in the professional standards minutes, because I understand that there were some conversations between the professional standards committee and - inquiring in relation to Reverend Brown.

Q. There were later in the year, I'm sorry if I misled you in that regard. There were some conversations in November 2006. In any event, are you aware of any steps that were taken from a disciplinary point of view with respect to Reverend Brown?
A. I think the inquiry took place, and that's as far as it went at that stage.

Q. So we had this in March 2006. It appears that not much seems to be happening. There is then the referral in November 2006 to the police - that is to say, the PSC resolves to do that. Then we have letters dated 19 December 2006 from Mr Gerber to the police, referring Reverend Brown. And then on 16 January 2007 we have a letter from the police saying, "Please suspend any investigation --
A. Yes.

Q. -- while the police undertake their own investigation"?
A. Yes.

Q. That seems to be the rough chronology that we have?
A. It would appear so, yes.

Q. Given that you knew from Reverend Brown that this was an issue, did you take any steps to follow up the process of disciplining him after the police asked you to suspend any investigation?
A. I think by the time we got to that point, Reverend Brown had departed from the diocese, as he indicates here, and I seem to recall a conversation at some point with Mr Comben about referral - sorry, about notifying the Newcastle diocese where he had moved to.

Q. So at that stage had Reverend Brown a licence to officiate in Grafton prior to leaving?
A. Yes, he would have had, yes.

Q. You said there was discussion about him leaving the diocese. It's the case, isn't it, that under the ordinance the Diocese of Grafton could exercise jurisdiction in a disciplinary matter over Reverend Brown by virtue of the fact that the allegations concerned acts that occurred at the North Coast Children's Home and in the Diocese of Grafton?
A. Yes.

Q. Why did you not take steps, then, to undertake a disciplinary process with respect to Reverend Brown?
A. Are we speaking about a point in time after he had moved from the diocese?

Q. Well, yes. He seems to be moving in March 2006, so we could start with that.
A. Thank you. I think I had basically seen that it was in the hands of the PSC at that stage and awaited further indications from them.

Q. You mention the fact of him moving from the diocese. Obviously that has implications for his licence, in other words, disciplinary proceedings could be commenced to have that licence removed from him, couldn't they?
A. Yes. Yes.

Q. You could also take disciplinary proceedings to remove him from holy orders, could you not?
A. Could do, yes. But it did not seem the appropriate
time to do that.

Q. What do you mean, it was not the appropriate time?
A. Well, I was awaiting the PSC at that stage.

Q. At that stage in 2006 the only action we know is that,
by November, the PSC has referred the matters to the police
and letters were written in December. It's then deferred
by the police in January 2007. You were the bishop for
a further six years. Why does it appear to be the case
that you took no further steps to reinvigorate the
disciplinary process with respect to Mr Brown?
A. I think because we hadn't done the follow-up with the
police after having reported it, and awaited the police,
and I think we were distracted in other ways.

Q. Is it simply the case that once the police said,
"Cease investigation", you took no further steps to
recommence the disciplinary --
A. True.

Q. And notwithstanding that you were dealing with
Mr Campion on a frequent basis, including settling with him
in 2010?
A. Yes.

Q. In any event, you concluded the matters with
Mr Campion and you took no steps after you'd concluded
those matters to reinvigorate the disciplinary process; is
that correct?
A. True.

Q. You've heard some evidence, no doubt, with respect to
Reverend Kitchingman that has been heard in the Royal
Commission; is that correct?
A. Yes.

Q. You're aware that he was accused - he was charged and
convicted in 2002 of five counts of indecent assault of
a 12- or 13-year-old at North Coast Children's Home?
A. Yes.

Q. And that the conduct occurred in 1975?
A. Yes.

Q. Were you aware of that conviction in 2002 when it
occurred?
A. I was aware that he had gone to gaol, yes.

Q. Sorry?
A. I was aware that he was in gaol.

Q. When you commenced as bishop in 2003, did you take any steps to commence disciplinary proceedings against Reverend Kitchingman?
A. No.

Q. At any time after that, between 2003 and 2013, did you commence any disciplinary proceedings against Reverend Kitchingman?
A. No.

Q. It's the case, is it not, that the Diocese of Grafton had jurisdiction over such matters because the acts had occurred within the diocese?
A. True.

Q. Can you assist the Royal Commission with why no disciplinary proceedings appear to have been commenced by you during those ten years?
A. I think it was an oversight, in that it had occurred before I arrived in the diocese, the prosecution had taken place before then --

Q. Sorry, I can't quite hear you.
A. The court case had taken place prior to when I had arrived in the diocese. It wasn't in my mind in that sense.

Q. So the previous bishop had not suggested to you that this was a matter that should be addressed, if you like?
A. No, and the protocols weren't in place at that stage in the Diocese.

Q. Irrespective of whether the protocols were in place, there was an ability under the clergy discipline ordinance to take steps, wasn't there?
A. True.

Q. The final matter I want to ask you about, bishop, is that on or about 1 May you were aware that Ms Hywood, the then acting registrar at Grafton, provided a long letter to the primate concerning the North Coast Children's Home
matters?
A. Yes.

Q. And as a result of that letter and a meeting that she had with the primate, he asked you to attend a meeting in Sydney; is that correct?
A. Correct.

Q. And at that meeting, he showed you a copy of the letter from Ms Hywood?
A. Yes.

Q. That letter set out what she considered to be a number of failings of the Diocese of Grafton with respect to professional standards; that's correct, isn't it?
A. Yes. Yes.

Q. And a number of what she thought were breaches of the Professional Standards Ordinance of 2004?
A. Yes.

Q. And that at that meeting the primate was very concerned about those matters?
A. Yes.

Q. And that he discussed them with you?
A. Yes.

Q. And that one of the avenues to address those failures that he suggested to you was that you resign?
A. It was one of the options he presented, yes.

Q. Then, as I understand it, you sought some time to consider your position?
A. That's correct.

Q. You had further contact with the primate by telephone, I think, and email?
A. Yes.

Q. You took advice from a number of colleagues?
A. Yes.

Q. And, in any event, by 17 May you had in fact determined to resign, yourself?
A. I made that decision.
Q. You issued a press release on that date?
A. I did.

Q. I wonder if that could be brought up, please. It's AH-22. This is the press release, is it not, that you issued on 17 May?
A. Correct.

Q. If we could go over to page 2, please. Starting with the third paragraph there, you say that you were:

... responsible for ensuring full compliance with the Protocol and that [you] failed in this duty.

Do you see that?
A. Yes.

Q. Then you say:

Some matters detailing sexual abuse at the North Coast Children's Home were not preferred to the Professional Standards Director as they should have been.

Is that correct?
A. Correct, yes.

Q. And that was the breach of the protocol that you were referring to?
A. Yes.

Q. Then in the next paragraph, you say:

... the Professional Standards Director was not provided with information that could have assisted ongoing internal and police investigations.

Do you see that?
A. Correct.

Q. That is a reference to, for example, the failure to refer [CB]'s and [CC]'s matters to the professional standards director?
A. Yes.
Q. Then two paragraphs down, you refer to dealing with complaints personally or through the diocesan solicitor. You say:

... the Diocese of Grafton should have received and investigated each new claim put before it and that there was no justification for the decision that new claims would not have access to the same financial settlement process made available to the earlier claimants.

Do you see that?

A. Yes.

Q. That's a reference to the group claimants being offered a particular financial settlement, but then [CB] and [CC], for example, being denied any financial settlement; is that correct?

A. Yes.

Q. You say then, in conclusion:

I acknowledge my pastoral failings in adopting this approach.

That's correct, isn't it?

A. Yes, yes.

Q. And it was upon that basis that you tendered your resignation?

A. Yes.

MR BECKETT: Those are the questions.

THE CHAIR: Yes. Do you want to ask any questions?

MR GRIFFIN: Thank you, your Honour.

<EXAMINATION BY MR GRIFFIN:

MR GRIFFIN: Q. Bishop Slater, I appear for Archbishop Aspinall, among others. You were asked some questions about the possible involvement of Tony Fitzgerald?

A. Yes.
Q. And I think you said in answer that ultimately Mr Fitzgerald did not want to be involved. Was that your evidence?
A. I think that's what I said, yes.

Q. On what basis did you come to the view that Mr Fitzgerald didn't want to be involved?
A. I think it was on the basis of a conversation between the chancellor of the diocese and Mr Fitzgerald.

Q. Mr Blackburn was the chancellor at the time?
A. Yes.

Q. Did he tell you about a discussion that he had with Mr Fitzgerald?
A. Yes.

Q. Was it your understanding that that was a telephone discussion that was a three-way conversation between Archbishop Aspinall, Mr Fitzgerald and Mr Blackburn SC?
A. I think I'm referring to another conversation.

Q. Another conversation?
A. Yes.

Q. What did he tell you about the conversation between Mr Blackburn and Mr Fitzgerald?
A. I don't have details of it, but I think essentially he was saying that Mr Fitzgerald did not want to proceed in the matter.

Q. Did you ask him why Mr Fitzgerald apparently took that view?
A. I did. I cannot recall at that point.

MR GRIFFIN: Thank you, your Honour.

THE CHAIR: Ms McGlinchey, do you have any questions?

MS McGLINCHEY: No, thank you, your Honour.

THE CHAIR: Do you have any questions?

MR BRADY: No, your Honour.

THE CHAIR: Mr Taylor, do you have any questions?
MR TAYLOR: I'd like to ask some questions, thank you, your Honour.

<EXAMINATION BY MR TAYLOR:>

MR TAYLOR: Q. Bishop, prior to your coming to the position of Bishop of Grafton in 2003, had you had any prior experience in dealing with child sexual abuse matters?
A. No.

Q. Had you had any experience in litigation, either personally or on behalf of the church at that time?
A. No.

Q. Did you play any active part in the drafting of the Professional Standards Ordinances or protocols?
A. Not that I recall.

Q. Do you have any qualifications or training in relation to financial matters?
A. Not any official qualification.

Q. Any unofficial qualification?
A. No.

Q. Is it the situation that in relation to financial matters, you relied upon others, such as Mr Comben, to keep you apprised of the diocese's financial position?
A. Certainly.

Q. And is it the case that you had no reason to doubt any of the information that he gave you from time to time about the diocese's financial position?
A. No.

Q. In relation to the Bishop-in-Council meetings, did you understand that you had a casting vote in relation to anything that was discussed, then put on a motion and a resolution passed?
A. My understanding as the bishop was that I was the chair of the Bishop-in-Council and that I didn't have a vote at the council.

Q. In relation to the group claim, other than the letter that Mr Roland wrote, setting out the dot-point principles that Dr Aspinall had raised with you, did you play any part...
in composing any correspondence that passed between
Mr Roland and Mr Harrison on behalf of the group?
A. No.

Q. Was it the situation that you were asked to approve
letters before they were sent out?
A. No.

Q. Was it the situation that you received copies of
correspondence after they had been sent out by Mr Roland?
A. Not officially. I probably saw letters from time to
time, but they didn't naturally come.

Q. It's not the situation that Mr Roland sent you
letters?
A. No, no.

Q. What was the situation as far as those pieces of
correspondence that you did see at the time?
A. They probably were the subject of a conversation that
the registrar and I were having.

Q. In relation to the matters that took place after the
settlement of the group claim - and I'm referring to
Mr Campion, [CA]'s matters and the other ones that you've
been taken to today.
A. Yes.

Q. You acknowledge that you involved yourself in those
matters, don't you?
A. Yes.

Q. In doing that, did you seek or obtain any advice about
what you should be doing in relation to those?
A. There was probably legal advice at that point, yes.

Q. What did that entail?
A. I'm sorry, I can't follow the question.

Q. You said you received some legal advice; correct?
A. Yes.

Q. What did that entail?
A. Conversation.

Q. With whom?
A. Oh, normally it would probably be with Mr Roland.
Q. In relation to the group claim, you have a specific recollection, don't you, of signing multiple apologies?
A. Yes, yes.

Q. What happened to them after you signed them?
A. I have no idea.

Q. Did you do something with them?
A. I signed them and they were taken away, as far as I can remember.

Q. Do you recollect who took them away?
A. No, I do not.

Q. Who would be the likely persons to have taken them?
A. The likely people would have been either the registrar or my PA.

Q. Is that a lady by the name of Mrs Elliott?
A. Mary Elliott, yes.

Q. In relation to the group claim and the settlement of it, you gave some evidence that you received a telephone call during the settlement conference on 19 and 20 December 2006; do you remember that?
A. Yes.

Q. I think you said that at that stage the diocese offer was in the region of $500,000 and you advised, "Make it $600,000"?
A. Yes.

Q. On what basis did you come to that figure?
A. I don't know that there was any fixed basis on which it was made. We were just looking to find where the figure was going to be.

Q. Do I understand you to say that you were looking at a figure that the group claimants would accept as a settlement?
A. Yes.

Q. Is it the situation that you received no specific legal advice as to what legal exposure the diocese would have if the matter went to court?
A. I think there were conversations with - a conference,
actually, with Mr Blake and Mr Sheaffe earlier on.

Q. At that stage were figures spoken of?
A. No.

Q. At any time were figures spoken of in relation to the legal advice that the diocese received, or you received personally?
A. Not that I'm aware.

Q. Is it the situation that Mr Comben was the driving force in relation to the settlement negotiations throughout the time of the group claim?
A. Yes, yes.

Q. Did you rely upon his advice in relation to that aspect of the settlement?
A. Yes.

Q. In relation to the apologies that you signed, do I understand you to say that you agree with Mr Comben that he drafted an apology, provided it to you --
A. Yes.

Q. -- you made some changes.
A. Yes.

Q. I think you described that they weren't major changes?
A. Not that I'm aware.

Q. Were they mainly dealing with the spiritual aspects of the apology, if I could use that term?
A. There would have been that aspect. There would have also been, as I said in my witness before, that he and I had different styles and I would have generally rounded it a bit more.

Q. What was your intention in drafting that apology or assisting in the drafting of that apology document?
A. It was an apology from the bishop, so I wanted it to be me in some way.

Q. Was that a genuine apology from your viewpoint?
A. Yes.

Q. It wasn't your intent to inflame the situation?
A. Not at all.
Q. It wasn't your intent to insult the claimants?
A. No.

Q. It wasn't your intent to offend the claimants?
A. No.

Q. Do you recall earlier today counsel assisting taking you to document AH-13, which is a document dated 4 April 2011? Do you remember that document?
A. Yes.

Q. I think it is the case that you agreed with counsel assisting that this was a harsh way to respond; is that correct?
A. Yes, yes.

Q. Was it your intention at the time to respond in a harsh way?
A. I think some of the background to - the context when this happened actually distracted me considerably at the time. I've thought about this a little bit and tried to think around it, what was going on in mid-2009, at the end of August. I had undergone heart bypass surgery at that stage. That was immediately followed by the resignation of Mr Comben in December and the appointment of an assistant - an acting registrar until August the next year, 2010. When Mr Newby was appointed and almost within the first week he was there, we were in the midst of negotiations about trying to establish an independent oversight committee, so his attention was totally focused in that area, as was mine.

The Diocese of Grafton is a small office, and I recognised that other members of the staff were under great pressure, and that has been obvious by some of the stress elements that have been there in recent years, and I think I probably tried to shoulder some of the burden. I didn't do it very successfully, but that was my - something of my motivation during that time, and my attention was really focused primarily on saving the diocese at that point.

Q. So they're the matters that were playing on your mind at the time --
A. Yes, they were.
Q. Coming back to the original question, was it your intention to respond in a deliberately harsh way?
A. No. I think I recognised where we were at financially at that stage and I still wanted to respond from a pastoral perspective, and so section (b) was what was - oh, sorry, the pastoral support package was what was suggested there. It was motivated pastorally and I recognise it was quite inadequate and inappropriate.

Q. You acknowledge, don't you, that it was --
A. Yes, yes.

Q. -- a failing?
A. Yes.

Q. That you weren't aware of at the time, but you've subsequently come to that view?
A. Yes.

Q. Do you remember being asked by counsel assisting, in relation to a document, RM-38, which is a letter to you from Mr McLary, questions about whether you had any indication from Mr Campion that he was proposing future legal proceedings, and you answered words to the effect of, "We were reading the situation that way."
A. Yes.

Q. Who was the "we" that you were referring to?
A. My legal advice.

Q. Is it the situation that you were continuing to receive legal advice whilst you were dealing with directly with Mr Campion?
A. Yes.

Q. And with the other claimants who came forward after the settlement of the group claim?
A. Yes, yes.

Q. Do you recall agreeing with counsel assisting - and I'm paraphrasing here - that in writing your response in relation to that topic, you wanted to put the saga to bed, the long-running saga to bed; do you remember that?
A. Yes, yes.

Q. When you agreed that you were putting the interests of other people ahead of Mr Campion's personal interests, who
were you referring to there?
A. I was referring primarily, I think, to surviving members of the management committee of North Coast Children's Home.

Q. Were they people who were alleged to have been involved in the abuse or child sexual abuse at the home?
A. No, no.

Q. You've been taken to your statement of resignation, which took the form of a press statement?
A. Yes.

Q. Do you resile from that in any way, shape or form?
A. Not at all.

Q. Is there anything further you would like to say to the Royal Commission in relation to this matter?
A. There are two areas I think I'd like to respond. The first area I think is more a reflection, and the reflection is upon the protocols and process within the Grafton Diocese. My reflection is that when it was established and the decision was made to appoint a part-time professional standards director was probably the point at which the wheels began to come off the wagon, at that point.

I think if the diocese had had a full-time professional standards director, that person would have actually kept us more in line with the due process at the time.

A second level of that, I think, in my reflection is - and it has been mentioned here in various ways through the Commission - the diversity of size and capacity of the dioceses throughout Australia. There are some very small dioceses, there are some large urban dioceses. Each have their own issues, obviously, but I would suggest that maybe there could be some thinking along the lines of a national body of some kind which oversaw all of these abuse issues, sexual abuse issues.

Those were my two reflections at that point, under dot point one.

The second point, the second area, I'd like to make is to - I can't make a public apology on behalf of the Diocese of Grafton because I'm no longer the bishop of that
diocese, so I want to express my deep sorrow to those who were abused, who were claimants during my time as the bishop of the Diocese of Grafton. I want to acknowledge again, as I did in the public statement, that I fell short, very short, in my oversight of the protocol and the processes that were required as a result of it.

I am personally totally humiliated in myself in this regard and I want to express my deepest and most profound apologies to any persons upon whom this has impacted. Thank you.

MR TAYLOR: Yes, nothing further.

THE CHAIR: Mr Beckett?

<EXAMINATION BY MR BECKETT:

MR BECKETT: Q. Just two minor matters that arose. First of all, bishop, I may have misled you in respect of the apology issue. I referred to Mr [CK] seeking an apology and not being given one. I had in fact intended to refer to [CN], so I'll ask the question again with respect to that. Are you aware of why [CN] says that she did not receive the written apologies?

A. No, I'm not.

Q. The second issue was with respect to the resignation of Reverend Comben. Do you recall that Mr Newby indicated that then Reverend Comben had left under a cloud, and when Mr Comben was giving evidence in the box he said he didn't have any idea about what that was. Are you able to assist at all about the circumstances in which then Reverend Comben left the Diocese of Grafton?

A. Yes, I am. I had one perspective in my mind, which I'll share in a moment. The other perspective was what Reverend Comben - sorry, Mr Comben gave yesterday about the diocese not being able to afford him. I've reflected upon his evidence in that respect and would concur that that was certainly his thinking at the time, around that time.

The second aspect, Mr Comben was in the process of completing his law degree and he was - I'm not quite sure what you call it, but he was about to - wanted to have time out to do his 75 days, or whatever it is - I don't know what it is - with a lawyer.
Q. Some practical component?
A. Some practical component, yes.

Q. So there was no cloud, as far as you're aware?
A. No cloud - well, there was a bit of cloud around how that all happened, but no major cloud other than the fact that - the process that I used probably at the time to convey it to the Bishop-in-Council.

MR BECKETT: Nothing further.

THE CHAIR: Thank you, bishop, you may step down. You're excused.

THE WITNESS WITHDREW

MR BECKETT: Your Honour, just before we move to the next witness, there is some housekeeping. I have the media articles that were mentioned at the end of yesterday. I have two copies of those that I tender.

THE CHAIR: We'll make those exhibit 3-16.

EXHIBIT #3-16 FOLDER OF EXTRA MEDIA ARTICLES RE NORTH COAST CHILDREN'S HOME, ANGLICAN DIOCESE OF GRAFTON

MR BECKETT: I also tender, on an issue relating to the bishop's evidence, the minutes of the 33rd Synod of 2010, which concerns the provisioning for the Clarence Valley Anglican School debt. I tender those.

THE CHAIR: The minutes of the third session of the 33rd synod will be exhibit 3-17.

EXHIBIT #3-17 MINUTES OF THE THIRD SESSION OF THE 33RD SYNOD, 2010

MR BECKETT: Those are the only items to tender.

THE CHAIR: Yes.

MR BECKETT: Q. Archdeacon, I wonder if you could state your full name and position for the Royal Commission?
A. Gregory Sibson Ezzy.

Q. And what position do you currently hold?
A. Diocesan administrator.

Q. As I understand it, archdeacon, you have been involved with the Diocese of Grafton for a great many years now; is that correct?
A. That's correct.

Q. Throughout the period that we've been examining, particularly 2005 through to 2013, you've sat on Bishop-in-Council; is that correct?
A. Yes, I have.

Q. In 1985, as I understand it, you came to be appointed rector of the parish of Lismore; is that correct?
A. That's correct.

Q. You were based, I presume, at St Andrew's Church in Lismore?
A. That was the - yes, that was the church, yes.

Q. Had you been in Grafton for some time prior to that?
A. No. I moved down from the Diocese of Brisbane.

Q. And you assumed the position as president of the committee of the North Coast Children's Home; is that correct?
A. That was part and parcel of becoming the rector of the parish of Lismore: by constitution, you also became the chair of the board of management of the North Coast Children's Home.

Q. At that stage, clearly the North Coast Children's Home was located, I think, close to some residential facilities for clergy; is that correct?
A. Yes. It was between the church itself and the rectory on a large block of ground.

Q. The children who were at North Coast Children's Home...
while you were there were able to move freely around all of those areas?
A. Yes, they were, yes.

Q. And there was also a large sign, was there not, in wrought iron outside the home, which indicated it was the Church of England North Coast Children's Home?
A. Church of England North Coast Children's Home in a sign about 4 metres long by 4 metres high out of wrought iron.

Q. As the rector of Lismore, you performed a pastoral role in addition to your one as president of the committee; is that correct, with respect to the children at the home, I mean?
A. Yes, I did. They were part and parcel of the parish, as everyone else living within the parish was considered to be part of the parish.

Q. At that period of time when you were there in Lismore, between 1985 and 1995, was there any doubt in your mind of an association between the home and the Anglican Church?
A. Absolutely, for a variety of reasons.

Q. What caused you to doubt that association?
A. To doubt it? I didn't doubt it.

THE CHAIR: I think you're at cross-purposes.

MR BECKETT: Q. I think your answer was exactly the opposite. Archdeacon, you were firm then --

THE CHAIR: Let's go back to the question to make sure we get it right.

Q. The question was: was there any doubt in your mind of an association between the home and the Anglican Church when you were there between 1985 and 1995?
A. There was, in my mind, a very close connection between the North Coast Children's Home and the church.

THE CHAIR: Thank you.

MR BECKETT: Thank you, your Honour.

Q. Part of your position as rector of Lismore was to liaise, of course, with members of the community in
Q. To your understanding, the view of the community of Lismore during that period of ten years was that there was a strong association between the church and the home; is that correct?
A. Between the church and the home, yes, there was.

Q. Ms McGlinchey, who represents you, asked a question yesterday. I wonder if transcript 2234 could be brought up, please. Mr Comben was asked questions yesterday by Ms McGlinchey concerning conversations between him and you about the home. Do you see that?
A. Yes.

Q. And at the bottom of that page she asked:

Just on the matter of what actually happened at the home, on that issue, do you recall that Archdeacon Ezzy told you that during his time in the position of chair of the board, he never heard of any allegation of abuse during that time?

And the answer was:

Not in those words.

Then the question:

What words do you think that he used?

Answer:

He said -

that is to say, you said -

that nothing happened [at the home].

Do you see that?
A. Yes.

Q. Archdeacon, do you recall in 1985 when you assumed the position as president of the committee of North Coast Children's Home that the superintendent had recently been
asked to resign?
A. That's right, yes.

Q. And that the circumstances around that were that the superintendent had been charged with an assault of one of the children at North Coast Children's Home?
A. Yes. I think, as I understood it, it was because of a harsh punishment.

Q. Yes. Do you recall that it involved the then superintendent using a cane to hit one of the children on the back numerous times?
A. I'm sorry, I don't know exactly what it was. All I know is that he was charged with harsh punishment. I suspect you could well be right.

Q. And in fact what occurred was that the facts were found proven but he was given what's commonly known as a section 556A, in other words so no conviction was recorded. Were you aware of that?
A. I think I was aware of that, yes.

Q. And that following that determination by the court, the superintendent was asked to leave the home?
A. That's right.

Q. When you spoke to Mr Comben about abuse, did you recall that particular incident as being an example of abuse that had occurred at the home?
A. No, I think that when Mr Comben asked me about that, it was in relation to Mr Campion and I understood that that was sexual abuse, and that was, whatever it was, 2004, 2006 - that was the first time that I had ever heard any whisper of sexual abuse, which of course came as certainly a surprise but also it was a very saddening experience to know that such a thing had happened, and even sadder to know that nobody was aware of it and therefore nobody had been able to render any assistance or any help to such a person.

Q. Do I take it, then, that the conversation you had with Reverend Comben at that time, which must have been 2005/2006, concerned child sexual abuse rather than physical abuse; is that correct?
A. That's what I understood we were talking about.

Q. If we could go to the Bishop-in-Council meeting on
21 September 2006, that's exhibit 3-2, tender bundle tab 38A. I asked you some questions a moment ago about your serving on Bishop-in-Council. I want to take you to 2006, and throughout 2006 your name appears on Bishop-in-Council minutes as being in attendance; that's correct, isn't it?

A. If - yes, obviously, if it's there.

Q. When did you first come to know of the group claims at North Coast Children's Home?

A. Oh, that's a while ago. Obviously, I guess, when I was told about it at Bishop-in-Council. I really struggle with that one. I'm just not sure.

Q. So you weren't aware of Mr Campion coming forward in 2005?

A. Not as far as I can recall.

MR BECKETT: I note the time, your Honour.

THE CHAIR: We'll take the luncheon adjournment.

LUNCHEON ADJOURNMENT
UPON RESUMPTION

MR BECKETT: Q. Archdeacon, no doubt you've heard the
evidence that has been provided to the Royal Commission
about the dealing with the group claims during 2006.
I want you to assume that Mr Harrison wrote to the diocese
in January 2006 and that shortly thereafter Mr Roland was
instructed to act for the diocese, and then there was
a considerable amount of correspondence until, in
September, a very sizeable document was provided to the
diocese, namely, about 450 pages, from the claimants, and
that by the end of 2006 settlement negotiations had
occurred shortly before Christmas.

If you could assume those matters, do you recall 2006
and Bishop-in-Council dealing with the North Coast
Children's Home during that time?
A. Somewhat contrary to some of the evidence yesterday,
Bishop-in-Council in fact did not have a great involvement
in this at all, and the reason for that I think is quite
deliberate.

Q. Yes?
A. The role of Bishop-in-Council is in fact to establish
policies, which it had done in establishing the ordinance
and also the protocols and had put in place a professional
standards committee, professional standards director, and
when one reads the position descriptions, it is incumbent
upon the leader or leaders to carry out certain functions
in relation to those things.

Q. Let me take you to that document I had up just before
lunch, namely, tab 38A. I wonder if that could be brought
up, and page 811. I showed you these documents just before
lunch. If you could just see that entry with respect to
the North Coast Children's Home. Do you see that?
A. Yes.

Q. I wonder if you could read that to yourself?
A. Yes.

Q. Do I take it that on this particular occasion, where
I understand you were present - you are listed in
the minutes as being present - Mr Comben provided a report
to Bishop-in-Council about what was happening with the
claimants with respect to North Coast Children's Home?
A. Yes.
THE CHAIR: Can I just understand, is this part of the minutes where the Bishop-in-Council is being informed of various issues within the diocese at the time? I can't quite see the context. There is no expectation in this that there will be any resolution, is there? It's just a question of information.

MR BECKETT: That's correct.

THE CHAIR: Is that the section of the minutes from which it comes?

MR BECKETT: If we go back one page, the heading is "6. Bishop's Matters", and then there are a number of subheadings - "Appointments", "Council for Ministry", "Diocesan Youth and Children's Ministry Panel" and so forth, down to "North Coast Children's Home".

THE CHAIR: Q. Archdeacon, is that the way it works - this is, as it were, the information portion of the minutes; is that what is happening?
A. Yes, under "Bishop's Matters" the bishop leadership would report some of the significant matters that are being dealt with at this particular time.

Q. Without an expectation that Bishop-in-Council would be required to make any decision about them?
A. Unless there was a need to do that. Otherwise, it was simply information giving.

Q. In which case, if there was a decision made, the minutes would reflect it?
A. That's right.

MR BECKETT: Q. Yesterday we heard from Mr Comben that it was at such a meeting, not necessarily this one, but at least at a meeting in 2006 of Bishop-in-Council that it was indicated to him that Bishop-in-Council would support a departure from the Professional Standards Ordinance that had been adopted by the diocese?
A. Was this at the stage when we became aware of the 41 claimants?

Q. Well, as far as we can see, this is the first time in detail that the North Coast Children's Home has been reported to Bishop-in-Council. So does that assist you...
with your memory?
A. What I can say there is that the normal practice was
that the Bishop-in-Council would be resourced by the
registrar. That was part of his role. He would make
certain information known and suggestions of a way forward
in the matter. And Bishop-in-Council, in a case such as
this, if you can imagine a Bishop-in-Council sitting around
who aren't focused on protocols for dealing with sexual
abuse every day - in fact, this is the first time that it
has ever come up - they are looking to those people who
have a particular responsibility in this area for advice.

Q. All right. A moment ago you asked whether this was
the first time that it had come up before
Bishop-in-Council. Do I take it from that that you recall
an occasion where it did come up for the first time, and,
if so, what was the response of the Bishop-in-Council?
A. No doubt such an occasion was the first time, but
I cannot recall.

Q. In any event, am I wrong in reading the minutes in
this way, namely, that a report was provided by
Reverend Comben and perhaps also by the diocesan advocate
that the approach being taken was as set out there, namely,
they were going to defend the allegations on the basis of
statute of limitations, a vicarious liability point, the
home not being the diocese's responsibility and
a determination of who was the responsible legal entity;
would that be correct?
A. Yes, that could well have been presented in that case.
I'm conscious that we are now looking at information from
those who were responsible that this is now possibly going
to litigation. There were a certain group of people who
are all over this, and the Bishop-in-Council again is not
directly responsible for this. By protocols and by
definition of role, it is being informed and is taking
advice.

Q. So, in effect, then, your memory of the operation of
Bishop-in-Council was to receive reports from time to time
from the registrar with respect to the way in which the
claims from the North Coast Children's Home were being
dealt with?
A. That's right, and I could add to that that one of the
learning experiences from this is at what time - at what
time is an appropriate time for the Bishop-in-Council to
wonder, to ask the question, is it time that we actually
did an audit in the way that this was being carried out?
But until one is convinced that it’s not being looked
after, then you allow those responsible to get on with
their work.

Q. We have these minutes, and then there are some
subsequent minutes in 2007 where Bishop-in-Council is asked
to provide a ceiling amount for dealing with the claims.
In other words, the specific minute adopted $950,000 as the
top amount that Bishop-in-Council would approve for the
settling of the claims. Do you recall that?
A. I do.

Q. In that case, it’s true that Bishop-in-Council was
asked to take a specific decision with respect to that
matter, wasn’t it?
A. That would be right.

Q. If it was the case that there was some consideration
of choice as to how to deal with the matter - in other
words, whether to deal with it on a negotiation between
lawyers or, alternatively, on the basis of the Professional
Standards Ordinance - if it was being asked to consider
that, then you would expect that to be reflected in
the minutes of Bishop-in-Council, wouldn’t you?
A. I certainly would have thought so.

THE CHAIR: Q. Archdeacon, the minute refers to the
$950,000 as a lump sum. Were you not conscious that the
ordinance and the protocol required quite a different
approach to a lump sum approach?
A. Yes, certainly very conscious of it, but those who
were responsible for it, as I recall as best I can, that at
that particular time there was a move from those involved
in this to go to litigation. And from my questioning of
those on the professional standards committee at that time,
they believed that they were advised that they were no
longer able to fulfil their duties, but, in fact, it now
had moved to a different way of responding to this
altogether.

Q. Well, did you make any inquiry as to what had been
done to pursue the protocol?
A. I think one of the difficulties for some of us was
that we did not understand why this was being dealt in
a legal fashion, when, in fact, our understanding was that
there was such a close relationship between the children's
home and the diocese that, first and foremost, we should have simply been dealing with the very real needs of those who had been abused rather than going down this pathway of trying to establish a legal responsibility.

Q. Well, that leads me to ask you again, when the Bishop-in-Council was being asked to approve a lump sum approach, why was it that people didn't say, "Just a minute. We've got a protocol. What's being done to pursue the protocol?"

A. I think in hindsight, that's exactly what should have happened, and we have been referring a lot, your Honour, during this week, to the financial problems with the life of the diocese, and the same issues were being canvassed at a similar time and, again, there were people who were responsible to handle these issues, but at that time, in fact, it did get to where your Honour has just led me now. In that case, I remember very distinctly in Bishop-in-Council where they said, "Enough is enough. We want an independent audit of this financial situation from someone outside the diocese." And with hindsight, that's exactly what I believe should have happened in this case.

THE CHAIR: Yes, Mr Beckett.

MR BECKETT: Q. I wonder, archdeacon, if you could have a look at the minutes of 22 February 2007. It's tab 66 in exhibit 3-2. Particularly the second page. If you could read that to yourself, please? Archdeacon, do you recall - you will see that the first dot point there is:

*Compassionate offer - Pastoral Care Package.*

That was considered as an option there?

A. Yes.

Q. Do you recall specifically whether following the ordinance and pursuing the claims through a pastoral care package was considered at that particular meeting of Bishop-in-Council?

A. No, I can't recall that.

Q. It seems relatively late in the piece, in the sense that the diocese had already offered at least $750,000, perhaps $800,000, by this stage of the negotiations. Was it effectively a fait accompli that the matter would be
settled by way of a global settlement, that is, one single
amount to address all claims?
A. That's certainly as I read it here at this stage. As
a settlement appeared certain at some figure, I suspect
that the decision was made - your Honour, this is
a replacement phone and it is very difficult to turn off.

THE CHAIR: That's all right, archdeacon, don't worry.
It's happened to all of us, including judges.

THE WITNESS: I'm sorry, Mr Beckett.

MR BECKETT: Q. Not at all. Archdeacon, in this matter,
you've signed a statement dated 24 October 2013. That's
correct, isn't it?
A. Yes, it is.

Q. Do you say that that statement is true and correct to
the best of your knowledge?
A. The best of my knowledge, yes.

Q. I wonder if paragraph 19 could be brought up. The
statement of the archdeacon is in exhibit 3-1, volume 5,
tab 10. Do you see that? Have you read that now?
A. Yes.

Q. You say there that you expressed the view to both
Bishop Slater and Reverend Comben that there was
a difference between the legal stance being taken by the
diocese and the acceptance of local culture that there was
a connection between the Anglican Church and the North
Coast Children's Home. Do you see that?
A. Yes.

Q. Was that a position that you expressed to those two
gentlemen during 2006 and 2007 while the group claims were
being negotiated?
A. I always held that opinion and I imagine that I would
have been expressing it. I certainly expressed it. Just
what dates - I've expressed it all along.

Q. During the consideration of, first of all, the receipt
of the 41 claims and then, secondly, the determination of
the $950,000, did you express it during those meetings of
Bishop-in-Council?
A. It's impossible for me to know what I expressed at
which Bishop-in-Council meeting. I certainly expressed
Q. Did you raise objection to the matter being dealt with between lawyers in a relatively legalistic way when there was an ordinance in place for dealing with these matters?
A. The information that we received at Bishop-in-Council is that this is the way that this was being progressed and that we had - I'm of the opinion that we had no opportunity to do anything else other than respond to the claim through a legal matter. That was the information that we were given, and never having dealt with this before, that's the way we went.

THE CHAIR: Q. Archdeacon, you spoke a moment ago of hindsight.
A. Yes.

Q. It may be that by dealing with the matter in the way that happened - that is, ignoring the protocol - the outcome for individuals may have been quite different to what the protocol would have contemplated and provided. Do you accept that?
A. Absolutely. And from day one when I took responsibility for this, we went straight back to the protocols.

Q. Well, should the diocese now go back to those --
A. It has.

Q. -- who were originally dealt with?
A. It is doing that at this particular time. That was one of the first decisions we made, was that the six people who had been turned away, that their files would be reopened, and that's been done by the professional standards committee and the professional standards director. They have basically finished that now, and those claims are now being negotiated with those six people, and as soon as that is completed, all of those other files are being reopened to see whether, in fact, we are able to do anything else, because our responsibility, as we see it, is to provide a Godly, a just and a compassionate resolution for people who suffered so much.

Q. And do you see that for those whose claims were signed off as part of the lump sum deal, that you will go back and look and see whether there was adequate compensation for those people?

Transcript produced by Merrill Corporation
A. Exactly.

THE CHAIR: Thank you.

MR BECKETT: I'll hand up three copies of a newspaper article and one for the witness.

Q. Archdeacon, there is an article that appears in today's Telegraph on page 7 entitled, "Shame led deacon to abandon church", with a photo of Mr Comben on it. At the top of the second column there, Mr Comben is said to have said to the journalist that he "took the tough line under orders from the church hierarchy" and if he had not "I would have been sacked by the church". Do you see that, archdeacon?
A. Yes, I do.

Q. At any stage when the diocese, particularly Bishop-in-Council, was dealing with the North Coast Children's Home group claims, was it ever indicated to Mr Comben that if he didn't adopt the "hard line", as he calls it, with respect to the group claims, then he would be sacked?
A. I'm afraid this is the first time I've seen anything like this, and certainly that would not have happened.

Q. So do I take it from that that you don't recall anybody at Bishop-in-Council indicating that Mr Comben would be sacked if he didn't adopt a tough line with respect to the group claimants?
A. There is no way in the world that that was ever said, at any meeting that I was at.

MR BECKETT: I tender that article.

THE CHAIR: Yes, we'll make the article exhibit 3-18.

EXHIBIT #3-18 ARTICLE IN TELEGRAPH NEWSPAPER DATED 26/11/2013 TITLED "SHAME LED DEACON TO ABANDON CHURCH"

MR BECKETT: Q. Archdeacon, if we could come forward in time to 2013, by May 2013 your position was commissary, as I understand it, within the Diocese of Grafton?
A. Yes.

Q. By virtue of that office, when the bishop, Bishop Slater, resigned on 17 May 2013, you automatically
became the administrator of the diocese; is that correct?
A. Yes, by ordinance.

Q. An issue was raised about your assuming that position by the primate; is that correct?
A. That's right.

Q. He asked you to attend a meeting in Sydney, did he not, on 5 June 2013?
A. Yes.

Q. I think the minutes for that are at GE-12, if that could be brought up on the screen. Two issues, as I understand it, were raised about you assuming that position. The first of those issues was that you were over 70 years of age; that's correct, isn't it?
A. I don't look that, but I am.

Q. Despite the term "venerable" archdeacon, I assume that's the case --
A. Yes, I carry that lightly.

Q. In any event, there was some issue that because by ordinance a bishop has to be under 70 years of age, there was concern that the administrator would also have to be under 70 years of age?
A. That's right.

Q. And that there were different legal opinions about that specific issue?
A. That's right.

Q. The second issue was that because of your having been the president of the committee of the North Coast Children's Home, there might be a perception that you were in some ways conflicted in dealing with any claims that may have come forward; is that correct?
A. Yes, that's right.

Q. There were discussions there with those assembled - namely, the primate, I think Dr Jensen was there, Martin Drevikovsky from the General Synod office, and Anne Hywood I think was there, as well as some others; that's correct, isn't it?
A. I was amongst the heavies.

Q. On page 4, if we go down to that, the last paragraph
there, beginning, "He advised", the minutes record that you advised that you were:

... unwilling to stand aside based on the perceptions of conflict of interest but was prepared to stand aside on the basis that his appointment had become an unnecessary focus for the Diocese.

Is that correct?
A. Yes, that sums it up.

Q. Essentially the resolution that was agreed on, if you like, at the meeting was that you would return to Bishop-in-Council and indicate to them that you would have to stand aside as administrator; is that correct?
A. That I was encouraged to stand aside as administrator, yes.

Q. I think you say in your statement that you were willing to stand aside as well?
A. That's right.

Q. Then on 7 June there was a meeting of Bishop-in-Council, and we have the minutes at GE-13, if those could be brought up, please. If we could go through to Ringtail ANG.0001.001.0028, please, and scroll down. There was a note there that the diocesan chancellor had expressed a legal opinion that there was nothing in the ordinance which prevented you from acting as the administrator on the basis of age. Do you see that?
A. How far down is that?

Q. Sorry, it's the third paragraph under the heading "The role of the Administrator".
A. Yes.

Q. Then you address, at the bottom of that page, the question of a conflict of interest, and if we go over the page to that first paragraph there?
A. Yes.

Q. So the position was that you considered that you did not have a conflict of interest; is that correct?
A. Oh, is that what I said there?

Q. Well, you said, in fact, that you had done nothing
wrong and that you based your ministry "on the ministry of
Jesus Christ who did not allow himself to be swayed by
public opinion and the perceptions of others". Do you see
that?
A. Yes, I do.

Q. So essentially the position you were taking was that
you considered you had done nothing wrong, and so therefore
you did not need to step aside; is that correct?
A. Yes, it does. It doesn't mean that I did not agree
that there could be a perceived conflict of interest,
though.

Q. But you understood the argument, did you not, that
some might say that because you had been previously the
head of the North Coast Children's Home for a period of
ten years, you might not be seen as independent of such
matters if they were to come before you in the form of
claims from child abuse victims?
A. Yes.

Q. But that was not sufficient, as I understand this
recording of the minute, for you to step aside; is that
correct?
A. I offered to step aside, and a minute had been
prepared, a motion had been prepared, to enable
Bishop-in-Council to do that. We had canvassed that fairly
thoroughly. I understood the position of the primate, who
was doing everything he could in order to protect those who
had been abused, to make it possible for them to come
forward, and so I certainly was very much aware of that.

Q. In any event, a motion was put to support you into the
position as administrator; is that correct?
A. Yes, when the Bishop-in-Council refused to accept the
motion for me to step down.

Q. As I understand it - and please correct me if I'm
wrong - it was a matter for you as to whether you stood
down as administrator and not one that required
Bishop-in-Council to actually require you to step down; is
that correct?
A. That's right, but the request from the meeting in
Sydney was that I take this back to the Bishop-in-Council
and share with them the concerns of a possible conflict of
interest.
Q. In any event, you had put yourself up to continue in the position of administrator, hadn't you?
A. I put myself up?

Q. Well, in the sense that if you had withdrawn your candidature for administrator, then you would have left the Bishop-in-Council without a person in that position and having to search elsewhere for somebody to perform the role of administrator; is that not correct?
A. Yes, but the opportunity was there in order for the Bishop-in-Council to look at all of the relevant information, and one must remember at this time the diocese was going through a very unstable time.

Q. I don't doubt that for a moment. In any event, what I'm putting to you is that you could have forestalled the whole argument by just withdrawing from the position of administrator?

THE CHAIR: Mr Beckett, I'm not sure that we need to explore all this. I don't see how it is going to fit into our terms of reference. It was a matter for the administration of the diocese. I don't know that it speaks to the issues that we have to deal with.

MR BECKETT: Yes, I will move on.

Q. I understand that in answer to some questions that his Honour posed to you earlier, one of the steps you took as administrator was to address the outstanding claims of [CA], [CB], [CC] and I think [CE] as well.
A. Yes.

Q. The list is on the table, if you need to refer to it. I understand that emergency payments were made to I think [CA] and [CB]; is that correct?
A. That was part of the work that the professional standards committee was doing, and as part of their investigation they discovered that those two people were in dire financial need and could we release $5,000 immediately, and because I had the authority to do that, I did it immediately.

Q. That's because earlier in the year, in January 2013, Ms Hywood had referred those matters to the professional standards director to deal with; is that correct? Well, there is evidence, I want you to assume, before the Royal
Commission that that is what occurred.
A. That's probably right, but certainly I know from May it was one of the first things that we did, was to make sure that these matters were going to be attended to appropriately, immediately.

Q. Subsequent to the provision of the $5,000 for those two claimants, [CA] and [CB], further steps have been put in place to address their claims in a more fulsome way; is that right?
A. Yes.

Q. What was the process that was adopted by the diocese for concluding those claims, or at least reaching a stage at which a financial settlement offer could be made?
A. The professional standards committee, with the director of professional standards, carried out their due diligence in investigating and made recommendations, and one of those recommendations - the recommendation that came back to me, as the administrator, was that they should be compensated at the level that they had requested - at the level that the commission - committee had requested.

Q. As I understand it, the diocese, perhaps you, as administrator, approved offers of settlement with respect to [CA], [CB] and [CC] at the amount of $75,000 each; is that correct?
A. Yes, it was approved, but we had to wait until, in fact - because, as you would have pointed out I think earlier, there was no budgeted item for this, therefore nothing could happen until I could put my hand on money, and in order to do that, I needed the approval of Bishop-in-Council to have organised a line of credit with the development fund to be able to achieve that, on the basis that, to repay that, further property sales would take place.

Q. Does that include the possibility of future claims coming forward to the diocese?
A. The professional standards committee have advised me on their preliminary revisiting of the current ones before us that there could be a significant amount of money required for further compensation.

Q. Now, I understand that the professional standards committee has been working on a further pastoral care and assistance package; is that correct?
A. They have been revising the original one and bringing it up to date and in line with what other organisations and churches around Australia are doing currently.

Q. When you say "revising the original one", is that a reference to the Sydney care and assistance package adopted by Bishop-in-Council in 2005?
A. That's right.

Q. What stage is that consideration up to?
A. It was passed at the Bishop-in-Council meeting last month, I think.

Q. We'll try to obtain the minutes, then, with respect to that. In terms of the financial capping, did the diocese adopt a position of a particular financial maximum amount, like the Sydney package, or did it adopt an open-ended package?
A. It considered that at great length, because the Bishop-in-Council was asked to give consideration to that, and I, in listening to that, understand that there are both pluses and minuses for both a capped amount and for an uncapped amount. And because our appreciation is that, number one, when a person comes forward with their story of abuse, the very first thing that they want is to have that story heard and acknowledged. They also look forward to an apology, and they want to know that things are being put in place that this will hopefully never happen again, but the compensation is not necessarily the main object.

Q. I'll show you some documents.

MR BECKETT: I will hand up three copies, plus one for the witness.

Q. Mr Hanger, the chair of the professional standards committee, kindly provided these documents to us I think yesterday. I wonder, sir, if you could go to tab 7, please. You'll see that's a document entitled "Pastoral Care and Assistance Scheme 2013"?
A. Yes.

Q. And over the page, there is a schedule of financial assistance, which looks very similar to the Sydney schedule?
A. Yes.
Q. Do I take it from your evidence just a moment ago that this has not been finalised as the scheme to be adopted in the Diocese of Grafton?
A. I think I'm right in saying it was adopted.

Q. It was adopted?
A. Yes.

Q. Thank you.
A. Yes. I've just had a nod to say it definitely was adopted.

Q. Prompted in your evidence from the public gallery. We see at tabs 3, 4, 5 and 6 there are a number of letters there, making the financial offers to [CE], [CB], [CA] and [CC]; is that correct?
A. Yes. This is the work of the professional standards committee, so it's the first time I've seen those.

Q. With respect to the other claims, I understand that Bishop-in-Council has resolved to seek an audit of the 41 claims that were settled back in 2007; is that correct?
A. Yes, they have requested that the professional standards committee review each one of those in order to make sure that our protocols are treated with some integrity.

Q. Do I take it from that that effectively the new document, pastoral care and assistance scheme, will be applied retrospectively, if you like, to those 41 claimants?
A. That's right.

MR BECKETT: I tender that folder of documents.

THE CHAIR: We will make it exhibit 3-19.

EXHIBIT #3-19 FOLDER OF DOCUMENTS PROVIDED BY MR HANGER, CHAIR OF PROFESSIONAL STANDARDS COMMITTEE

MR BECKETT: Q. I want to now ask you some brief questions about the question of discipline within the Diocese of Grafton, and particularly about Reverends Kitchingman and Brown. I understand from one of the annexures to your statement, GE-21, that certainly as of that particular date, 22 August 2013, there was no professional standards board in place; is that correct?
A. No. There's a professional standards board in place - I think it was probably poorly expressed there. I think I might have said something about it not properly constituted. What I really meant was that it needed to be updated. It hadn't been used for quite some years, and it needed to be revised.

Q. On page 8 of GE-21, the minutes record:

The Venerable Greg Ezzy advised there is no properly constituted Professional Standards Board at this time and gave a brief description of the duties of the Professional Standards Board.

So what steps have been taken since that point in time to properly constitute a professional standards board?

A. I've checked that and, as I just said, that it is properly constituted, and at this stage I need - or we need to - I think there's one or two vacancies on the board, but the legal people are in place.

Q. I wonder if exhibit 3-2, document 161 could come up, please. This is an annexure to an email that you sent to general counsel for the Royal Commission, Roderick Best, on 24 October 2013. Do you recall writing this letter?

A. I sure do.

Q. Let's go through it, if you wouldn't mind. It says there:

... the Professional Standards Committee was not called upon to undertake its role to any appropriate degree following the revelations in 2006 and Allan Kitchingman's conviction ... have not been acted upon.

Do you see that?

A. Yes.

Q. So can I just ask you about that. Have any steps been taken to refer Reverend Kitchingman's conviction in 2002 to the professional standards committee for consideration as to whether any disciplinary action should be taken?

A. Not at this stage.

Q. Why is that the case?
A. Well, it's because I've inherited a diocesan registry that has no register, that has no accountant, that has no bishop's PA, and has just lost another member of staff, and we are operating on a very reduced staff, and, as well as that, I'm very glad to say that we have also been almost employed full time by the Royal Commission getting hold of material for it.

Q. Do I take it from that that if those logistical impediments to referring the matter to a professional standards committee are removed, you will take such action?

A. Absolutely.

Q. With respect to Reverend Brown, the position you state at point 4 is that to the best of your knowledge the diocese has heard nothing further from the police. That's a reference to the email from the police on 16 January 2007 to Mr Comben asking the diocese to suspend disciplinary action while a police investigation occurred; is that correct?

A. That's what I understand, yes.

Q. Have you taken any steps to ascertain from the police the status of that particular investigation?

A. No, and for the same reason.

Q. I understand we're likely to hear some evidence from Mr Elliott about that particular matter.

A. Yes.

Q. Do you see any impediment to Reverend Brown also being subject to some sort of disciplinary action once those other impediments that you mentioned a moment ago are removed?

A. It's part of our protocol, so it will be followed through.

Q. Lastly, I understand that you are now in regular contact with Mr Campion; is that right?

A. Yes, I am.

Q. And what's the nature of that contact with Mr Campion?

A. It started off immediately I came into this position. I received a letter from Mr Campion, and I had been made aware that he regularly wrote to the bishop and that there were many outstanding matters that he wanted to conclude. So it seemed to me that one of the reasons why I was happy
to take on this role is that over the many years that I've been involved in ministry, I have had long associations with survivors of sexual abuse, as I have with perpetrators of sexual abuse, and I felt that the one thing that seemed to me to be absolutely necessary was to have a person-to-person approach. So I made contact with Mr Campion, and we developed a relationship in which we endeavoured to work out together what it was that might bring healing for him and what needed to be put in place and the various things that he mentioned seemed to me to be absolutely spot on with what I had experienced before. So we've made a commitment together that we would work in order to try to resolve these matters now in a way that is going to bring some just and compassionate and Godly response to those who have been affected.

Q. And it would have been advantageous, wouldn't it, if a similar approach had been made to Mr Campion at an earlier stage, in other words, perhaps some time around when he was conducting the group claim in 2006 and 2007?
A. A sense of trying to follow legal restrictions gets in the way.

MR BECKETT: Those are the questions, thank you.

MR BRADY: Nothing, your Honour.

MR TAYLOR: No, thank you, your Honour.

<EXAMINATION BY MS McGLINCHEY:

MS McGLINCHEY: Q. Archdeacon Ezzy, in your position of administrator from May 2013, you've attempted to put a number of measures in place to ensure that matters are dealt with in a better way in the future; is that correct?
A. To the best of our ability, we have been able to move beyond looking at a legal response and reverting to the protocols that have been put in place to achieve the best possible outcomes for those who have been abused.

Q. I just want to take you to some of the measures that you've put in place since May 2013, and you referred to the protocols. Is it the case now that all new matters are referred directly to the director of professional standards?
A. Yes. Part of the protocols are that the bishop or the administrator stays at arm's length in the various matters
and consequently that's why we've made sure that the commission have reactivated in a way that will allow those matters to be dealt with. There are a number of other things we've put in place as well.

Q. You arranged for Ms Hywood to distribute a poster in the community. Could you tell us what that was about?
A. Yes. It was to make sure that the various matters that relate to our protocol were being put into practice, and one was to make sure that information was in all of our church buildings that gave information that anybody who had matters of sexual abuse would be referred, in the first case, to the director of professional standards. Up until that time, there had been a communique saying it would be referred to the registrar. To some extent, maybe that could have been interpreted, from our protocols, to be appropriate because, in a sense, he is part of the head of the diocese. But, in fact, we wanted to make sure that they now went directly to the director.

Q. You've already given some evidence about your work with the chair of the professional standards committee reviewing the older matters, so we won't go to that. You also organised a community meeting?
A. Yes. The community meeting was particularly in Lismore, because, as one would appreciate, until Tommy Campion very courageously came forward and told his story about abuse, there had been no whisper of sexual abuse at the children's home right up until that time. Consequently, the children's home was held in great respect by people in the community, and by many past residents as well, because, as you would know, in private homes where most sexual abuse takes place, family members are often not aware of that for many, many years to come until the person is able to tell that story.

So, consequently, in Lismore there were many people who - it took them a great deal to come to terms with the fact that this home that they had loved, they had supported, they had volunteered to help, they had fund-raised for over many, many years, now heard of some of these terrible things that had happened, particularly back in the late 1950s and early 1960s, and consequently we needed to give those people an opportunity to hear information, to share some of their stories. So we put in place counsellors on that particular day to be there, and particularly quite a number of past staff who turned up,
because they were fairly traumatised by these revelations as well.

Q. You also worked towards the production of an apology?
A. Yes. In my conversations with Tommy, the apology was a very significant thing for people who had been abused. It was the sense that their story was acknowledged, that this had happened, and that somebody was taking responsibility for it.

So working at that apology that eventually was published in the major newspapers throughout Australia took some time, because, again, it was helping to change the culture that had been put in place that the church had no legal responsibility for the home. So that took a deal of negotiating to help people to see that the very close relationship, running relationship, the community perception of the relationship - it took time to be able to help people to adjust to that.

Q. Archdeacon, it's clearly your view that the leadership of the diocese has failed in the past in its effort to protect young people in its institutions. Are you hopeful about the future?
A. I'm just going back to your first statement about that the leadership failed. The leadership failed in responding, particularly in responding. Unfortunately, the nature of sexual abusers is that they are very skilled and they get into organisations, and I know that that organisation, the North Coast Children's Home, has done many things to put in place child protection so that that won't happen again, yes.

Q. So it's the response to future claims that you hope to be handled in a different way, in a better way?
A. Yes, in a way that is Godly; in other words, it respects the welfare of every individual no matter who they are. If they have a story of abuse, their story must be heard, they must be encouraged to tell it, so that the process of healing might take place.

MS McGLINCHEY: Thank you, archdeacon.
MR BECKETT: Nothing arising.
THE CHAIR: Yes, thank you, archdeacon. You may step down. You're excused.
<THE WITNESS WITHDREW>

MR BECKETT: I call Mr Michael Elliott.

<MICHAEL IAN ELLIOTT, sworn: [3.05pm]

<EXAMINATION BY MR BECKETT:

MR BECKETT: Q. Mr Elliott, I wonder if you could state your full name and occupation for the Royal Commission?
A. Yes, it's Michael Ian Elliott. I'm the director of professional standards for the Anglican dioceses of both Newcastle and Grafton.

Q. You've completed a statement in this matter dated 25 October 2013?
A. Yes.

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

Q. Do you say it is true and correct to the best of your knowledge?
A. I had a couple of typographical amendments, but outside of that, yes.

Q. Would you like to indicate what they are?
A. I apologise, I didn't bring them to the witness box with me, but I believe Mr Brady may have them available.

Q. We can deal with that perhaps later. Mr Elliott, as I understand it, you became the professional standards director for both Grafton and Newcastle in 2009; is that correct?
A. Yes.

Q. Could you please explain what the nature of the arrangement for your services as professional standards director was in 2009?
A. I was employed full time - sorry, part time initially by the Newcastle Diocese. The arrangement with the Grafton Diocese was a little more unclear. It had been indicated to me that I would be used on an as-needs basis by the Grafton Diocese.

Q. What did that mean in practice if we start in 2009?
A. In practice it meant that I was reactive to when I was given instructions by Grafton Diocese to act for them and to pursue matters or engage on their instruction.

Q. I think you say in your statement that the professional standards committee during, the period 2009 to 2012, was effectively defunct; is that correct?
A. I don't know about "defunct". I'd call it somewhat dysfunctional.

Q. I think you said in your statement that it met four times in 2009?
A. That sounds correct.

Q. And then only twice in 2010, 2011 and 2012?
A. That's that I'm aware of unless they met without me present.

Q. During that time, what were you doing in your role as professional standards director?
A. For Newcastle or Grafton?

Q. For Grafton.
A. Early on in my appointment, I travelled to Kempsey, where I presented some training around safe ministry and faithfulness in service, a protocol document. I also travelled to the Grafton Diocese to attend at least one of those professional standards committee meetings. Outside of that, I took part in some of those meetings by teleconference. And besides that, there wasn't a whole lot of work coming through from that diocese.

Q. Presumably you were in attendance at the professional standards committee meetings that did occur?
A. I think I only attended one in person, and the rest by teleconference.

Q. So how many times did you travel to Grafton, do you think, in the period 2009 up to the end of 2012?
A. It was definitely two, possibly three, but I think it was only two.

Q. And did you have many files in your possession from the Diocese of Grafton?
A. No, I didn't have any. For quite a period of time, I didn't have any files. When the national register was introduced, I requested all of the files, and I think only
about three or four were forthcoming.

Q. No doubt you've been following the evidence to some
degree here. Are you aware of claims made by [CE], [CF]
and [CG] on that list of pseudonyms there?
A. I am now.

Q. Do I take it that when those matters were referred to
in correspondence between Mr Roland and Mr Harrison in
2009, you did not receive copies of those matters?
A. That's correct.

Q. Just to clarify something that has arisen - each of
those matters, as I understand it, involves physical or
psychological abuse. Are they matters - that is, physical
or psychological abuse matters - matters that you would
expect to be referred to you?
A. Under the protocol, no. I'm not convinced that none
of them were sexual matters, either. I might need to refer
back to them, but my expectation under the protocol was
that only sexual matters would be referred to me.

Q. You're aware of the claim made by [CA], are you not?
A. Yes.

Q. You're aware now, I presume, that she was one of the
group claimants who did not accept the settlement in 2007?
A. Yes.

Q. When you started in 2009, was her file, if you like,
referred to you?
A. No.

Q. When was the first time you came to know about [CA]
and her claim?
A. I became familiar with her - not so much her claim,
but her version of events, through my conversations with
Mr Campion, but I was unaware of any details of a formal
claim through the diocese until 2013.

Q. We have further correspondence that was sent in the
nature of claims of child sexual abuse by [CB] and [CC]
that was received by the bishop in February and March 2011.
You're aware of those claims now, aren't you?
A. Yes, I became aware of those in 2013.

Q. So the first time you became aware of those was when,
as I understand it, Ms Hywood wrote to you, referring those
claims to you for consideration under the protocol?
A. I was aware of [CB] indirectly through
Bishop Peter Stuart, who had mentioned that matter to me,
so I had some knowledge of it. [CC] - I was unaware of
that matter until Ms Hywood referred it to me. But I was
certainly unaware of the details of the claim of [CB] until
Ms Hywood referred me the file.

Q. At no stage during the period 2009 through to January
2013 did you have files opened for [CA], [CB] or [CC]; is
that correct?
A. That's correct.

Q. None of those had been referred to you by the Diocese
of Grafton, had they?
A. Not until Ms Hywood referred them to me in 2013.

Q. In 2010 the Royal Commission has heard evidence of the
bishop having negotiated a financial settlement with
Mr Campion. Are you aware of that now?
A. Now, yes.

Q. I think you say at paragraph 37 of your statement that
there was some contact between you and Ms Catt about
Mr Campion; is that correct?
A. Yes.

Q. So do I take it that there had been some
correspondence between you and Mr Campion about his claim
at about that time; is that right?
A. Yes.

Q. I think essentially she indicated to you that
Mr Campion was difficult to deal with and a constant
agitator to the diocese; is that correct?
A. Yes, that was the indication from both Ms Catt and
Mr Comben.

Q. And were you brought into any of those negotiations or
discussions with Mr Campion about a financial settlement
with the diocese?
A. No.

Q. Were you asked, in your capacity as professional
standards director, to provide him with any of your
services?
A. No. Quite the contrary, I had offered my services on a number of occasions and they were declined.

Q. Who did you offer them to?
A. Bishop Slater and Rosie Catt.

Q. I think you say that the bishop indicated to you that the matter was being handled and that there was no need for you to be involved; is that correct?
A. He went further than that and later told me not to have any further contact with Mr Campion.

Q. Do you understand why he said that?
A. I have my own view.

Q. Did he state why he did not want you to be involved?
A. He said that the matters had been finalised and he didn't give a reason why.

Q. Were you concerned about the bishop expressing that to you in those terms?
A. Yes, I was very concerned. I had been concerned about Mr Campion and the way he had been responded to right throughout that period that I had contact with him.

Q. Did you express that to the bishop?
A. Yes.

Q. Did you suggest to him that it would have been better, preferable, at least, for you, as professional standards director, to be dealing directly with Mr Campion?
A. Yes, definitely. I sent a letter to him that you have in evidence expressing that view.

Q. I understand that Ms Hywood commenced as acting registrar in January 2013, and her evidence has been that she discovered, first of all, that there were a number of professional standards files that were kept in the registry at Grafton, and this was of concern to her?
A. Yes.

Q. Do you recall that, and that she took steps to have those files transferred from Grafton down to you; is that correct?
A. Yes, she brought them down personally.

Q. And then also on 22 January 2013 she sent you a letter
formally referring [CB] and [CC] for you to undertake your
duties with respect to; is that correct?
A. Yes.

Q. I understand you had some concerns when you were first
told that you had not received [CB]'s and [CC]'s claims; is
that correct?
A. Yes, I was very concerned at the way they had been
treated and the way the matters had been handled.

Q. I think you indicated something about your position.
A. Yes.

Q. What was that?
A. I drafted my resignation. I thought that I could no
longer work for the Diocese of Grafton, that they were
compromising my integrity and my position and that they
were re-traumatising those people who had come forward
alleging abuse.

Q. You clearly decided not to resign.
A. Yes. Ms Hywood spoke to me, and I decided to stay and
try and do what I could to change that situation and that
culture and respond to those people properly.

Q. Were some steps taken in 2013 to formalise the
arrangement between you and the Diocese of Grafton?
A. Yes. At that time I told Ms Hywood and the Diocese of
Grafton that I would not continue under that previous
arrangement, which I felt had contributed to the process
failures, and I drafted a new agreement where I was to be
remunerated, which I hadn't been to date, and there were
expectations around matters being referred to me and my
responses.

Q. The expectation about matters being referred to you -
you indicated to the professional standards committee,
I think, at a particular meeting, that you wanted to ensure
that all claims of child sexual abuse came to you; is that
correct?
A. That's correct. That was back in about 2009, perhaps
2010. It was early on. I had formed the view that matters
weren't being referred to me - or the suspicion, at least -
so I developed a form and asked them to use that form to
ensure that all professional standards matters were
referred to me.
Q. By 2013 you took further steps, didn't you, to make sure that that referral process of child sexual abuse matters was reinvigorated, if you like?
A. Yes. I told them I wouldn't continue unless that occurred.

Q. Some evidence was just given a moment ago by Archdeacon Ezzy about the development of a new pastoral care and assistance package within the Diocese of Grafton.
A. Yes.

Q. Have you been involved in the development of that particular package?
A. Yes, I've been assisting the professional standards committee in the development of that.

Q. Do you have any concerns about that particular package, the one that was recently adopted at Bishop-in-Council?
A. No, I'm comfortable with it. I think it's consistent with what many other dioceses are using at this point in time.

Q. We've also received some evidence today about the way in which the claims of [CA], [CB], [CC] and [CE] have been dealt with. I understand that you have set out in your statement that not long after those matters had been referred to you, particularly [CB] and [CC], you made contact with those two people; is that correct?
A. I did, yes. I contacted them and engaged with them and asked if they would be prepared to have ongoing contact with me, with the aim of providing a more appropriate response than what they had received to date.

Q. [CB]'s claim, I think, was approximately two years old by the time you made your first call to [CB]; is that correct?
A. Yes.

Q. And at that point in time essentially he had been offered a pastoral support person?
A. Yes.

Q. And he had been offered no further support in terms of the way the protocol is drafted?
A. That's my understanding.
Q. He hadn't been offered even counselling by that stage?
A. That's correct.

Q. So did you offer counselling and other support to him at that point in time?
A. Yes, I did. He was very angry at the way he had been treated, so it took some time to just even establish a communication with him and have him agree to work with me and have me support him.

Q. What did he say to you that he was angry with the diocese about?
A. He was angry with Bishop Keith Slater for the way that he had responded to him and treated him, specifically.

Q. You also, I understand, spoke with [CC]; is that correct?
A. Yes.

Q. How had she responded to the similar lack of contact over the previous two years?
A. It had been extremely traumatising to her, the responses that she had received. She was in a very fragile emotional state and had been for some time. She had fairly serious psychological symptoms as a result of the abuse she had endured in the home, and this very much brought that to the surface. She was suicidal and on several occasions indicated to me in my dealings with her that she didn't know how much longer she could go on and that she was on the brink of taking her own life.

Q. You took some steps to support her?
A. I did. I made an immediate recommendation, through the professional standards committee, for an emergency payment of $5,000 to be made to her to assist her to improve her housing situation and enable her to have better access to services that she needed.

Q. Was she able to achieve some counselling or other support?
A. She didn't wish to take up counselling. She said that she had had a lot of counselling over the years and didn't wish to pursue that at this stage.

Q. Did you take any steps to refer [CB]'s and [CC]'s matters to the police?
A. Yes, I did. I referred both of those matters.
I actually referred all of the files that Ms Hywood gave me, and they were quite extensive - I scanned all of them and provided them to police.

Q. You're probably aware of a schedule that was prepared by Mr Comben, setting out the 40 or 41 claimants in the group claim?
A. Yes, I've seen that.

Q. When was the first time that you were given a copy of that document?
A. I believe in 2013 with the documents Ms Hywood provided to me.

Q. So no steps, as far as you were aware, were taken by the diocese to refer those matters to you in the period 2009 to January 2013?
A. That's correct, and I re-did another version of that table and read through those documents and pulled more information that was relative to any criminal acts and referred that to the police as well, to assist them.

Q. I'll just ask you a couple of disciplinary matters and then I'll ask you about the national register. If we can take Reverend Kitchingman, to begin with, what's the current state with respect to Reverend Kitchingman's matter in terms of disciplining or considering him for discipline based on his 2002 convictions for indecent assault?
A. I have recently referred that matter to the professional standards committee of Grafton and provided them with a copy of his conviction records.

Q. What was the recommendation, if any, you made to the PSC about how that should be dealt with?
A. A recommendation hasn't been made yet. It hasn't formally been considered. But it is on their agenda.

Q. I understand that Reverend Kitchingman is in fact resident within the Diocese of Newcastle; is that correct?
A. Yes.

Q. I also understand that there is a safe ministry practice within Newcastle, that is to say, the approach in the Diocese of Newcastle is that where somebody has been convicted of child sex offences, the diocese will enter into a memorandum of understanding, or some sort of informal agreement, with the person about their attendance
on church property; is that right?
A. That's only a very recent development. It only
occurred within the last few weeks. There's no such
arrangement as yet with Reverend Kitchingman.

Q. So in your period in the Diocese of Newcastle as
professional standards director, do I take it that there is
no arrangement between the diocese and Reverend Kitchingman
about his attendance upon church property?
A. I understand that the current administrator bishop has
given instruction to the dean where Reverend Kitchingman
attends around identifying and managing that risk until
a formal process can be put in place.

Q. You said the practice has only been recently adopted.
Is that the safe ministry practice, or what's the nature of
that particular policy?
A. No, it's titled the safe ministry - it's got a long
title - safe ministry and managing persons of concern and
persons convicted of sexual offences.

MR BECKETT: I'll hand up a document - three copies for
the Bench and one for the witness.

Q. Is this the safe ministry document you were referring
to a moment ago?
A. Yes, that looks like it. There have been several
amendments recently, so I'd have to read it a bit more
thoroughly just to ensure it's the most current version.

Q. We also have a copy of a tracked changes document with
respect to this issue. In any event, if you could just
review it to see whether it is, to your knowledge, the most
current version?
A. What I'm looking for, Mr Beckett - you might be able
to assist me - is the most current version has reference to
risk assessment being conducted by the professional
standards committee.

Q. I'll hand you up another document and see whether that
assists. That's a tracked changes document. I'll tender
the first one, but I won't tender the second one at the
moment.
A. Thank you. Yes, this looks more like my understanding
of what is the most current version.

Q. We have been given a letter from the bishop
MR BECKETT: I tender the first of those documents.

THE CHAIR: Very well, the safe ministry document will be exhibit 3-20.

EXHIBIT #3-20 SAFE MINISTRY DOCUMENT

MR BECKETT: Q. Mr Elliott, are you aware of why this safe ministry document seems to have only been created in the last two weeks?
A. I have a view on it.

MR BECKETT: Q. You're the professional standards director at Newcastle. These safe ministry practices have been around for some years, have they not, in other dioceses in the Anglican Church?
A. Yes. I've been asking for them to be implemented in Newcastle, but it's been slow to occur.

MR BECKETT: Q. You have been there since 2009 and no safe ministry policy has been adopted during that time until this year?
A. We have safe ministry policies and Professional Standards Ordinance and the like, but as far as a document specifically relating to management of persons of concern, this is the first one that has been implemented.

MR BECKETT: Q. I think you indicated earlier that no steps have been taken by the Diocese of Newcastle to adopt practices, irrespective of any written policy, with respect to those convicted of child sexual abuse?
A. No, I had taken steps to attempt to have some risk management practices in place, with varying levels of effectiveness.

MR BECKETT: Q. But with respect to Reverend Kitchingman at least, no steps had been taken with respect to him; is that correct?
A. That's correct.

MR BECKETT: Q. The last thing I want to ask you about is that we have some evidence about the Anglican national register.
A. Yes.

Q. As I understand it, the register commenced operation in 2009?
A. Yes.

Q. That's notwithstanding that there were canons passed with respect to the register both in 2004 and in 2007; is that correct?
A. Yes.

Q. Do you understand that there was a number of disputes about the nature, if I could call it that, of the register and how it would operate?
A. Yes.

Q. From 2009, that being the same year in which you commenced as professional standards director in Grafton and in Newcastle, what has been your experience of the operation of that particular register?
A. The register has been somewhat problematic. There have been a lot of technical problems that are being rectified over time, but it has been difficult to use and somewhat problematic.

Q. Let me ask you about that. First of all, am I correct in saying that all clergy are entered on the register?
A. Clergy and lay who fit within the criteria to be listed.

Q. That doesn't mean that you have necessarily done something wrong, does it, the fact that you're on the register? It's the fact that you're a member of clergy or a member of laity?
A. No, it would only be persons of concern.

Q. Thank you for clarifying that. Let's start with Grafton first. Have you had occasion to enter or at least attempt to enter any persons associated with the Diocese of Grafton on to that national register?
A. Yes. In I think it was 2009 I requested from Rosie Catt at Grafton persons who fitted the criteria of the canon to be listed. It took her some time, but she eventually provided me four names, which I did enter on the register. And Mr Kitchingman was not one of those.

Q. Was Reverend Brown one of them?
A. No.

Q. Were any of the people that you subsequently came to know to be on the list of people who had allegations against them in the group claims provided to you by Ms Catt or by anybody else at the diocese?
A. No, not until 2013.

Q. Were you able to successfully put those four names on to the register?
A. I believe so.

Q. Then what's your experience in Newcastle with putting names on to the register from Newcastle?
A. Again, it's problematic and a difficult task. I have been able to enter some names on to the register. Others, it's difficult to actually make the assessment as to whether they fit the criteria to go on or not.

Q. Why is that difficult?
A. One of the criteria is that if it's a complaint of a sexual nature that's not deemed to be exhausted, then it goes on the register. But the category of "exhausted" took in false, vexatious or finalised, yet a lot of the historical files that I have at Newcastle don't fit into any of those categories. They perhaps haven't been dealt with or haven't been dealt with appropriately. Some of the files are compromised. And it's difficult to determine - I wouldn't categorise them as exhausted.

Q. So am I correct in saying that it needs to be exhausted before you can have it entered on the register; is that correct?
A. No, if it's exhausted, it doesn't get entered.

Q. But in that case, why can you not have entered on the register that there are allegations against a particular person?
A. Once you enter a person on the register, a letter is automatically sent to them notifying them of the register entry and providing them the opportunity to dispute that entry. In some of these cases, it may not be appropriate to notify that person of the complaint, should it become a current investigation or in fact a police investigation.

Q. I see, so in other words in order not to interfere with what the police are doing in a particular
investigation, you're prevented, if you like, from having allegations with respect to that person entered on the register?
A. I wouldn't say "prevented". I think there is a provision for a warning that lasts for 30 days that must be continually renewed, but again it's technically problematic and difficult to use.

Q. I understand from your statement, particularly annexure ME-52, that there has been some correspondence between you and other professional standards directors about the register; is that correct?
A. Yes, the directors meet regularly and correspond regularly, and there has been a lot of correspondence. It has been a point of discussion and an agenda item since its introduction.

Q. If I can bring up the first page of ME-52, you will see there, there is an email to you and a number of other people, presumably professional standards directors - first of all, is that correct, that's an email from Peter Caporaso to a number of professional standards directors?
A. That would be all of the professional standards directors nationally.

Q. You'll see that Mr Caporaso is indicating that he is anxious because he has so much information in Adelaide that has not been loaded on to the register. Do you see that?
A. Yes.

Q. In fact, he says there is almost nothing from Adelaide on the register. Do you see that?
A. Yes.

Q. Is that your experience with respect to communications about the register from other professional standards directors in Australia?
A. Not all dioceses. I know Brisbane, the director in Brisbane has managed to get all of his matters listed effectively, and some others have, but this is the experience of some of the other dioceses, that they have experienced difficulty.

Q. Would you consider yourself one of the people who has experienced difficulty with the operation of the register?
A. Definitely.

26/11/2013 (22) 2361 M I ELLIOTT (Mr Beckett)

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MR BECKETT: Those are the questions for Mr Elliott.

THE CHAIR: Q. You talk about the register and one gets the feeling that you might have some ideas as to how things might be changed with it. Do you?
A. Yes. There are some things under way that I think will rectify the register. They may not be in full swing until early next year.

Q. Can you let us know what that's all about?
A. Yes. The software, I believe, is being reassessed, and the whole program is being re-evaluated and some resources put into simplifying the software and how it's actually used. I think that should go a long way to rectifying some of the issues.

Q. How do the current problems manifest themselves?
A. I guess there's a general lack of confidence in the register among the directors of professional standards.

Q. That if you search it, you may not find --
A. Well, that's one of the other issues that we've had instances where unless you search for the exact name, then it won't come up. So if you have an abbreviated name or a shortened name or a slightly different spelling, you won't necessarily get a result on the register.

Q. Are there other issues that need to be addressed?
A. Yes. The hardware component of the register. We each have a portable laptop that we use that could be improved.

Q. To what advantage? How would that help you with the register?
A. It would be simpler if it could be integrated into our desktop computer. It's a small computer that I need to, for example, when I use mine, I need to unplug my network cable from my desktop and plug it in and start the thing up. It's a time-consuming process.

Q. A matter of convenience?
A. There's many passwords to try to enter at different points, because the information is encrypted and bounces back and forth between the national register office in Sydney and your location.

Q. Any other issues?
A. Yes, I think that that is a significant issue - the one where the letter is sent out. I understand that that's a procedural fairness issue, but the directors need a flag for people who may be under current police investigation but without necessarily that respondent being made aware of that.

Q. So what do you suggest should happen?
A. I would like to see the directors of professional standards to take control of the register in some way, rather than it be managed by the General Synod office, because I think they have a better understanding of the functionality of it.

Q. So how would you do that?
A. Well, I think collectively we would have to discuss whether one diocese was prepared to take responsibility for it, and I know that poses difficulties around resourcing and management of it and time, but that might be able to make it more effective, because at the moment in order to - acknowledging the failures of the register, the directors simply email each other and say, "Does anyone know this person?"

Q. So effectively you bypass the register?
A. Yes.

Q. Which means the register, at the moment, doesn't sound like it performs any useful function; is that what it amounts to?
A. Well, I guess it does, to some degree, but it's not as failsafe as it could be, and there are problems with using it. The technical problems are to a point where it's exceptionally time consuming and the directors have lost confidence in it and don't tend to use it as much as they could, I guess, or should.

Q. Has someone put all this on paper? Is there a document that records the problems and what should happen to fix them?
A. Yes, the directors have sent at least three letters to General Synod office indicating their concerns.

THE CHAIR: Do we have those letters, Mr Beckett?

MR BECKETT: Yes. Tomorrow, your Honour, the Royal Commission will hear from Martin Drevikovsky. A number of
letters have been written to him and he has replied to those. He has also made, as I understand it, a number of reports to General Synod or to the standing committee of General Synod, in any event, about the particular register. I haven't seen those documents, but I'm hoping after we finish today to sit down and read them.

THE CHAIR: I think we need to know, before we let Mr Elliott go, whether there are issues that he would seek to have you put to anyone who comes along to talk about what is going to happen.

MR BECKETT: Indeed.

MR GRIFFIN: Your Honour, might I raise an issue on that topic?

THE CHAIR: Yes.

MR GRIFFIN: Mr Drevikovsky provided a supplementary statement yesterday to the Commission, and that statement was further amended this morning. It relates to the national register. It might assist the Commission - I'm purely in your hands on this - if Mr Elliott had the opportunity to read Mr Drevikovsky's statement.

THE CHAIR: That's what I have in mind. I don't want him to go until we know we have the whole story and can identify whether there are remaining problems.

MR GRIFFIN: Based on my instructions, I have the same concerns you have just expressed, your Honour.

THE CHAIR: Mr Beckett, I don't know how we should deal with that.

MR BECKETT: Ask Mr Elliott to perhaps stay overnight and he can review the documents this afternoon and return in the morning.

THE CHAIR: Q. Mr Elliott, this is not an unimportant matter for us.
A. I understand, your Honour.

Q. If you have the time, I think it would be of real benefit - and Mr Griffin, I'm sure, would share this view - that you have a chance to look at what has been sent to us
so that tomorrow morning you might come and let us know --
A. Yes, I'm happy to do that, your Honour.

Q. We would really like in summary form a list of any
outstanding issues and how you suggest they should be
addressed?
A. Certainly. I was reflecting there during that period.
To me, the simplest version of a national register would
simply be - it only needs to be a list of names with a flag
that a file exists in a particular diocese about that
person, and then a director can then make inquiries to
access that file.

Q. That may be right.
THE CHAIR: When do you anticipate calling Mr Drevikovsky?
MR BECKETT: Immediately after Mr Elliott.
THE CHAIR: He is here, is he?
MR BECKETT: When I say immediately, I was going to seek
the indulgence of the Royal Commission until tomorrow
morning so I could read his statement which has just come
in to me today.
THE CHAIR: Q. I think it would be a good idea if you
had a chance to talk to him when you have read his
material. I assume you know him?
A. Yes. He is present.

Q. He is present, is he? Well, perhaps if someone can
facilitate you having the documents, and then you might
have a chat to him.
A. Yes.

Q. We really would like to get to the bottom of it so we
can provide, if necessary, some authoritative statement
about what we think should happen.

THE CHAIR: You want to adjourn, do you?
MR BECKETT: Just before we do, I can ask one more
question and then perhaps ask your Honour to adjourn.

THE CHAIR: Very well.
MR BECKETT: Q. I wonder if tab 154 in exhibit 3-2 could be brought up on the screen. It is Ringtail ANG.0022.001.0001. Mr Elliott, you will see this is an email from Bishop Peter Stuart of the Anglican Diocese of Newcastle to you and to Alison Dalmazzone dated 7 June?
A. Yes.

Q. You will see that this is a letter from Dr Philip Selden to various bishops saying if they are "approached by the following persons regarding employment in ministry please contact the Registry of Sydney Diocese"?
A. Yes.

Q. And then there are four names which the Commission has redacted. Do you see that?
A. Yes.

Q. This is an example of the informal process that has been instituted amongst the professional standards directors that you referred to earlier?
A. No, this is an informal process that the bishops from time to time use. The professional standards directors would adopt that on a more frequent basis, probably weekly, where any person applying for a licence or a significant position in the diocese would be circulated on a group email to ascertain if any other director had concerns or a file about them, but in a similar vein.

Q. So the process that you've adopted at least, within Newcastle, is that if somebody applies for a licence, then you circulate that name to all the 23 dioceses around Australia; is that correct?
A. Yes, if those names are referred to me, which currently they usually are.

MR BECKETT: That's the additional matter.

THE CHAIR: Thank you. We will adjourn until 10 o'clock in the morning.

AT 3.55PM THE COMMISSION WAS ADJOURNED TO WEDNESDAY, 27 NOVEMBER 2013 AT 10AM
2362:19
lady [1] - 2316:20
laity [1] - 2359:34
laptop [1] - 2362:31
large [1] - 2285:18, 2320:36, 2323:45, 2324:5
lastly [1] - 2344:38
lasts [1] - 2361:5
latter [1] - 2272:19
launched [1] - 2280:36, 2280:47
law [1] - 2321:43
lay [1] - 2359:28
lead [1] - 2277:14
leader [1] - 2328:29
leaders [1] - 2328:29
leading [1] - 2303:9
learned [1] - 2302:25
learning [1] - 2330:45
LED [1] - 2335:39
left* [1] - 2291:37

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