

Responding to the Royal Commission into Institutional Responses to Child Sexual Abuse

(A progress report from the Standing Committee.)

Purpose

1. To inform the Synod of progress in the response of this Diocese to the Royal Commission into Institutional Responses to Sexual Abuse (Commission).

Recommendation

2. That Synod receive this report.

Background

3. The work of the Royal Commission may be summarised as follows –

- (a) The Commission is charged with examining the sexual abuse of children in the context of institutions throughout Australia including churches and their agencies;
- (b) Unlawful or improper treatment of children that accompanied child sexual abuse may be considered by the Commission;
- (c) The Commission will identify where systems have failed to protect children and make recommendations on how to improve laws, policies and practices to prevent and better respond to child sexual abuse in institutions;
- (d) The Commission will not prosecute matters or make determinations for compensation;
- (e) The Commission will investigate allegations and refer criminal matters to the appropriate authorities for prosecution where appropriate;
- (f) The Commission will obtain information in a number of ways including by issuing notices to produce, conducting public and private hearings and releasing issues papers for public submissions;
- (g) The Commission will go for 3 years (2013 to 2015), subject to any extension of time required beyond this.

4. The Royal Commission has served notices to produce on a number of Anglican Dioceses and organisations including our own.

5. The first public hearings of the Royal Commission commenced on 16 September 2013 and there have been 16 public hearings to date. A transcript of the public hearings is available on the Commission's website: <http://www.childabuseroyalcommission.gov.au>.

6. The first Anglican organisation the subject of a public hearing was the Diocese of Grafton. The hearing began on 18 November 2013 and concluded on 27 November 2013. A report from the Commission concerning the outcomes of the public hearing is due shortly.

7. The Royal Commission released its Interim Report on 30 June 2014. In the Interim Report, the Royal Commission confirmed that –

- (a) it will require a further 2 years (until the end of 2017) to complete its work;
- (b) at this stage it is too early for the Royal Commission to make any recommendations;
- (c) only 70 public hearings will be able to be completed within the time it has allowed;
- (d) of the public hearings held to date themes include repeated abuse, multiple perpetrators, barriers to reporting abuse and adults that have systematically failed to protect children.

8. Justice Peter McClellan, Chairman of the Royal Commission, in his address to the International Men's Health Symposium in Brisbane on 12 June 2014 confirmed that the Royal Commission had –

- received allegations of abuse from people in more than 1,000 institutions;
- received the stories of more than 1,730 people in private sessions;
- offered a private session to around 1,000 further people who have been accepted for a private session;
- received 1,650 written accounts from other people who have generally not been to a private session;
- served 643 notices or summons to produce and received 400,000 documents in response;
- issued 246 notices or summonses to witnesses to appear before the Royal Commission;

- released 6 issues papers and has received more than 300 submissions in response;
 - received more than 13,500 phone calls at its call centre, and more than 5,500 pieces of correspondence;
 - referred over 160 matters to the police for investigation.
9. The Chairman advised that the Commission continues to receive requests for private sessions at the rate of 40 per week.
10. Of the complaints received (up to 12 June 2014) –
- 32% are reported to have occurred in an industrial school, training school, reformatory, orphanage or children's home;
 - 30% are reported to have occurred in a school or other educational setting;
 - 16% are reported to have occurred in a place of worship, in a church youth group or seminary;
 - 8% are reported to have occurred in out-of-home-care;
 - the remaining 14% are divided between a variety of institutions including child care, sporting groups, health care and juvenile justice.

The Anglican Church of Australia's response to the Royal Commission

11. A Royal Commission Working Group (Working Group) was established by the General Synod Standing Committee (GSSC) on 13 November 2012 to co-ordinate the Anglican Church of Australia's response to the Commission and to support and advise Dioceses and associated Anglican schools and agencies in any individual response they may be called on to make to the Commission.
12. The members appointed to the Working Group were the Primate Archbishop Philip Aspinall, the General Secretary of the General Synod Mr Martin Drevikovsky, Mr Garth Blake SC, Ms Sue Harrington (lawyer SA), Mr Ken Spackman (Registrar Melbourne Diocese), Ms Helen Miller (Counsellor NSW).
13. In late 2012 the Working Group co-ordinated a submission to the Federal Government on behalf of the Anglican Church of Australia concerning the Terms of Reference for the Commission.
14. The Working Group has recommended a two-staged approach to responding and preparing for the Royal Commission involving –
- (a) Undertaking, as an initial priority, a comprehensive and urgent review of all past cases of child sexual abuse within the Anglican Church of Australia.
 - (b) As a second priority, reviewing the policies and procedures of dioceses and their associated Anglican schools and agencies for the prevention of and response to child sexual abuse.
15. The reviewing of past cases was thought to serve at least two purposes –
- (a) to ensure dioceses and associated agencies are prepared for the Commission in case they are the subject of any investigation by the Commission or are required to give evidence before the Commission, and
 - (b) to enable a complete picture to be prepared of the Anglican Church of Australia's responses to child sexual abuse in the past.
16. The Working Group has been active in co-ordinating submissions to the Royal Commission on behalf of the Anglican Church of Australia in response to Issues Papers. The Steering Committee intends to contribute to these submissions from time to time.

The Steering Committee

17. The Standing Committee appointed a Steering Committee in December 2012 to oversee the response of the Diocese to the Royal Commission and to provide the Director of Professional Standards with a point of reference for undertaking this work. The current Steering Committee members are Mr Lachlan Bryant, the Rev Dr Andrew Ford, Archdeacon Kara Gilbert, Dr David Knockles, Mr Steve Lucas, Mr Doug Marr, Mr Russell Powell, the Rev Craig Roberts, Dr Robert Tong AM and the Rev Zac Veron.
18. In March 2013, the Standing Committee passed the Synod (Royal Commission) Special Application Ordinance 2013 to allocate funds for the costs and expenses of preparing for and responding to the Commission. These funds are applied at the direction of the Steering Committee, which reports to Standing Committee on a quarterly basis. The Property Trust has also contributed an equal amount of the funds.

19. The expenditure incurred by the Steering Committee to date is tracking well within budget.

20. On average the Steering Committee meets about once every 2 months or as needed.

Review of past cases of the Diocese held by the Professional Standards Unit (PSU)

21. After receiving the Working Group's advice concerning the file review a comprehensive review of all past cases concerning child sexual abuse was planned using the Case File Review form issued by the Working Group as the point of reference.

22. Sparke Helmore was chosen to complete the file review and scanning of files for a fixed price. The work was overseen by Mrs Gillian Davidson, a partner at Sparke Helmore and a member of the Standing Committee.

23. The file review was completed in June 2013. Extensive work has continued throughout 2014 as a result of the review. The key areas of work are –

- A general review of file management practices, including for example –
 - marrying up related files;
 - implementing clear file management practices in order to more easily differentiate and isolate 'current' files, that is, files where further work is required, from 'inactive' files, that is, files where no further action is necessary at this time;
- a further extensive review of files that require particular attention for a number of reasons such as length or notoriety, including a detailed analysis and compilation of chronologies;
- systematically attending to any outstanding matters such as making reports to police in cases where it is unclear whether this was done or making reasonable inquiries to follow up information received where this does not appear to have been done;
- referring files held on behalf of other Dioceses and organisations to the Diocese or organisation concerned for their records, further review if necessary, and further action if warranted;
- making inquiries to locate further files that may be relevant to the Royal Commission including from the Diocesan archives.

24. This work has put considerable pressure on the staff and resources of the PSU and the Diocesan Contact Persons. At this stage the work is progressing slowly but well.

25. A key recommendation flowing from the file review was for a comprehensive child protection policy review to be undertaken. Professor Patrick Parkinson was engaged to undertake a review of child protection policies generally and this was completed in late March 2014. A re-write and revision of policies is now being undertaken and the Steering Committee is seeking further guidance from the Standing Committee in relation to this matter. The Safe Ministry Board has also been consulted.

26. A review of insurance was considered but ultimately determined not to be feasible.

Anglican schools and organisations in the Diocese

27. From late 2012 the Steering Committee worked with both the Archbishop's office and the Director of Professional Standards to inform all relevant Anglican schools and organisations in the Diocese about the processes of the Royal Commission and to recommend schools and organisations undertake their own review of files and child protection policies and procedures. The Steering Committee has provided a Review Summary Questionnaire form to schools and organisations to obtain a high level summary of the review findings. Responses were received from a substantial majority of schools and organisations, which were generally helpful. This information will assist the Steering Committee in responding to requests from the Royal Commission. The Steering Committee has also offered assistance from the Archbishop's Media Officer, Mr Russell Powell, in relation to media enquiries.

Providing completed review forms to the General Synod Working Group

28. In 2013 the Steering Committee expressed concerns to the Working Group about its proposal for de-identified file review forms to be provided to the Working Group for it to make representations to the Royal Commission on behalf of the Anglican Church of Australia. A broad base of concern about the proposal has also been raised by other Dioceses. At this stage the Steering Committee does not anticipate providing completed forms to the Working Group.

Issues Paper on Redress Schemes

29. The most recent submission lodged by the Working Group was in response to Issues Paper 6 entitled Redress Schemes. The Steering Committee contributed to the submission and one Committee member was closely involved in the submission drafting process. While not all of the comments and

suggested changes from the Steering Committee were included in the final draft, the general thrust of the submission accorded with the views of the Steering Committee.

Steering Committee meeting with the Royal Commission

30. The Steering Committee has been in contact with the Royal Commission. During 2013 a meeting was held between a senior officer of the Royal Commission and two members of the Steering Committee. The meeting has enabled us to understand the approach the Commission intends to take to its task so far as our Diocese is concerned and therefore prepare and assist the Commission in the best way possible.

31. In the course of the meeting, we conveyed that the Dioceses are the chief governing units of the Anglican Church. We invited the Royal Commission to make contact with our specified diocesan personnel or Sparke Helmore for assistance in obtaining information on matters concerning our Diocese.

32. On behalf of the Steering Committee it was confirmed that the Diocese welcomes the Royal Commission and intends to fully co-operate and participate in its processes as required.

33. The Diocese has not been given notice of any future involvement in a public hearing at this stage.

For and on behalf of the Standing Committee

LACHLAN BRYANT

Director, Professional Standards

26 August 2014