



**ROYAL COMMISSION INTO INSTITUTIONAL RESPONSES
TO CHILD SEXUAL ABUSE
AT SYDNEY**

COMMONWEALTH OF AUSTRALIA
Royal Commissions Act 1902

**PUBLIC HEARING INTO
ANGLICAN CHURCH INSTITUTIONS
CASE STUDY 52**

OPENING BY COUNSEL ASSISTING

Introduction

1. This is the Royal Commission's 52nd public hearing. This hearing will inquire into:
 - a. The current policies and procedures of Anglican Church institutions in Australia in relation to child protection and child-safe standards, including responding to allegations of child sexual abuse.
 - b. Factors that may have contributed to the occurrence of child sexual abuse at Anglican Church institutions in Australia.

- c. Factors that may have affected the response of Anglican Church institutions in Australia to child sexual abuse.
 - d. The responses of Anglican Church institutions in Australia to relevant case study reports and other Royal Commission reports.
 - e. Data relating to complaints of child sexual abuse in the Anglican Church in Australia.
 - f. Any related matters.
2. As with other review hearings being conducted by the Royal Commission, the purpose of this public hearing is not to inquire into individual sets of facts or particular events in a forensic manner as has occurred in previous Royal Commission case studies.
3. Over the last four years, the Royal Commission has conducted public hearings in relation to 116 institutions.
4. The matters examined in a public hearing were carefully chosen. There were a large number of institutions reported in private sessions and elsewhere and there were necessary limits on the Royal Commission's resources.
5. It was plain that hearings were needed to examine the responses of faith-based institutions, given that, as at the end of 2016, 60 per cent of survivors attending a private session reported abuse in those institutions. Of those survivors, 15 per cent reported abuse in institutions associated with the Anglican Church. While the percentage has varied over time, as at the end of 2016, almost 9 per cent of all private session attendees

reported sexual abuse in an institution associated with the Anglican Church.

Data regarding child sexual abuse complaints received by Anglican Church Dioceses in Australia

Background

6. The Royal Commission has completed a data survey of the 23 Anglican Church dioceses in Australia to gather information about complaints of child sexual abuse received by Anglican Church dioceses.
7. This project was undertaken with the cooperation and assistance of the General Synod of the Anglican Church of Australia and each of the 23 Anglican Church dioceses in Australia which completed the data surveys. The Royal Commission is very grateful for this assistance.
8. The Royal Commission engaged independent data analysts to design the complaints survey.
9. The Royal Commission engaged with representatives of the General Synod of the Anglican Church about the design of the survey. A pilot survey was tested with several Anglican Church dioceses. The draft survey forms were subsequently modified to address a number of issues that emerged through the testing process.
10. Each Anglican Church diocese entered data about each complaint of child sexual abuse that it had received. The Royal Commission provided assistance to Anglican Church dioceses regarding the population of the survey and technical aspects of the survey.

11. The Royal Commission gave each Anglican Church diocese that completed a complaints survey a summary of the data they had provided to the Royal Commission and requested that they review the summary. Through this process several Anglican Church dioceses provided additional information.

Data source

12. The Royal Commission sought data regarding all complaints received by an Anglican Church diocese between 1 January 1980 and 31 December 2015. For a complaint to be included in the survey, the complainant must have approached the relevant Anglican Church diocese in this time period.
13. There was no limitation imposed in relation to the date of the alleged incidents of child sexual abuse.
14. A complaint includes an accusation of child sexual abuse made to a diocese in relation to Anglican Church personnel, that is, any person acting under the authority of an Anglican Church diocese or its associated institutions.
15. In February 2017, the Royal Commission released a data report regarding claims of child sexual abuse received by Catholic Church authorities in Australia. The scope of the survey of Anglican Church dioceses was different from that of the survey of Catholic Church authorities.
16. Catholic Church authorities were asked to provide information about claims for redress, while Anglican Church dioceses were asked to provide information about complaints received by Anglican Church dioceses.

17. In addition, Catholic Church authorities provided information about all claims for redress received by institutions within their authority.
18. Some Anglican dioceses require associated institutions to report complaints to the diocese. Others do not. For example, some dioceses require schools to report complaints to the diocese. However, in other dioceses, complaints relating to schools are not reported to the diocese.
19. The data collected included complaints of child sexual abuse accepted by an Anglican Church diocese, complaints discontinued before the Anglican Church diocese could investigate the allegations and complaints where the alleged abuse was investigated and not accepted.
20. As I have explained, the data results do not include all complaints of child sexual abuse relating to all institutions associated with the Anglican Church in Australia and do not indicate the total number of incidents of child sexual abuse in Anglican Church institutions in Australia.
21. Furthermore, the data results are likely to underreport the incidence of child sexual abuse in Anglican Church institutions as the Royal Commission's experience is that many survivors face barriers which deter them from reporting abuse to external authorities and to the institution in which the abuse occurred.

Anglican data results

22. Between January 1980 and December 2015, 1082 people alleged incidents of child sexual abuse in 1,115 reported complaints made to 22 Anglican Church dioceses.

23. The Diocese of Brisbane received the highest number of complaints. That is, 371 complaints or 33 per cent of all complaints. It is important to understand that the Diocese of Brisbane requires all Anglican schools within the diocese to report complaints of child sexual abuse to the diocese. Consequently, the number of complaints reported by this diocese is higher than those dioceses that do not require any Anglican schools to report complaints of child sexual abuse to the diocese.
24. The Diocese of Adelaide received the second highest number of complaints. That is 155 complaints or 14 per cent of all complaints. The diocese reported a significant number of complaints that related to the Church of England Boys' Society, which I shall refer to as 'CEBS'.
25. The Diocese of Melbourne received 96 complaints, the Diocese of Sydney received 89 complaints, the Diocese of Newcastle received 63 complaints and the Diocese of Tasmania received 56 complaints. The other dioceses received between 2 and 46 complaints. The data does not disclose whether these dioceses require any schools within the diocese to report complaints of child sexual abuse to the diocese.
26. Seventy-four per cent of complaints involved alleged child sexual abuse that started in the period from 1950 to 1989 inclusive.
27. The largest proportion of first alleged incidents of child sexual abuse, that is 25 per cent, occurred in the 1970s.
28. Where the gender of people making a complaint was reported, 75 per cent were male and 25 per cent were female.

29. The average age of people who made complaints of child sexual abuse, at the time of the alleged abuse, was 11 years of age for both girls and boys. The average time between the alleged abuse and the date a complaint was made was 29 years.
30. The complaints survey sought information about alleged perpetrators of child sexual abuse. Five hundred and sixty-nine alleged perpetrators were identified in the complaints. Additionally, 133 unknown people were identified as alleged perpetrators. It cannot be determined whether any of those people whose identities are unknown were identified by another complainant in a separate complaint.
31. Of the 569 identified individuals:
 - a. 247 were ordained clergy
 - b. 285 were lay people
 - c. for 37 known alleged perpetrators their religious status was not known.
32. Of all alleged perpetrators, 94 per cent were male and 6 per cent were female.
33. The complaints survey sought information about the theological college attended by alleged perpetrators who were ordained clergy. Forty-five alleged perpetrators attended St John's College, Morpeth, and 29 attended St Francis' Theological College, Brisbane. For 55 alleged perpetrators who were ordained clergy, the theological college they attended is unknown.

34. The complaints survey sought information about outcomes provided to people who made complaints, including the number of people who received monetary compensation and the amount of monetary compensation paid.
35. Overall, 459 complaints resulted in a payment being made following a complaint for redress. This amounted to 41 per cent of all complaints.
36. Including amounts for monetary compensation, treatment, legal and other costs, Anglican Church dioceses made total payments of nearly \$31 million, at an average of approximately \$67,000 per payment.
37. The highest average monetary payment paid was through civil proceedings at approximately \$113,000 per complainant.
38. The survey sought information about other outcomes provided to complainants. In 25 per cent of complaints, the complainant received an apology from the diocese.

The 2009 report

39. In 2007, the Anglican Church engaged Professor Patrick Parkinson and Professor Kim Oates to report on the nature and extent of reported child sexual abuse within the Church since 1990. The final report, dated May 2009, has been published by the General Synod of the Anglican Church.
40. The authors analysed 191 alleged cases of child sexual abuse reported to 17 of 23 Anglican Church dioceses between 1990 and 2008. Three dioceses declined to participate and three dioceses did not report any relevant cases. The report recorded the following key findings:

- a. 75 per cent of complainants were male and most were between 10 and 15 years of age at the time of the abuse
- b. there were long delays in reporting offences to the church by complainants, with an average delay of 23 years
- c. 135 people described, as accused persons, were identified through the study, 133 were male and two were female
- d. most accused persons were either clergy or were involved in some form of voluntary or paid youth work.

Information gathering

41. On 12 April 2013, the Royal Commission issued its first notice to produce documents in relation to matters concerning the Anglican Church in Australia.
42. Since then, at least 156 notices have been issued to Anglican Church institutions. Those institutions include the 23 dioceses, the General Synod, the Episcopal Standards Commission, and Anglican Aid Abroad. As a result of these notices, approximately 1,500,000 documents were produced to the Royal Commission.
43. The Royal Commission has heard evidence from 169 witnesses in case studies focusing on the Anglican Church in Australia, including some witnesses who have been called to appear at more than one public hearing. There have been 7290 pages of transcript of evidence generated and 460 exhibits.

Private sessions

44. As at the end of 2016, 500 private session attendees reported that they had been sexually abused as a child in an institution associated with the Anglican Church. Most of those institutions have not been considered in a case study. The type of Anglican institutions reported by private session attendees, for example a school or parish, the state or territory in which they were located and the diocese which was responsible will be published in the final report. All other institutions reported in a private session and not considered in a public hearing will also be documented in the final report in the same manner.

Section 6P referrals and prosecutions

45. The Chair of the Royal Commission has made 84 referrals to police in all states and the Australian Capital Territory in relation to allegations of child sexual abuse involving Anglican Church institutions.
46. As a result of those referrals there have been four prosecutions. Twenty-three matters are currently being investigated. The victim or the accused has died in seven cases and eight matters are pending. 'Pending' means that a referral has been made, and the Royal Commission is waiting for information about allocation of the matter within the receiving agency. In relation to the other referrals, some have been used for intelligence purposes or there has been insufficient evidence or the complaint has been withdrawn.

Structure and governance of the Anglican Church

Structure

47. I will now provide some details about the structure and governance of the Anglican Church of Australia, which was called the Church of England in Australia until 1981.
48. The Church is divided into five provinces, being each of the five mainland states. Within the five provinces, there are 22 independent dioceses. The Diocese of Tasmania is an extra-provincial diocese, making a total of 23 dioceses nationally.
49. The diocese is the main unit of organisation in the Anglican Church. At the top of each diocesan hierarchy is a bishop. Under the bishop, there are several assistant bishops, or regional bishops. Archdeacons generally supervise several parishes within a diocese and report directly to the diocesan bishop. Each parish is headed by a rector or priest-in-charge, who is assisted by other clergy including assistant priests, curates and deacons.
50. The bishop in each diocese licenses the clergy in that diocese. If a priest wishes to transfer to another diocese it is necessary for the priest to obtain a licence from the bishop of that other diocese.
51. Dioceses are organised into larger provinces. Each province is led by a Metropolitan who is the diocesan bishop of the senior diocese in their province. For example, Archbishop Philip Freier is the Metropolitan of the Province of Victoria and the Archbishop of the Diocese of Melbourne.

Governance

52. The Anglican Church of Australia is governed at a national level by a Constitution that came into force in 1962.

53. Governance occurs at both a national and individual diocesan level.
54. At a national level, there is a General Synod which comprises all diocesan bishops, and elected clergy and lay representatives from each diocese. The chair of meetings of the General Synod is known as the Primate and is the titular head of the Anglican Church of Australia. The Primate is usually one of the archbishops. The Primate has been described as a 'first among equals', and has no binding authority over the other diocesan bishops.
55. The General Synod meets every two or three years. Some 'rules', or canons, may be passed by the General Synod with a very high level of agreement, and they apply to all dioceses.
56. Each of the 23 dioceses is self-governing and has a diocesan synod, a diocesan council and usually a board of trustees. At a diocesan level, the bishop of the diocese is responsible for licensing clergy. In addition to licensed clergy, the diocese is assisted by laypeople who perform ministry functions such as youth ministry, scripture teaching and other forms of church work.
57. Each diocesan synod comprises clerical and elected lay members from each parish and usually meets every one to two years. The diocesan council and its committees manage the business of the diocese between sessions of the synod.
58. Any rule passed by the General Synod that affects the 'order and good government' of a diocese must be expressly adopted by the synod of the particular diocese before it will take effect in that diocese. This includes

most professional standards matters, such as clergy discipline and redress for child sexual abuse.

59. The Anglican Church does not require its clergy to remain celibate, and it has always been the Church's position that sexual relations should only occur within marriage.
60. In 1992, the first woman was ordained as priest in the Anglican Church. The first female Bishop was consecrated in 2008. Now around twenty three percent of all Anglican clergy are women and there are five female bishops. Women comprise around one third of the lay membership in the General Synod and about one third of the General Synod Standing Committee. The level of women's involvement in the Church varies across the different dioceses.

Clergy discipline

61. Under the 1962 Constitution, there must be a diocesan tribunal in each diocese. Until the mid-2000s, the diocesan tribunal was the primary method of disciplining clergy.
62. In many dioceses, the diocesan tribunal has now been effectively supplanted by a professional standards system which is based upon the model professional standards framework adopted by the General Synod in 2004. Under this system, 'offences' are listed in a diocesan professional standards ordinance and these offences are determined by a diocesan professional standards board, which can make recommendations to the relevant diocesan bishop as to the disposition of the matter. These recommendations include, in appropriate cases, deposition from Holy Orders.

63. The Appellate Tribunal is a national tribunal.
64. A recent decision of that Tribunal raised issues regarding clergy discipline, and in particular, the deposition of a bishop from Holy Orders. In May 2013, the former Bishop of Grafton, Keith Slater, resigned after publicly acknowledging that he had failed to ensure compliance with Diocesan procedures for responding to child sexual abuse. He was deposed in October 2015 following a recommendation of the Grafton Diocese Professional Standards Board.
65. Bishop Slater appealed his deposition to the Appellate Tribunal. On 19 January 2017, the tribunal held that it had no jurisdiction to hear the appeal because the Grafton ordinance had not included any right of appeal. Nevertheless, even though the tribunal concluded that it did not have jurisdiction to hear the appeal, it also ruled that the deposition itself had no legal basis because the Professional Standards Board of the Diocese of Grafton had exceeded its own jurisdiction.
66. It is anticipated that issues raised by the Appellate Tribunal decision will be discussed in the course of this public hearing.

Public hearings involving the Anglican Church

67. The Royal Commission has conducted eight public hearings which have involved Anglican institutions, including schools.
68. In Case Study 3, the Royal Commission examined the response of the Diocese of Grafton to claims of child sexual abuse at the North Coast Children's Home in Lismore. This case study examined the way the Diocese of Grafton handled allegations that staff, clergy and other

residents at the home had sexually abused children who lived at the home between 1940 and 1985. The Royal Commission heard evidence from then Primate of the Anglican Church in Australia, Archbishop Phillip Aspinall, about the structural barriers he felt restricted the Anglican Church's handling of complaints, including the Primate's lack of authority over bishops in dioceses.

69. The Royal Commission found that representatives of the Diocese of Grafton adopted a legalistic and 'hard line' approach to a group claim by former residents of the home. The Royal Commission found that the diocese did not follow its own policies for handling claims of sexual abuse or responding to survivors.
70. In Case Study 36, the Royal Commission inquired into the response of the Church of England Boys' Society, to allegations of child sexual abuse made against lay people and/or clergy involved in or associated with CEBS. The historical and contemporary responses to these allegations of abuse, by the Anglican dioceses of Tasmania, Adelaide, Sydney and Brisbane, were also examined in the case study.
71. In this case study, the Royal Commission found that there were networks of perpetrators in CEBS who had knowledge of each other's sexual offending against boys and who facilitated the sexual abuse of boys in or associated with CEBS. The Royal Commission found that most CEBS branches could operate in an autonomous and unregulated way. The Royal Commission found that these factors, combined with the nature of the activities run by CEBS such as overnight trips and camps, provided access to boys and opportunities to sexually abuse those boys.

72. In Case Study 42, the Royal Commission inquired into allegations of child sexual abuse perpetrated by clergy and lay people involved in or associated with the Anglican Diocese of Newcastle. The Royal Commission heard evidence of the past and present systems, policies and practices in place within this diocese for responding to instances and allegations of child sexual abuse. The Royal Commission also heard evidence about the institutional culture in the Diocese of Newcastle and at the clergy training college at St John's College, Morpeth. The Royal Commission has not yet published its report in relation to this case study.
73. The Royal Commission has also held five public hearings concerning independent schools, which have differing levels of involvement with the Anglican Church.
74. Case Study 20 examined the response of The Hutchins School in Hobart and the Anglican Diocese of Tasmania to allegations of sexual abuse of former students. The Hutchins School is an independent Anglican school where the staff are required to understand and embrace the Anglican tradition.
75. The Royal Commission was satisfied that the Bishop's degree of influence in the school was significant.
76. In three Case Studies, that is number 12 concerning an independent school in Perth, number 32 concerning Geelong Grammar and number 45 which examined Trinity Grammar and the Kings School, schools were examined which have an association with the Anglican Church. In each of these Case studies, the relationship between the schools and the Anglican Church was not examined.

77. Case Study 34 considered the response of two independent schools in Brisbane to allegations of child sexual abuse of students at those schools by Kevin Lynch. One of those schools was St Paul's School, which is owned by the Corporation of the Synod of the Diocese of Brisbane.
78. In Case Study 34, the Royal Commission found that a former headmaster of St Paul's was appointed to the position of executive director of the Anglican Schools Commission in 2000. The appointment was made by a committee in circumstances where two members of the committee, including the then Archbishop of Brisbane and the then General Manager of the diocese were aware of allegations that the headmaster had been told about Mr Lynch's alleged sexual abuse of students and that the headmaster had not taken any action in response.

Overview of this public hearing

79. The issues considered and the witnesses who will give evidence have been the subject of consultation with the Royal Commission Working Group of the General Synod of the Anglican Church.
80. This hearing will be conducted over four days, concluding next Wednesday. Witnesses will give evidence in panels.
81. Shortly, the Commissioners will hear evidence from a panel regarding the structural, governance and cultural factors that may have contributed to the occurrence of child sexual abuse at Anglican Church institutions in Australia, or affected the institutional response of Anglican Church authorities in Australia to child sexual abuse.

82. Three panels will then be convened on Monday. The first of those panels will focus on evidence about the screening and training of clergy and church workers.
83. The second panel on Monday will consider issues arising in the context of the Anglican Church's community services organisations such as Anglicare.
84. The third panel on Monday will consider issues arising in the context of the Anglican Church's related education bodies.
85. During the third day of this hearing, the Commissioners will hear evidence from two panels of witnesses in relation to professional standards in the Anglican Church of Australia.
86. The first panel will explore the broader policy questions relating to the Anglican Church's professional standards framework. It is expected that this will encompass the Anglican Church policies and procedures for responding to claims of child sexual abuse, including recent developments in the professional standards framework in response to the reports and case studies of the Royal Commission. Further, it is anticipated that witnesses in this panel will give evidence in relation to proposed models for a nationally consistent professional standards framework. Evidence as to episcopal standards and discipline of bishops will also be sought.
87. The second panel will comprise directors of professional standards from various dioceses.
88. It is anticipated that, following on from the more general nature of the previous panel, these witnesses will give evidence of the operational

issues associated with the Anglican Church's professional standards framework in Australia in greater detail.

89. The final day of the hearing will consist of a panel of witnesses who it is expected will give evidence on the position of various entities in the Anglican Church going forward in relation to the institutional response to child sexual abuse. Among other things, the response of the Anglican Church to the Commonwealth Government's November 2016 announcement of a national redress scheme will be canvassed.
90. The policies and procedures in place in the Anglican Church regarding redress and civil litigation will also be considered. The witnesses on this panel will include, among others, the current Primate of the Anglican Church and Archbishop of Melbourne, Philip Freier, Archbishop Glenn Davies of the Diocese of Sydney, and Bishop Geoffrey Smith who will shortly become the Archbishop of Adelaide. The Archbishop of the Diocese of Brisbane, Phillip Aspinall, will, due to his availability, be appearing on the first panel today.

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