

ROYAL COMMISSION INTO INSTITUTIONAL RESPONSES TO CHILD SEXUAL ABUSE

SUBMISSIONS IN REPLY TO THE SUBMISSIONS OF COUNSEL ASSISTING ON BEHALF OF ARCHDEACON GREG EZZY

We suggest that the following changes more accurately reflect the evidence.

1. Paragraph 8 should read “ The General Synod resolved to urge all dioceses to pass the model Professional Standards ordinance (The Model Ordinance) and to approve “Faithfulness in Service” as a code of Conduct for observance not just of clergy but also Bishops and lay workers.
2. Paragraph 60 should read “The property at Keen Street was located between St. Andrew’s Church and the Parish Centre to the south and garden and play ground to the north which leads to the Rectory some 75 metres away.”
3. Paragraph 60 should read “Greg Ezzy told the Commission that the children moved freely between the various buildings that comprise the NCCH and the church to the south but did not have access to the Rectory to the north.
4. Paragraph 65 should read “Clergy accessed the Home continually in respect of their pastoral ministry with residents and staff.”

We suggest the use of the word “intimately” is inappropriate in the context of the subject matter.

5. Paragraph 65. Following this paragraph which deals mainly with the period 1950 – 1980 there should be mention of the changed church involvement in later times. In the experience of Archdeacon Ezzy, from 1985 onwards, the clergy had no involvement in the day to day operations of the Home and only had access with permission of staff.

6 Available finding 2 should read:

At all relevant times the North Coast Children’s Home was controlled by the Board of Management including the Rector of St Andrews Lismore in the Diocese of Grafton.

7 Available finding 2A should read:

At all relevant times the Anglian Diocese of Grafton, through its officers and members who were also members of the Board of Management of the NCCH, shared in responsibility with the NCCH Board of Management, for the children of the NCCH.

(It is acknowledged that in the strict interpretation of legal responsibility, the NCCH was a separate entity from the Diocese of Grafton however the Constitution of the NCCH indicates

that it had a “connection” with the Anglican Diocese of Grafton. Consequently the responsibility of the Diocese, through the voluntary involvement of members on the Board of the NCCH, should only be recognized as a “shared responsibility” with the NCCH, whose Board was recognized to have members who were also members of the Anglican Church. This is an important distinction and has consequences for shared financial responsibility for reparation for survivors of abuse at the NCCH.)

8. Paragraph 69 should be reworded to reflect that, in the light of evidence that some residents had a positive experience of life at the home, experience of harsh treatment was not uniform for all residents.

9. Paragraph 88. The paragraph should reflect that evidence was also heard of abuse perpetrated by families and their friends, who took children away on holidays.

10. Paragraph 97. It is Greg Ezzy’ s understanding that Reverend Morgan is deceased.

11. Available Finding 8. Greg Ezzy supports the finding and seeks a process in which the Anglican Church examines the use and reliance on legal advice and the selection of legal advisers. We expand on this below. .

12. Paragraph 274 should read:

“.... The Grafton Diocese Investment Fund, now known as Anglican Funds Grafton Diocese. We suggest that the wording “which seeks charitable contributions” be deleted as this is not the case that funds are sort in this way.

14. Paragraph 293 is not accurate in suggesting that “ to develop a strategy to enable the diocese to sell assets, Mr Newby established and Independent Oversight Committee (IOC).We submit that the correct record of events is that Archdeacon Ezzy was given the task of assisting Ministry Units to make contributions and in some cases to divest themselves of underutilized properties to fund the debt. Bishop in Council invited an Independent Oversight Committee (IOC) from General Synod to advise on strengthening governance procedures and financial management.

15. Paragraph 301 should read “Anne Hayward presented a paper to Bishop in Council requesting a review of the pastoral and care assistance package....”

16. Paragraph 303 should read “

“Following the appointment of Canon David Hanger as the new Chairperson of the Professional Standards Committee in June 2013, Archdeacon Greg Ezzy, the newly appointed Administrator of the Diocese, asked the PSD and the PSC to review all abuse claims.....”

17. Page 91 Available recommendation 1. Grafton Diocese has already adopted a detailed care and assistance package.

SUMMARY OF AVAILABLE RECOMMENDATIONS.

Available recommendation 04. It is Greg Ezzy' s understanding the Reverend Morgan is deceased.

Additional suggested recommendation:

Greg Ezzy supports the available findings numbered 7 , 8, 13, relating to the reliance on the legal advice presented to the Diocese in forming its view on responsibility. Clearly the unchallenged acceptance of the legal perspective (as expressed by Peter Roland) led to an unbalanced and perhaps heartless response devoid of moral, compassionate and spiritual considerations.

It may be that part of the problem is the lack of *independence and relevant legal experience* of the legal advisers relied upon by the church who are often, as in the case of Mr Roland, members of the church community and who may adopt a defensive view of the churches position. What appears to be lacking is the presentation of advice on a range of possible responses and consequences and recognition that there are considerations other than the most narrow view legal responsibility.

The matters canvassed in the Commissions hearing and the weight of evidence supporting the link between the church and the home could lead to the finding that the legal advice relied up was insufficient for a just determination.

In addition to the available recommendations suggested by Counsel Assisting, Greg Ezzy suggests a further recommendation aimed at bringing about discussion on the role of legal advisers in proceedings involving allegation s of abuse. In particular, we suggest:

- 1) just as each diocese and the General Synod establish procedures for the use of experienced and independent mediators in professional standards matters, a similar recommendation should be made in relation to independent and experienced lawyers
- 2) that there needs to be a recommendation regarding the use of “strict and narrow legal interpretation” when local experience, custom and practice over time, demands that a moral response alongside the legal opinion is required for a just determination.

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