

# ROYAL COMMISSION WORKING GROUP

## INTRODUCTION

The Royal Commission Working Group (**RCWG**) was appointed by the Standing Committee of the General Synod of the Anglican Church of Australia (**ACA** or **Anglican Church**) to coordinate a response on its behalf of to the Royal Commission into Institutional Responses to Child Sexual Abuse (**Royal Commission**).

The purpose of this report is to provide the General Synod Standing Committee with an overview of the RCWG work 2013-2017 for presentation to the Anglican Church General Synod in September 2017. This report summarises the work undertaken by the RCWG in response to the Royal Commission. This includes coordination of responses to issues papers, consultation papers and participation in roundtables discussions and case study public hearings.

## TERMS OF REFERENCE AND MEMBERSHIP

The Royal Commission Working Group was established in November 2013 by resolution of the General Synod Standing Committee.

1. *The Standing Committee:*
  - a. *reaffirms the commitment of the Anglican Church of Australia to the physical, emotional and spiritual safety and welfare of the children in its care;*
  - b. *repeats the apology made by the Thirteenth Session of General Synod in October 2004 to all children who have been sexually abused by clergy and church workers of the Anglican Church of Australia;*
  - c. *welcomes the announcement of the establishment of a Royal Commission into child sexual abuse covering organisations including churches; and*
  - d. *welcomes the opportunity the Royal Commission will bring for the Anglican Church of Australia to review its policies and procedures to protect children from harm.*
  
2. *The Standing Committee, recognising the importance of a national response on behalf of the Anglican Church of Australia, establishes a Royal Commission Working Group with the following functions:*
  - a. *To participate in the consultation on the terms of reference of the Royal Commission;*
  - b. *To facilitate a review of past complaints of child sexual abuse notified to the dioceses and associated Anglican schools and agencies, and ensure that all appropriate steps have been taken in dealing with those complaints including reporting them to the police where appropriate.*

- c. *To identify the policies and procedures currently in place in each of the dioceses and associated Anglican schools and agencies to respond to and prevent child sexual abuse.*
  - d. *To identify national best practice policies and procedures to respond to and prevent child sexual abuse and facilitate their implementation by the dioceses and associated Anglican schools and agencies including arranging for the preparation of all necessary legislation for the next General Synod.*
  - e. *Prepare all submissions necessary to respond to the Royal Commission.*
  - f. *Advise dioceses on their response to and participation in the Royal Commission.*
  - g. *Co-ordinate management of issues arising out of the Royal Commission in the Church and public domain.*
  - h. *Contribute to the development of a more national framework for child protection.*
  - i. *Such other functions necessary to respond to the Royal Commission.*
3. *The Standing Committee requests the Royal Commission Working Group to consult with the Professional Standards Commission in fulfilling its functions and such other persons it considers appropriate.*
  4. *The Standing Committee requests that each of the dioceses and associated Anglican schools and agencies fully cooperate with the Royal Commission Working Group including providing all relevant information, and assistance necessary to fulfil its functions.*

The members of the RCWG at May 2017 are:

- The Primate (ex officio)
- The General Secretary (ex officio)
- Mr Garth Blake SC (Chair)
- Ms Sue Harrington (Lawyer, SA)
- Mr Ken Spackman (Diocesan Registrar, Vic)
- Ms Helen Miller (Counsellor, NSW)
- Ms Kasy Chambers (CEO Anglicare Australia, ACT)
- Rev'd Andrew Ford (General Manager Mission and Partnerships, Anglicare Sydney)
- Ms Sherril Molloy (Member of the Executive, Anglican Schools Australia, Qld)

Ms Anne Baker has supported the RCWG in the role of Royal Commission Officer since June 2016.

## **WORK UNDERTAKEN BY THE ROYAL COMMISSION WORKING GROUP (RCWG)**

The RCWG has met on a number of occasions each year since its establishment in November 2013. It has undertaken a range of tasks in response to the outputs of the Royal Commission.

One of the RCWG's first undertakings was to encourage the 23 dioceses of the ACA to conduct a review of all child sex abuse complaints, documentation, policies, protocols and practices operating in each diocese.

### **Royal Commission Case Studies – Public Hearings**

The RCWG has monitored the Royal Commission hearings into Anglican entities and in some instances has sought leave to appear. The objective of the RCWG in monitoring the public hearings and reports associated with the case studies is to identify emerging issues and recommendations which should be taken into account in the development of policies and procedures in the Anglican Church of Australia.

- Case Study 3 – Grafton Anglican Diocese
- Case Study 20 – Hutchins School Tasmania
- Case Study 25 – Redress and Civil Litigation
- Case Study 32 – Brisbane Grammar Schools and St Paul's School, Queensland
- Case Study 34 – Geelong Grammar School, Victoria
- Case Study 36 – Church of England Boys Society
- Case Study 42 – Anglican Diocese of Newcastle
- Case Study 45 – Problematic Behaviour in Schools – Trinity Grammar, Sydney and The Kings School, Parramatta
- Case Study 46 – Criminal Justice issues and Consultation Paper
- Case Study 52 – Anglican Church Authorities in Australia (Wrap up)

The RCWG also monitored and reviewed the issues arising from Case Study 50 – Final Catholic Church hearing.

### **Royal Commission Issues Papers**

The RCWG has reviewed the issues papers circulated by the Royal Commission and identified issues of relevance to operations within the ACA.

The RCWG has coordinated submissions on behalf of the Anglican Church of Australia in response to the following issues papers:

- Issues Paper 1 – Working With Children Checks
- Issues Paper 3 – Child Safe Institutions
- Issues Paper 4 – Out of Home Care
- Issues Paper 5 - Civil Litigation
- Issues Paper 6 – Redress Schemes
- Issues Paper 8 - Experience of Police and Prosecution Responses
- Issues Paper 10 – Advocacy Support Therapeutic Treatment Services

## **Royal Commission Consultation Papers**

The RCWG has coordinated submissions on behalf of the Anglican Church of Australia in response to the following consultations papers:

- Redress and Civil Litigation March 2015
- Complaint handling and response April 2016
- Records and Record Keeping September 2016
- Criminal Justice October 2016
- Strengthening information sharing arrangements February 2017

## **Royal Commission Round Tables**

The RCWG has coordinated participation in private round tables conducted by the Royal Commission:

- Redress – September 2014
- Child Safe – April 2016

## **Royal Commission Research Studies**

The RCWG reviews all research released by the Royal Commission to identify issues relevant to the operations of the ACA. The most recent reviews have included:

- Service and support needs of specific population groups
- Risk profiles for institutional child sexual abuse
- Our Safety Counts Research reveals new insights into children’s view of safety
- Evidence and Frameworks for understanding perpetrators
- Principles of trauma informed approaches to child sexual abuse
- Grooming and child sexual abuse in institutional contexts

## **Other submissions**

The ACA operates under a decentralised structure and its core units of organisation are the 23 dioceses. There are also mission agencies, social welfare agencies, Anglican schools and parachurch organisations with varying degrees of autonomy. A detailed document outlining the structure of the Anglican Church of Australia was provided to the Royal Commission in June 2013.<sup>1</sup> This document formed part of a submission which provided information on the resolutions made and action taken by the General Synod and the General Synod Standing Committee, up to June 2013, on matters relating to Professional Standards which encompasses child protection, complaints handling and redress.<sup>2</sup>

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<sup>1</sup> Outline of the Structure of the Anglican Church of Australia – June 2013

<sup>2</sup> Outline of the Structure of the Anglican Church of Australia - June 2013: Appendix 2 - Resolutions of the General Synod and the Standing Committee of the General Synod.

## Case Study 52

In January 2017 a second submission was provided to the Royal Commission in preparation for Case Study 52 – Anglican Church authorities in Australia, held in Sydney from 17-22 March 2017. This submission provided updated information on the resolutions made and the action taken by the General Synod at its Sixteenth Session held in 2014, and by the General Synod Standing Committee between July 2013 and February 2017.

Members of the RCWG participated in a number of the panels in Case Study 52:

Panel 1.1	Structure of the Anglican Church
Panel 2.1	Training and screening for Clergy and Church Workers
Panel 2.2	Anglicare - Rev'd Andrew Ford
Panel 2.3	Anglican Education – Sherrill Molloy
Panel 3.1	Professional Standards Policy - Garth Blake
Panel 3.2	Professional Standards Directors
Panel 4.1	Redress, National Register and the way forward - Archbishop Philip Freier, Garth Blake and Anne Hywood

The ACA child sexual abuse data collated from the 23 Dioceses by the Royal Commission – Case Study 52 hearing showed:

- 1,119 complaints related to the Anglican Church from the 1/1/1980 to 31/12/2015.
- complaints were made by 1,085 survivors against 569 named and 133 unnamed perpetrators.
- of the 569 perpetrators, 247 were ordained clergy (43% of all known alleged perpetrators) and 285 were lay people (50% of all known alleged perpetrators). For 37 known alleged perpetrators (7%) their religious status was not known.
- of all alleged perpetrators, 94 per cent were male and 6 per cent were female
- the alleged abuse took place at the hands of 285 laypeople and 247 ordained clergy.
- of the people who made the complaints 75% were male and 25% female.
- the average age of the complainant at the time of the first alleged incident of child sexual abuse was approx. 11 years old and this did not vary for the gender of the complainant.
- the time between the first alleged incident of child sexual abuse and date the complaint was received by the Anglican Church was more than 30 years in 51% of the complaints and more than 20 years in 70% of the complaints.
- 74% of complaints involved child sexual abuse starting in the period 1950 to 1989 inclusive.
- complaints related to orphanages or residential homes had the highest average duration of the alleged child sexual abuse – 3.5 years.
- 459 complaints of child sexual abuse resulted in a payment being made following a complaint for redress (41% of all complaints).
- Anglican Church diocese made total payments of \$30.91 million at an average of approx. \$67,000 per payment from complaints made for abuse between 1/1/1980 – 31/12/2015.

- the Royal Commission has referred 84 alleged perpetrators to police, four of whom have been prosecuted and 23 are still under investigation.

### **Key themes arising from Royal Commission – Case Study 52**

The final Anglican wrap-up hearing from the Commissioners continually emphasized that they and the wider community expect that ‘everyone in the Anglican Church in Australia should be treated equally and the same, regardless of their location.

The following areas were raised for the ACA to consider;

- Uniform policy on Child Protection adopted by all Dioceses
- Minimum standards across the ACA and related entities for:
  - child protection,
  - clearances for clergy and laity
  - selection, training and formation of clergy
  - Safe Ministry training for all involved in the church
- Governance reporting to regularly report on child protection
- Commonwealth Redress Scheme / ACA National Redress Scheme
- Uniform Episcopal Standards

### **Ecumenical Engagement**

The RCWG has engaged with other churches and faith based organisations in addressing the issues arising from the work of the Royal Commission. Regular meetings have been held to facilitate the sharing of information. More specifically in 2015 and 2016, the Chair of the RCWG and the General Secretary has participated in meetings with representatives of the main churches to facilitate a consistent response to the recommendations in the Royal Commission’s Report on Redress and Civil Litigation.

### **ACA Response to the Royal Commission’s Report on Redress and Civil Litigation**

In response to the Royal Commission’s Report on Redress and Civil Litigation the RCWG recommended to Standing Committee that the ACA should meet the challenge posed to establish a redress process in the interim (before the establishment of a national government scheme) that was consistent with the principles identified in the Royal Commission’s Report. The RCWG recommended to Standing Committee the establishment of one incorporated entity to provide redress services to the dioceses and Anglican entities that choose to utilise the service.

The RCWG recommended a model which would provide redress to survivors of abuse, through a structure that is as independent as practicable from the ACA. The terms of reference would establish clear and consistent operating principles for the delivery of redress which, once established, would be applicable to all participating dioceses and Anglican entities.

The RCWG proposed that redress services be delivered on a decentralised basis to ensure accessibility to survivors and to enable a direct personal response by participating dioceses and entities.

Standing Committee in November 2015 encouraged the RCWG to explore this concept further in consultation with dioceses and Anglican agencies.

The RCWG conducted two consultation forums in June and September 2016 attended by representatives of the Anglican dioceses along with representatives of the school and welfare sector. Each forum attracted over 40 attendees representing 20 Dioceses.

Ms Leigh Sanderson, Special Counsel, Royal Commission into Institutional Responses to Child Sexual Abuse spoke at the first consultation forum and expanded upon the key principles of redress as prioritised in the Royal Commission's report.

A draft Redress Scheme options paper and costings were prepared and Standing Committee approved funding for legal service on the design of an independent, incorporated entity manage an Anglican redress scheme for those dioceses and Anglican entities which chose to opt in. This project was expanded following the announcement of the Commonwealth Redress Scheme on 4 November 2016 to also review how the ACA might engage with the Commonwealth Scheme, should it choose to do so.

### **Commonwealth Redress Scheme**

The RCWG has been in discussions with the Redress Task Force in the Department of Social Services (DSS) in regard to the development of the Commonwealth Scheme. In December 2016 the Federal government announced the establishment of an independent advisory council which includes representatives of the Roman Catholic and Uniting Churches but no representative of the ACA.

In May 2017, RCWG representatives met with the Minister for Social Services and DSS representatives and were briefed of the proposed structure of the Commonwealth Redress Scheme. Limited information is available, at this time, on the administrative costs and structure for participating institutions and the processes for the delivery of a direct personal response to survivors.

The DSS has not yet confirmed whether it will be necessary for one Anglican entity to opt-into the scheme or whether it will be possible to accommodate engagement on a diocesan or agency basis.

Additional meetings have been planned for mid 2017, between the ACA and representatives of the Minister's office and the Department, to discuss specific issues influencing the ACA's option to opt-in to the scheme.

The timeline for the introduction of the Commonwealth Redress Scheme is:

<b>August / Sept 2017</b>	Legislation before the Commonwealth Parliament Possible Senate Inquiry – consultation opportunity
<b>March 2018</b>	Commonwealth Scheme has website and phone information service Registration of interest in applying
<b>July 2018</b>	Applications received and processes.

### **Anglican National Redress Response**

At May 2017, the ACA's current position on joining the Commonwealth Redress Scheme is that "we are waiting for more information on the detail of the scheme".

An excerpt from the transcript on the final day of the hearing outlines Commissioner Peter McClellan's comments on the ACA's engagement with a national redress scheme:

*If, as we are now satisfied will happen, there will be a national scheme, it would be disappointing, to say the least - and I could use a stronger word - if a component of the Anglican Church did not participate and join in that scheme. And it is right, you may well have to set up an individual body or a separate body, but if any component part of the Anglican Church stands aside from it, I'm not sure our society would approve. Indeed, I think our society would say very strong things to the contrary.*

While waiting to hear more about the Commonwealth Redress Scheme, the RCWG, with the endorsement of Standing Committee, is progressing with the design of an incorporated, independent legal entity which would have the capacity to provide redress services on behalf of the dioceses, schools and agencies (members) which choose to join. This concept has been presented at the two consultation forums conducted in 2016.

This entity will be designed so that, should it be required, it could be the corporate entity which engages with the Commonwealth Redress Scheme on behalf of its members.

Terms of Reference and a draft constitution are currently in development for consultation with potential members.

### **MATTERS FOR ACTION AND RECOMMENDATIONS TO GENERAL SYNOD**

The Royal Commission Working Group requests the General Synod to:

- a) pass the following Bills:
  - Bill for the Safe Ministry to Children Canon 2017;
  - Bill for the Safe Ministry to Children Rules 2017;
  - Bill for the National Register Amendment Canon 2017
  - Bill for the Disclosure of Information Canon 2017.
- b) pass a budget for 2018 that includes sufficient funds to enable the maintenance of a nationally consistent approach to ministry to children that is based on minimum

standards required to be observed, and guidelines required to be followed unless there are cogent reasons for not doing so, in every diocese.

- c) request the RCWG to analyse the final report of the Royal Commission and address any recommendations as to actions to be taken.
- d) request the Safe Ministry Commission to develop an audio visual resource for use in dioceses that provides information to ministers, churchwardens and parish councils about the implementation of the Policy for Safe Ministry in a parish where there is a risk of sexual abuse by a Person of Concern and the issues raised by the participation of a Person of Concern in the life of a parish.
- e) request the Safe Ministry Commission to develop a resource for use in dioceses for providing care for families who have experienced premature death of a family member due to child sexual abuse.
- f) establish a national episcopal standards scheme by the General Synod passing canons necessary to ensure that there is an independent body responsible for receiving and investigating complaints and taking effective action against a diocesan bishop and any person who has served as a diocesan bishop, relating to defined misconduct during their term of office as diocesan bishop.
- g) request the Standing Committee to explore with the dioceses the development of a nationally consistent approach to professional standards legislation with particular reference to its application to child abuse.
- h) recommend that each diocese:
  - publish a list of appropriately qualified people as professional supervisors for those in pastoral ministry and promote the use of their services;
  - include a component for professional supervision in recommended financial packages for those in pastoral ministry.
- i) recommend that the Commonwealth Government promote national system for child protection and State and Territory governments as a matter of urgency enact legislation for a national system for child protection that provides for:
  - the mandatory reporting of child abuse by persons including ministers of religion to the police and the government child protection authorities;
  - the screening of all persons seeking to work with children in a paid or voluntary capacity;
  - the mutual recognition of clearances for persons to work with children in all States and Territories; andrequests that the General Secretary conveys this resolution to the Prime Minister, the Premier or Chief Minister of each State and Territory and the Royal Commission into Institutional Responses to Child Sexual Abuse.
- j) request the General Synod office to investigate the discrepancy between the Royal Commission Anglican data on the number of perpetrators over a period of time is significantly higher than what is on the National Register. A task ahead of the RCWG is to look at how there may be a discrepancy noting that deceased persons are not on the register.
- k) request the Royal Commission Working Group to continue to progress the design of corporate entity to facilitate access to a national, independent redress scheme by Anglican dioceses, schools and agencies and to bring recommendations to Standing Committee in December 2017, following consultation with stakeholders. The RCWG

through the Chair and General Secretary is to continue their involvement with the development of the Commonwealth Redress Scheme.

## **CONCLUSION**

The ACA commenced a coordinated, national approach to developing and promoting child protection, complaints handling and redress policies in 2001.

The structure of the Anglican Church of Australia facilitates the independent operation of each of the 23 dioceses and Anglican agencies. However, it is the view of the RCWG that one outcome of the recent consultation forums on redress was a shift to the acceptance of the principles of independence and consistency of outcome in regard redress.

The opportunity currently exists for stakeholders within the ACA to be challenged to create structures to deliver the most effective outcomes in the area of professional standards, child safety, complaints management and redress.

**Mr Garth Blake SC**  
**Chair, Royal Commission Working Group**  
**Anglican Church of Australia – General Synod**

**25 May 2017**