

# TRANSCRIPT

## FAMILY AND COMMUNITY DEVELOPMENT COMMITTEE

### Inquiry into the handling of child abuse by religious and other organisations

Melbourne — 22 April 2013

#### Members

Mrs A. Coote

Ms G. Crozier

Ms B. Halfpenny

Mr F. McGuire

Mr D. O'Brien

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#### Witnesses

Most Reverend Dr P. Freier, archbishop,

Mr K. Spackman, registrar and general manager business services, and

Ms C. Sargent, independent director of professional standards, Anglican Diocese of Melbourne.

**The CHAIR** — Good morning, everybody. In accordance with the guidelines for the hearings, I remind members of the public gallery that they cannot participate in any way in the committee's proceedings. Only officers of the Family and Community Development Committee secretariat are to approach committee members. Members of the media are also requested to observe the media guidelines. I ask that you all have your phones either switched on to silent or turned off.

On behalf of the committee, I welcome from the Anglican Diocese of Melbourne Mr Ken Spackman, registrar and general manager of business services; the Most Reverend Dr Philip Freier, archbishop; and Ms Claire Sargent, independent director of professional standards. Thank you all for being before us this morning.

All evidence taken by this committee is taken under the provisions of the Parliamentary Committees Act, attracts parliamentary privilege and is protected from judicial review. Any comments made outside the precincts of the hearings are not protected by parliamentary privilege. Witnesses may be asked to return at a later date to give further evidence if required. All evidence given today is being recorded. Witnesses will be provided with proof versions of the transcript. Please note that these proceedings are not being broadcast.

Again, I thank you for being with us this morning and thank you for your submission that you have provided to the committee. The committee is particularly interested in speaking to organisations that are involved in child care and dealing with young people. We are interested in a number of areas that your submission highlights in relation to the provision of services and protecting Victorian children into the future and also some of the recommendations that you have put to us.

I would firstly like to go to the letter that you provided to the committee on 8 March of this year. It states that:

From the period 2002 to date, we confirm that 26 complaints were received that are able to be clearly identified as allegations of child abuse which allegedly occurred during the years identified below.

That was to page 3.

However, the data that follows relates to the period from 1955, not 2002.

I am wondering if you could confirm the number of complaints received between 1955 and today. I should also state that after the committee's questioning of you, you will have an opportunity to make a statement or respond. If I could just go to that question and ask again if you could confirm the number of complaints received between 1955 and today.

**Ms SARGENT** — I do not know whether that was across all dioceses; I am responding on behalf of the diocese of Melbourne. The records that the professional standards office has in respect to the diocese of Melbourne tell us that we had 46 complaints of child abuse in all the records that I hold.

**The CHAIR** — If I could just go to that point on the records, if I may, I think in your submission you state that up until 1990 — or certainly Professor Parkinson in the review he undertook described that the files of the Anglican Church of Australia were limited by the quality of the data available. I am just wondering if you could explain to the committee why the records or files were not perhaps kept, or if they were kept, how they were kept. If you could just explain to the committee in relation to that data and files.

**Ms SARGENT** — Patrick Parkinson's survey was Australia-wide, a national survey, and 17 dioceses responded to that, so the information that he has would be from a variety of sources from a variety of dioceses across Australia. I cannot comment on what sort of documentation those dioceses may have had at that stage. What we have done since that report is work out a template, and at the moment we are re-establishing an improved way of recording that data so that we will have standardised data across Australia.

**The CHAIR** — Could you comment in relation to what happened here in Victoria about the lack of files thereof?

**Ms SARGENT** — Sure. I can comment in two ways here. Prior to the diocese setting up a system of responding to instances of abuse, which was 1994, the reports would probably be less than adequate. It would have been a report that was kept or private information that was kept to the knowledge of the person who was dealing with the matter, whoever that might have been. I am assuming it would have been someone in the leadership of the church. Since then, matters have become increasingly documented, but particularly I would

suggest that since the 2002–03 protocol was introduced documentation has been significantly improved, and I can state that since I have been involved, since 2004, it is my practice to keep very detailed files on the information that comes into the diocese.

**The CHAIR** — Why do you think it was the experience that the files were less than adequate? Why do you think that happened?

**Ms SARGENT** — I cannot comment on why that might have been, what the culture might have been, what files were kept, what files were not kept, why files might have been kept for a particular length of time. I do not know. I really cannot comment with any surety on that.

**The CHAIR** — I think it is since 1990 that the church has been actively addressing the issues of child abuse. What was the catalyst? What happened in 1990 for the church to respond in the manner that it has?

**Archbishop FREIER** — We were probably briefed that there was an opportunity of giving an opening statement, which did cover some of those things, but it seems that is not the pattern by which we are going to have the discussion today. We did cover that in some of the things — if it is helpful I guess it could be tabled for the committee later, or if you wanted to pause and hear some of those things, I was intending to set something of an overview that might help the committee deliberations in the time we are together.

**The CHAIR** — Just to clarify, I think there has been some confusion.

**Archbishop FREIER** — Yes.

**The CHAIR** — We have been hearing from experts and victims, and certainly those individuals have been able to make opening statements. What the committee has been wanting to get from organisations such as yourselves is answers to a lot of questions in relation to how child abuse complaints have been handled and how those responses have been undertaken by organisations. Certainly the secretariat, I am assured, has been speaking to organisations to reassure them that they will have an opportunity to make a statement, perhaps not at the start because there are a number of questions that we need to go to. But I am very happy for you to read out part of that statement if you would like to now, Archbishop, in relation to that question regarding the 1990 catalyst or what you believe that was.

**Archbishop FREIER** — I think that might help set some context. We first had a published response in 1994 that emphasised the importance of listening to victims and working with them from their own perception of the effects of their abuse. We have sought from that time as far as possible to make our processes easily accessible. There had been, going back to the Wood royal commission in New South Wales, important information which had come to light, and that was in 1997. We have had independent inquiries that have taken place in other parts of the Anglican Church in Australia. In 1998 there was an independent report by Kohl and Crowley on the diocese of Tasmania; O’Callaghan and Briggs in Brisbane in 2003; Olsson and Chung in Adelaide in 2004; and then Professor Parkinson’s work in 2009. So there has been a desire, I think, from this diocese to learn from those things happening, as matters have come to light, and look to be proactive in improving the systems and making, as far as we can, those systems strong and able to meet the needs of people who have got complaints.

**The CHAIR** — Was there any one event or number of events that caused that to occur in 1990, though, that really got the church to be so proactive in this area?

**Archbishop FREIER** — I think it was more generally the awareness of the issue as being important and wanting to be a responsible part of the society in being on the front foot about responding. I do not think there was in Melbourne any particular crisis that precipitated that. But I think there was a recognition that the whole response needed to be more robust, it needed to be more transparent and more systematic and useful for people who might have matters of complaint.

**The CHAIR** — Thank you. I note that the church, from a national perspective, has developed a national register to record complaints against clergy and church workers. I am just wondering if you could explain to the committee who actually controls that register.

**Mr SPACKMAN** — Perhaps I can start, and then Claire may be able to assist as well. The register is controlled by our general synod office, which is, I guess, the highest governance body of the church in

Australia, having elected representatives from each of the dioceses around the country. The national church gave rise to the National Register Canon, a copy of which was enclosed with the submission. That provides the legislative base for the register, which is in effect operated from the general synod office in Sydney and accessed by nominated persons from each of the dioceses around the country.

**The CHAIR** — Thank you for that answer. So the access is from all the synods around Australia, is that correct?

**Mr SPACKMAN** — No, the access is from all dioceses around Australia.

**The CHAIR** — I beg your pardon, all dioceses. And it is managed at that national level?

**Mr SPACKMAN** — Yes, it is.

**The CHAIR** — Thank you very much.

**Mr McGUIRE** — Thanks very much for being here to testify today. It is important to get the historical context correct; I acknowledge that. We are wanting to look at how different organisations have evolved and what the key issues were that triggered that. So if I can take you back a little bit further, there is a marked difference between the policies, legislation and protocols in place today from the Anglican Church to manage child sexual abuse and the regime that was in place going all the way back to the early 60s. If you can talk us through how this necessary cultural change has been achieved, what new arrangements had to occur, and what were the key challenges in trying to get cultures to change? If you can give us that narrative as to what occurred and why.

**Archbishop FREIER** — Yes. I think for all of us that period we are talking about, the 1960s, exceeds our adult experience of knowing how that was. But I think that as you look backwards you can see that broadly as a culture we have not readily listened to children when they have made complaints. There have been, in a whole range of situations, opportunities for people who have wanted to breach the trust of the children to do that and often for children's accounts of that trust being broken to be disbelieved, even by significant adults around them. So we acknowledge what a painful experience that has been for people. I think that our culture generally has had that, so organisations within it have been prone to not wanting to face difficult and shameful things. In our context, every minister, when they are ordained a priest, is told some very direct things about their responsibility, how that if there is any harm as a result of their ministry, their responsibility is great and there will be significant judgement that is followed and they should pattern their ministry and life on that of Jesus Christ.

We have always had high expectations, and I suspect that churches and community organisations generally have not had a culture of the necessary checks and balances and ways of educating people. If I can contrast where things were generally almost everywhere to where they are now, we have found that we needed to put in place quite robust education processes. We have training for all people who have any authorisation for ministry, and there are many hundreds of those in the diocese of Melbourne. They are required to complete this training, which is about child safety, other areas of professional conduct in respect of adults and other areas of their responsibility, such as finance and a whole range of things, before they can hold authorisation to carry out ministry.

I suspect that if you go back to the 1960s or earlier, no-one thought about that kind of ongoing education generally in society, whereas we see now that is a very important thing, as is linking participation in that, background checks and access to the national register, which you have heard from. Interstate we certainly have had some instances of people moving from one appointment to another, often across dioceses, and a trail of areas of concern has not really been carried with them. The national register gives us a lot more confidence now. Any professional standards matter is recorded, however resolved, even if a complaint has been resolved in favour of the person who is the respondent, and is available to us as we are looking at appointments and people coming from other areas.

That did not happen, and there were whole process issues of the separation of role, which we found through some of those reports that I mentioned earlier. It was thought that if you made a complaint, that a person might have several what we now see as conflicted roles. Say if it was a minister of religion, they might have a role of managing the context in which the matter arose and might have to manage their leadership amongst the parish

community. They might have to manage and receive the complaints of a complainant and might have to hear and possibly adjudicate the rightness or wrongness of that, all of which has been shown to be impossible: one person cannot do that. We wanted to learn from that situation, which I think it was broadly the case — that a cluster of responsibilities often rested with one individual, whoever that was, and that could have been different people for different matters — and to separate those out to get independence of investigation and to get independence of committees and boards that look at issues.

We have sought to have non-Anglican members as part of our professional standards committees and boards. We have sought for them to be able to bring a high standard of professionalism and community understanding, so we have people in a mix of professions. Some people are in judicial office in the Federal Court or County Court and other people come from child protection backgrounds. If you go back to whatever the earlier imagined time is, all those functions were probably clustered unhelpfully in one person or one office, and the consequences of failure with that were very high. We have wanted to understand that separation of functions and structure things, so that, as it is structured now, people in my role and the other bishops who work with me are not in the middle of trying to deal with those matters.

We would set up quite separate pastoral support for people who are respondents to a complaint. My role would be as the final decision-maker and exerciser of disciplines. With some variations of urgency, I would be the one who would be dealing with questions of discipline which have come from independent advice from our committees and our independent professional standards directorate. We think the risk of that kind of conflation of role — because churches and community groups are often small communities where people know each other. People have often trained together, and it is imaginable that in a small kind of community where people largely have confidence with each other someone may come across a matter of complaint against another. In earlier days someone was probably brought in to talk to a bishop or an archdeacon or a senior church official and asked what happened. They would perhaps tell their side of the story and possibly sometimes say, ‘Look, an awful thing happened once; I am so ashamed of it’.

There would be a whole lot of things that we now know would be really unhelpful in getting a fair process and outcome for a complainant. I am just imagining those things, because I do not know. I was not active in that leadership role in the 60s we are talking about, but you can see how many things in society probably went that way, and the consequences I think are obvious. We are often now dealing with historic matters that happened during those periods where, as it has unfolded and in the stories I have heard, children were frankly disbelieved. They were disbelieved by their parents. They were disbelieved by the adults around them when they raised a matter of complaint, and sometimes they were even punished for having raised a question about the conduct of another adult who was in a position of trust. Where that has happened that has been an awful thing. As it became clear to us that there were the chances of that in our systems, back in the 90s, I think we wanted to be proactive and seek to learn from all those experiences so that we could get something that was far better for child protection in the present and into the future but also for listening to and dealing with historic questions of complaint and information of that abuse.

**Mr McGuire** — Thank you for taking us through that. I think it is important to get that historic context. Basically you are saying children were there to be seen but not heard, and then if they did come through with complaints, they were disbelieved. We have that side of it. Now the other side of it I would like to ask you to address is, as you categorise it, quite often we are talking about churches as closed communities, so how important was it, do you believe, for the Anglican Church to open up its ranks and to have outsiders come in? This goes to a critical cultural issue.

**Archbishop Freier** — I think it is primarily important. We are told by Jesus in the New Testament that the truth will set you free, so I think we should always seek the truth, however painful it might be for us to encounter, and I think the church is not doing that. We are letting our own values down, and we are letting our own responsibilities lapse. It is quite clear that to maintain a high level of procedural fairness and independence those things need to happen.

**Mr McGuire** — Do you believe then that mandatory reporting is essential?

**Archbishop Freier** — Claire could probably help us understand some of this. We would not want to be part of any conspiracy or secrecy, but we also understand that there are some situations where people who have suffered abuse do not welcome the intrusion of other, legal authorities in their situation. Claire can illustrate

how we do some of these things, but we would encourage people to work with their solicitors if they are being represented by a solicitor to make reporting of matters. If there are matters of child abuse, we would regard that we have responsibilities of reporting, but in some aspects we are sensitive that people who have been victims have to tell their own stories, and we do not want to revictimise people by taking that responsibility off them. But Claire probably has some illustrations of that if you are happy to turn to her.

**Mr McGuire** — Absolutely.

**Ms Sargent** — There certainly is a tension in that. I point out that in the documentation that the diocese has, if somebody has knowledge of harmful misconduct — if clergy has — they are required to report that. But then if we go back to the type of mandatory reporting that you are speaking of, there is absolutely a tension in that. We would always encourage people to tell their story, and we would always encourage them to report to police, but let us make a distinction here between current child abuse and historical child abuse. When I am talking historical, I am talking 20, 30, 40 or 50 years ago in situations where most likely, in all probability, the alleged abuser is deceased. If there is current child abuse, there is no question: the matter must be reported. What I do is try to get the person who is reporting the child abuse to do the reporting to police, and I have been successful in that happening to date.

**Mr McGuire** — One hundred per cent? You say you have been successful.

**Ms Sargent** — If we are talking current, yes.

**Mr McGuire** — You understand that the issue here for us is we are trying to come up with the best preventive model as best we can, and one of the key themes we need to address is about it not being reported, it staying within closed communities and not getting reported to the police, and then people get moved on and reoffend. We are trying to work out the best way of dealing with what you are calling a tension.

**Ms Sargent** — I can say to you that, since I have been involved in this system, I am unaware of any person in the realm that I have been working in who has been moved on if we have been aware of any abuse of that description. We do not move them on.

**Mr McGuire** — Just on this point, though, given how we have evolved in this debate and the greater evidence and understanding that we now have, do you think it is time to make it that any reporting of something that is a crime should be reported to the police?

**Ms Sargent** — May I go on to the next point and talk a little bit about that? If we are talking about a historical event, absolutely it is our preference that the matter be reported. However, if we are looking at a situation where follow-on abuse is impossible — the alleged abuser is deceased, for example — then this is where the tension comes in, and CASA would understand this as well. If somebody has been abused, they get strong enough and come and tell you about it. Often it might be a first report. If you ask them, ‘Can you report it to police?’, and they say, ‘No, I don’t want to’, they might have a number of different reasons — for example, they have a criminal history themselves, they do not want their family to find out about it, they do not want to do this, they do not want other people to know, they recognise it was a one-on-one situation that occurred on a single occasion, they understand that the police are unlikely to take it up, or they do not know the name of the abuser. They are all possibilities; they are all things that have come up.

Given that we are trying to empower them and encourage them to come forward with their story so that we can assist them, can you then say to them, ‘In the face of your absolute denial that you do not want this reported, I don’t care what you reckon. I want to report it. It suits us to report it, so therefore we will report it.’? We are trying to judge that empowerment versus disempowerment for the individual. We are trying to work out what it is that we can do for them that is best for them. Again, I make it very clear that we are talking about situations where no further abuse is possible. We are talking about a deceased abuser. Often these people also come with a solicitor, so I would also talk with the solicitor. I would generally put something in writing — ‘Please, please, please, what can I do to help you?’. I have driven people to the police station to try to get people to report. I have worked very hard to get people to report historical events and been successful in some cases, but not all. That is the distinction.

**Mr McGuire** — Thank you for that answer. Can you give us some detail on how many you have been successful with and how many you have not been successful with? Then if you can give us an indication of what is the reason ultimately that people shy away, so to speak?

**Ms Sargent** — Yes, okay. I am talking about the diocese of Melbourne, and I am saying that of the 46 reports, as I said earlier, of childhood abuse that are in the offices of professional standards' files, I know that 12 were definitely reported and I know that 20 were not reported. That leaves 14 that I am not sure about. Let us have a think about why some of those matters would not have been reported: for all the reasons I have previously said to you — the person does not want to, or they may not know the name of the abuser. It is pretty difficult to report to the police if you are not sure of the name or you know him only as George in 1962 who was the cook at the camp or something. That makes it very difficult, so there is not much we can do about that. If they do know the name, they may choose not to report, and we try to empower them.

I would prefer that they report. I have never in my association with the diocese struck any sort of negativity in terms of reporting; quite the opposite. Sometimes a report — one of those 46 reports — might be a third-party report. It might be, 'My sister was abused by person X', but the sister is saying, 'I'm not talking to you about it. I'm not going to cooperate with the police'. It becomes a difficulty, so the sister who reported says, 'I'm not going to be involved in that'. It might be that one of these events is a grooming behaviour. Now the police are not so interested in low-level grooming behaviour — for example, he asked her to sit on his knee, or he kissed her cheek.

Recently I have assisted complainants to go to police on a grooming behaviour complaint that is internet communication-based — SMSs, internet. We have got it in hard fact in front of us. We have gone to the police after great effort to get the complainant to agree to do so, and it goes nowhere; it is those sorts of issues about why it might not go or why it might go. There are plenty of examples like that. There are a number of examples — and I am coming to the second part of your question here — where a matter might have gone to police, and it has taken two years for the police to say, 'No, I'm sorry; we can't progress it'. All good reasons — and I understand that. Then it comes back to the church processes, and we can progress it, we do progress it and we have progressed it. There are people sitting around waiting for two years, waiting to find out whether there is going to be enough evidence that a complaint can be progressed.

For example, there are five matters that I can think of straight up that have been reported to police in the last couple of years or so. For one of them charges have been laid and the matter is going to court very, very shortly. Of the other four matters, one was charged and charges were dismissed. The other three have taken quite some time and have not gone anywhere, so they have come back to the church processes.

**Mr McGuire** — They did not result in charges being laid?

**Ms Sargent** — No, they did not result in charges, because it is one-on-one behaviour, it is historical, there is a child involved. Child abuse occurs, as you would realise, without any witnesses, and these people are unable to provide enough evidence to police to get it moving.

**Mr McGuire** — So really what you are describing is the difference between suspicion and proof?

**Ms Sargent** — Yes.

**Mr McGuire** — So just so we understand for the record, of the 12 cases that you took — —

**Ms Sargent** — I have not taken them. I have encouraged, and I know that the person has taken it.

**Mr McGuire** — Where it did go to police through your encouragement?

**Ms Sargent** — Yes.

**Mr McGuire** — What are the results of those? Do you have that detail?

**Ms Sargent** — No, I do not have them dot point down, but a few of them would have resulted in charges. In another case that went to police, the mother took it to police and the police worked out that the alleged abuser was actually being charged on other similar matters, completely separate to a church

environment, and as that case was progressing, she decided she would not cooperate. She did not see a point in putting her daughter through that difficulty.

**Mr McGuire** — Thank you for this detail. If you understand, this is an important point that we are trying — —

**Archbishop Freier** — Yes. Absolutely.

**Mr McGuire** — This is a really shadowy area where we are trying to work out what can be done in this grey area.

**Ms Sargent** — It is extremely difficult.

**Mr McGuire** — Can you explain for the record again what happens if someone does come forward if you encourage them and it does go to Victoria Police but then nothing results, what is the church's response to that person and what happens next?

**Ms Sargent** — If they come forward with a complaint and it is to do with a criminal matter, such as the ones we are speaking of, I would encourage them to go to police. Sometimes I have to work quite hard to encourage them to go to police. I have got a lady at the moment who is very cross, because I am encouraging her to go to police, and she says she does not want to, and by encouraging her I am coercing her. She is very cross that she has been asked to go to police. She will not give me the name of the respondent, so there is nothing I can do. I have encouraged her in writing to go to police. But if somebody does go to police, it can sometimes take some time for them to even be interviewed, so we all sit around when we wait for that to happen. Then if at some stage we need to get from police their written assurances that they are not going to take the matter further, because we do not want to be in a situation where we are stepping on the toes of a police investigation; that would be extremely unhelpful. So we are juggling at our end as well, because we are also in a position of not wanting to alert a respondent that the police are interested in their matter such that they might change their behaviour, or in one case the police wanted to do a phone intercept, so we need to be very careful there. I need to assure that the police are working on the side of the complainant.

When the police finally decide that they are, for example, not going to take it forward — it is much easier when they do — we go back to the complainant and we assist them to get over that grand disappointment, and that can take some doing. Sometimes they say, 'Right, that's the end of it; I do not want to have anything to do with anything', but we try and encourage them to continue back into and rejoin the church process because of the balance of probabilities, burden of proof, et cetera. We can take them back into the church process, and we get their written authority to continue under the church process, and then we can progress the complaint with such information as we are able to garner. We take it to the respondent and we plug it back into the church process. And we do get outcomes. Yes, there are people who have lost their positions, and yes, there are people who are no longer employed by our diocese.

**Mr McGuire** — I want to finish off on that point. What happens then if you do have, for the want of a better phrase, a red light flashing against somebody?

**Ms Sargent** — Yes.

**Mr McGuire** — If the burden of proof means that you cannot resolve that matter, but there is high suspicion, how do you internally deal with that area?

**Ms Sargent** — We act on the side of our duty of care, and we act on the side of carefulness.

**Mr McGuire** — What does that mean?

**Ms Sargent** — That means that if we are unable to have confidence in the person, if the archbishop is unable to have confidence in the person and their ministry, then they are not able to continue in that area. They may have their duties curtailed. They may be taken out of ministry altogether. If the archbishop does not have confidence in that person — confidence to give that person his licence — then he will not get his licence.



**The CHAIR** — Before I move to Mrs Coote, can I just get some clarification about that issue that Mr McGuire raises in relation to taking complaints to the police? With the national register, do those complaints automatically go to the police?

**Ms SARGENT** — The national register is a register of very certain types of complaints, so things that are on the national register will include things such as adult sexual misconduct. It is not just child sexualised misconduct; it is any sort of child abuse.

**The CHAIR** — So would any criminal activity that was identified on that national register go to the police?

**Ms SARGENT** — No, not necessarily from the register to the police. It would still go through the other process that I just explained to Mr McGuire.

**The CHAIR** — Okay. So that information is not necessarily shared with police, even though it may be criminal activity?

**Ms SARGENT** — If the matter was going to police, then the diocese would share all that information to police. Any time the police have asked for any clarification or any information, this office has been absolutely up-front in providing any information they have asked for.

**The CHAIR** — So that is if the police ask the diocese, not the diocese being proactive in sharing that information directly with police?

**Ms SARGENT** — Yes, I see what you are getting at, but what I am trying to say here is, as soon as the police are aware of the situation and we are in touch — we do not just a complainant off, ‘Go and talk to the police; see what you find out’ — I would find the right person at the police for them to speak with. I would make sure I had a name to give back to the complainant with a phone number so that they know who to ring and they know that when they start to talk about their story they are not left out in the lurch. When I know that has happened, then I can also be in touch with that police person and assure them that we are available and have information that they may wish to access.

**The CHAIR** — I note that in your submission you say that you have a good relationship with Victoria Police.

**Ms SARGENT** — Yes.

**The CHAIR** — Do you have a liaison person?

**Ms SARGENT** — We have sorted that out now. It has been a bit difficult with the SOCIT teams because you need to get the correct SOCIT team to go to. We might have a relationship with a particular SOCIT member, but the new complaint is in a different part of Melbourne, or even if we have had a relationship with the SOCIT guy from Melbourne, a different team within Melbourne SOCIT will need to take on that complaint.

It has been quite disjointed, but of late I have spoken to — I have got to get their titles right — Detective Senior Sergeant Michael Dwyer and Inspector Steve — pardon me, I cannot remember the last name — of Sano task force; and we have set up, I feel, a very comfortable, very good liaison point there.

**The CHAIR** — That is as a result of this inquiry and the Sano task force, you have actually made direct contact with a liaison person to assist anyone?

**Ms SARGENT** — Yes, and I have spoken to Michael and arranged with him that he understands that if there are holes in information, if I have not got a first name or whatever, that he is still prepared to listen to me. Whereas, previously, I have not been able to report things, and my counterparts have not been able to report things, because we did not have a victim and a respondent.

**The CHAIR** — So that disjointed approach, you think, has been improved with Taskforce Sano?

**Ms SARGENT** — I am looking forward to that.

**Mrs COOTE** — Thank you very much, Archbishop Freier, Ken Spackman and Claire Sargent, for coming here today. I have got a question that follows on slightly from what Mr McGuire was saying, but I would then like to go on to some property issues about the church's structure. First of all, in addition to what Mr McGuire was asking, you say in your submission at page 26 on mandatory reporting:

In fact currently, the definition of mandatory reporting in the act —  
your professional standards act —

goes beyond that which is enshrined within the Children, Youth and Families Act 2005.

Could you elaborate on exactly why you think your act is better than the state's act.

**Mr SPACKMAN** — I can start. I do not think we were saying it was better. I think we were pointing out that our definition of some of the elements of mandatory reporting within the Professional Standards Act 2009 — our legislation — was different in definition to that which was in the state legislation. I think that was the only point we were trying to draw.

**Mrs COOTE** — In what way — 'definition'?

**Mr SPACKMAN** — I believe the Professional Standards Act 2009 has a broader definition than the children and young persons act.

**Archbishop FREIER** — It also deals with adult behaviour; I think that would be the most obvious extension. There are behaviours that adults have committed that would not be criminal acts, but because we regard there is a standard of conduct, say, in terms of someone who is married not having sexual relations with another person they are not married to, which might not be unlawful or even — —

**Ms SARGENT** — Uncommon.

**Archbishop FREIER** — Uncommon. That would be a matter that we would have interest in, in terms of professional fitness. Those would be matters that we would seek reporting, so that our professional standards approach can resolve that and bring that into the whole question of fitness for ministry. I think that would be the 'going beyond'; certainly a range of adult behaviour that is not criminal behaviour.

**Mrs COOTE** — So it more guides for the morals within the church, rather than extending it into the broader community; is that right? It is your professional standards?

**Mr SPACKMAN** — The higher standard we think should apply to the church body, yes.

**Mrs COOTE** — Just on mandatory reporting, it is my understanding that coming through the documentation that you have given you do not actually believe that there should be criminal mandatory reporting and mandatory reporting expanded from the state; is that correct? The current mandatory reporting regulation should not be expanded? You do not believe that applies to your church?

**Mr SPACKMAN** — I believe, if I am summarising what I think Claire was saying, we are not against mandatory reporting. In fact we are supporters of mandatory reporting, excepting that there are great difficulties in mandatory reporting when you are trying to balance that against a pastoral response to a victim who may or may not, for a whole variety of reasons, wish for the matter to be reported.

**Mrs COOTE** — You believe, going back to what Claire was saying before, that the processes you have do not need to be expanded in any other way? You believe the current situation is fine, and that builds upon your own act; is that correct?

**Mr SPACKMAN** — We are very much looking forward to the wisdom of the inquiry as to how mandatory reporting should be applied to all organisations. It is a continuing question for us as an organisation, as we continue to try to enhance our processes and procedures, about how you get that balance right. I think the point we are trying to make is that there needs to be a balance and just simply assuming, with respect, that mandatory reporting therefore solves a problem, I think it actually begets quite a number of other problems with organisations that are making genuine attempts to provide a pastoral response to the victims in whatever circumstances they present.

**Mrs COOTE** — Thank you very much indeed. Going back to the issue that I would like you to speak to, about property issues, could you explain the process by which your property that is owned by the Anglican Church is actually registered? Is it registered in a company name, for example, or in trusts; is it broken down in dioceses or is it by individual church? Could you give me an understanding of how it in fact is broken down — the ownership of property within the Anglican Church?

**Archbishop FREIER** — It would differ across the country, but in Victoria we have an act of this Parliament made in 1954 which sets up a property structure and sets up each diocese with having the opportunity of having a property trust which can hold a range of properties in trust for those purposes. That allowed a consolidation of things. In the 19th century there certainly were church properties, churches, graveyards and other things held in the names of individual trustees, and over time by and large all of those individual trustees have resigned their trusteeship in favour of the trust corporation.

Each of the five dioceses in Victoria would have a trust corporation holding some aspects of what looks like Anglican activity in their trust corporation, but there are many other things. We have community service agencies. We have schools. By and large in Victoria they are all either companies limited by guarantee or separately incorporated bodies under the Associations Incorporations Act. So for what are generally regarded as Anglican schools, say, in the diocese of Melbourne, by and large all the assets are owned by a company limited by guarantee that has its own directors. We have varying degrees of relationship with them, but no direct control and ownership over those assets. The trust corporation does not have any ownership of those assets. That would broadly be the property ownership structure across the board in Victoria.

**Mrs COOTE** — So could I ask then about the insurance aspect? For each one of those organisations — for example, you gave the example of Anglican schools — how is the insurance in that instance catered for, or perhaps in an Anglican kindergarten or in a church? What would the differentiation be? Is it a global insurance approach or is it an individual insurance approach? How does it work?

**Archbishop FREIER** — Ken can give some detail, again, on this, but in matters where an entity is operated by a company limited by guarantee or an associated incorporation, they would have their own fiduciary duties. The directors would need to judge how they operate insurance and other activities. So we would have large sections of Anglican operations, say, in nursing homes, community welfare and schools, where there are decisions the directors of those companies are making as to their risk management and how they will manage insurance. The parishes of the diocese, however, are covered under a diocesan insurance scheme, and it is networked with parish insurances in other areas. Ken could probably give some comment on the detail of that, but that would be the big division of responsibility.

**Mr SPACKMAN** — In the discharge of their responsibilities organisations that are separately incorporated would need to make a decision about insurances. They can do that one of two ways: they can opt into the insurance program the diocese offers or they can decide through their own governance processes to seek to be separately insured. We have a mix of those.

**Mrs COOTE** — Going back to a sexual abuse claim, for example, can we go through two scenarios? One is if it were in a church scenario and one is if it were in a school scenario. Could you explain to me, if someone had been sexually abused and were able to prove that that was a process and that they had been through the church's process and were wanting some reparation, how would the insurance in both of those instances deal with those circumstances?

**Mr SPACKMAN** — In the situation of being insured, we have had sexual abuse insurance or cover for this area since about 1997, when it really separately became an element of insurance policies — almost across the industry, in fact. Prior to that we would have had insurance cover under our general liability insurance, but it was not specifically carved out in the policy. So we have had cover for that period of time. The way our insurance policies work is that we have a specific limit on the availability of cover for any one claim, and then globally we have a limit on the total number of claims in any one year.

The other element of our insurance is that, of course, we accept a level under which we do not make claims. At present and for some time that level has been about \$25 000, so for any claim less than that we would not be seeking insurance cover. In the area of professional standards, however, I am not aware that at any time the diocese of Melbourne has sought to exercise its insurance cover in order to settle a claim.

**Mrs COOTE** — In the scenarios I painted are you confident that neither in the schools nor indeed — —

**Mr SPACKMAN** — Schools are a little bit different. In respect to what was in our submission we have a number of schools who are governed by state procedures through the Victorian Institute of Teaching, and that process in the main is in place within schools. We have a number who have also, because of their connection with the church, agreed by a memorandum of understanding to be able to access the advice and experience of the independent office of the director of professional standards, but that is in the minority. Most of them have their own governance arrangements regarding professional standards. So I could not speak in the majority, and I could not speak for the schools. Our submission does not seek to speak for the independent schools.

**Mrs COOTE** — Could I ask you, Archbishop, if you could explain to me with respect to the insurance aspects with these trustees whether the issue of child abuse has made them change their behaviours? For example, if they have known of someone who is an insurance risk, whether that in fact has changed any behaviour or culture, both recently and in the past, because of insurance arrangements? Has it made people say, ‘We are going to cover this up’ or ‘We are going to shift this priest or minister or vicar around’? What is the situation?

**Archbishop FREIER** — I think probably the opposite. I think it has made us all aware that someone who has — —

I think under our current insurance cover in terms of the general liability and professional liability of people who act in a formal office, if people have matters of sexual misconduct, they would be unlikely to be covered by the insurance. So it means that a decision that we will invest confidence in their leadership would have to be informed by a very high degree of competence. I think it has had the opposite effect. It has probably made us more cautious in allowing an appointment, and certainly we always make full disclosure if people are seeking to have another appointment in Australia or overseas. We make full disclosure of any professional standards history and reasons why a person may not enjoy a licence in this diocese. So I think it has had that effect. There is not just an insurance sort of umbrella that means bad practice can be left for the risk to be managed there.

We want to more vigorously manage the risk, and we do that through having a process of clearances for ministry, where each three years with every new appointment the national register is checked, people are asked to get a fresh police check, a working-with-children check; those matters come in. Any relevant professional standards history is part of the director’s responsibility, who can sign off on things at some level. If there is any uncertainty, it goes to our professional standards committee or other higher bodies of approval for that clearance for ministry to be recommended. I think it has just made us broadly aware that it is not something where you can think, ‘Well, we have got insurance cover; it is not our problem’. We really wanted to be responsible in making the actual decisions that invest confidence or say that confidence cannot be invested in that person, in their leadership, whatever it is, for that reason.

**Mrs COOTE** — Claire, could I just ask you a question on the same issue? Have those people that you talked about before — I think it was 12; you gave some numbers to Mr McGuire — asked for compensation from the Anglican Church, and have they received insurance payouts? I am getting being back to what Ken was saying before, that you have a cap of \$25 000. Have you had any insurance claims from any of those people over and above the cap?

**Ms SARGENT** — Yes, we have; that is the short answer. But not all of those people and not all of those 46 people who have made a complaint about child abuse have wanted a financial settlement. There are many different things that people seek as a result of coming forward, and we should not assume that a financial settlement is what everybody is looking for. We try to tailor our response to what the person is looking for, so we actually ask them. Your committee has asked, ‘What does justice look like?’. We ask people, ‘What do you need? What are you hoping to achieve? What would help you towards your future?’, and all sorts of different things come out of that. Any figure that we might talk of as a financial settlement does not include significant, for example, counselling costs that we offer.

As soon as somebody rings up, I offer them counselling from an independent, professional, registered psychologist, and we undertake support for that person while they are in the decision-making process about whether they are going to make a complaint. There are many things that people might want. They might want to apology. For example, someone might want an apology, some counselling and payment of a specific education

course or payment to a specific charity. We would assist people in that way, and that would not show up in our figures of financial reparation.

**Mrs COOTE** — Can I just clarify this? In fact if that person had asked for all of those things and then still felt that they wanted some financial remuneration at the end which was over the \$25 000, would those counselling fees and other legal fees perhaps that they had incurred be taken out of the payout that they got?

**Ms SARGENT** — No.

**Mr SPACKMAN** — Just to be clear, we have had settlements that have exceeded the cap of \$25 000, without doubt.

**Ms SARGENT** — Yes, it is not correct to call that a cap.

**Mr SPACKMAN** — What we have not done is sought to invoke our insurance cover for those.

**Mrs COOTE** — So you are feeling confident now that the insurance policies are fair and equitable and they are not being used to hide or cover up anything at all. I agree with what the archbishop has said, that the processes for today are okay. I am not certain that they always were.

**Mr SPACKMAN** — We have a very longstanding relationship with our insurers, Ansvar, who I believe have appeared before the inquiry. We believe we have a very open and engaging relationship with them, particularly on this matter, where of course they, like us, are very interested in managing risk going forward. So they have been particularly useful to us in providing ideas about how we appropriately manage risk in these important areas.

**The CHAIR** — Can I just get some clarification from you, Ms Sargent, in relation to supporting respondents of allegations of abuse for those victims. You said in your submission that each respondent to a complaint is assigned a pastoral carer and will be given professional counselling and support as appropriate. Is that independent of the church?

**Ms SARGENT** — It is paid for by the church, but the provision of the person who provides the professional, registered, psychological counselling is somebody that is organised through the office of professional standards — unless the person already has a counsellor that fits our parameters, and then we would consider their request to continue with that person.

**The CHAIR** — What are those parameters?

**Ms SARGENT** — That they must be registered, they must be a psychologist, and they must be someone with experience, not somebody who just fancies that they might do a spot of counselling.

**The CHAIR** — So the counsellors are independent of the church, but you have a relationship and — —

**Ms SARGENT** — Yes.

**Archbishop FREIER** — Yes, they are. The counsellors are not employed by the church or a church organisation.

**Ms SARGENT** — Yes, that is right. We have two sorts of psychologists. We have people who are absolutely independent of the church, and they just send their invoices to my office and I send them, de-identified, through to be paid. We also have some psychologists who are also affiliated with a denomination — it might be Anglican or some other denomination — and if the person specifically wants somebody that they would consider to be a Christian psychologist, then I would give them the option of a couple of those choices as well. Mostly people want the independent psychologist, and that is whom they will be offered.

**The CHAIR** — Thank you for that clarification.

**Ms HALFPENNY** — Just to follow on a little bit with that, I know from what you have said and also from what Broken Rites says in its submission that you do offer extensive medical treatment to victims. In saying

that, what does that involve in addition to what you have already said? Do you have a set number of counselling sessions a person can have?

**Ms SARGENT** — No.

**Ms HALFPENNY** — What are the criteria, and for how long does it go?

**Ms SARGENT** — The question is ‘How long is a piece of string?’. The criteria is based on need. So somebody might want 1 session; somebody else might want 3 sessions; somebody else might 20 sessions. It just depends. Particularly if the matter is going through the church process — for example, it is taking quite some time, the police have not taken it up, and it is getting back to church process, then those people have a need to be supported throughout that process. There is no number of sessions that will be appropriate. What I do is get in touch with the psychologist who is providing the care and I would authorise X sessions at a time — six, something like that.

I would say after that, ‘Please get back in touch with me. Let me know how your client is going’. I am not asking for confidential information. I am not asking to be involved in that client’s process. I am just saying, ‘Are you the right person for them?’ Do we need to think of anything else? Has something come up that we need to do something more about? I am thinking, does a psychiatrist need to be involved? How are we going? What do you think? How long do you think we are going to go? For example, I might be asking those questions at a stage when the person has yet to make a decision about whether they are going to make a complaint: ‘Is this person going to make a complaint? Let’s just keep in touch’.

**Ms HALFPENNY** — In the case where people who have been abused as children come to you as adults, is it the same process for them?

**Ms SARGENT** — Yes.

**Ms HALFPENNY** — Okay, it is the same process. When you talk about going through the church process, does that mean the medical or counselling support only continues while that process is being gone through or can they continue after that as well?

**Ms SARGENT** — It can continue after. It is up to the individual. They might decide that once they have got an outcome maybe they are satisfied with that. They might say, ‘Okay, I’m out of here’, or they might need some additional care. I have people who have gone through a process quite some time ago. I am thinking of a fellow who rings me probably three or four times a year and just has a chat for an hour because he wants to have that little bit of contact, and he wants to know that his information is safe, that it has not been forgotten and that there is somebody he can call.

**Ms HALFPENNY** — Based on, I guess, the experience of the Anglican Church, in particular with those people who have disclosed much later as adults and come to you, do you agree that the effect on those people has been profound and adverse on those people for the whole of their lives?

**Ms SARGENT** — It can indeed be so. It is tragic. It can indeed be so and that is another reason why we are so keen for people when they are ready — and it can only be when they are ready; we cannot force them to be ready — to speak out. It is like a point they get to in their process of the restoration of themselves and they can talk about it and lift that veil of secrecy and get some assistance; it can be a real help in their moving forward. It is so important that they come forward and talk about it.

**Ms HALFPENNY** — I know we have had some expert witnesses come in and people telling their own stories where for the whole of their life really there have been all sorts of terrible effects, whether it is drug and alcohol addiction, unemployment, reliance on social security, poverty and all of those things as a result of their experiences.

**Ms SARGENT** — Terrible. Yes.

**Ms HALFPENNY** — Even though you have a system yourself, would you also support an independent redress or compensation system that the church could contribute to as well, as an ongoing lifelong support for people?

**Ms SARGENT** — I will pass the question to Mr Spackman shortly, but the important thing that I want to say here is that the church needs to be — wants to be and needs to be accountable. Mr Spackman might like to comment on that point.

**Mr SPACKMAN** — Yes, thank you. I guess our submission did not advocate strongly for further legislative changes, and that is because we believe in a learning environment: that we have a process that provides an appropriate level of care, support and accountability to victims and to the organisation.

**Ms HALFPENNY** — I do not know whether I was saying that you do not do that; it is more about saying, ‘Would you contribute if that was the way things went?’. Why would it make any difference?

**Mr SPACKMAN** — I am getting to that, so thank you. The point with all of this is getting the right balance between having some sort of legislative rules and encouraging and supporting organisations to develop the right cultures, and that to us is the important balance that the inquiry and indeed the royal commission will need to walk. On the one hand, we are very supportive of the inquiry as it brings matters to light and they can be addressed, and we are all looking forward to the learnings from that. On the other hand, we have worked very hard over a couple of decades now to develop a culture within our organisation that we believe exhibits all of the things that the public would expect of us in this area in terms of zero tolerance. Getting that mix right from a legislative point of view and maintaining the ability for organisations such as ours to continue to appropriately influence their culture would be extremely important.

A light touch of that could be having processes accredited, for example. We would thoroughly support that. We would be very open to having our processes accredited. We would also be very open to having the next step, which might be a process of audit and reporting; we would be very open to that as well. We would also be open to legislation provided that we are able to see how we would be able to maintain our own identity, our own ownership and our own accountability of the issue, both in respect to child sex abuse and also in the broader realm of professional standards.

**Ms HALFPENNY** — I guess there is the going forward and the protocols and processes to protect children now and into the future, but there is also, I suppose, if you believe you have a duty of care to look after those whose lives have already been ruined in terms of the future as well. I guess they are the two parts.

**Mr SPACKMAN** — Quite right.

**Ms HALFPENNY** — The other question I was going to ask was about the police involvement in the church process. Again I am probably talking about cases of abuse where the person comes forward as an adult rather than something that is happening right now. If a person when they have the choice comes to you and say this is what happened to me, do you ever say to them that they cannot go through the church process if they report it to the police? Particularly in the case of counselling and medical treatment, as opposed to the compensation that may arise or education or whatever, does one — going to the police — exclude the other?

**Ms SARGENT** — If there is a current police investigation on foot, then the church process needs to sit and rest until the police have given us the all clear. But that does not mean that assistance and care and pastoral support of the individual who has been damaged is left. We would certainly be continuing to provide care and ongoing support of that person.

**Ms HALFPENNY** — So that would continue, and the other. Just going off the subject of a little bit compensation and redress, in the first submission you put in you talk about a review of the protocol that you did in 2002. It is point 39 that I am looking at, on page 8. It says that pastoral care and professional care should be expanded for complainants, respondents, the wider church and subsequent clergy to the parish. What I am assuming is that prior to this review the pastoral care and support was for the complainant and the perpetrator and that that was then extended further to the wider community of the church. Can you just explain a bit of the reasoning behind that?

**Archbishop FREIER** — I think that there is profound disappointment when these things happen. They are not primary victims but secondarily they feel profoundly let down because someone whose character and conduct they thought was estimable and could be respected they now see something different and they see it as a great disappointment. There are ongoing issues for people, in a way, who are not directly involved but secondarily involved. That sometimes manifests itself because of these cultural attitudes. There sometimes can

be division in the community where some people, despite the evidence and even in a matter of conviction, struggle to believe that someone they had admired could have done that. So I think in communities where there has been abuse and someone who may later in their life been discovered as an abuser, perhaps even 20 or 30 years earlier — they may not have been an abuser in the two or three decades that people have known them — people are trying to put together how that reality matches the reality of their experience of their work amongst them, their ministry and their leadership.

Whole communities that have been around those people have some brokenness. They have certainly got shame and disappointment and often confused feelings that are processed. So we have often had to be involved. I know that Claire through her office and other structures we have had generally had to be involved to work through with people how that is responded to. I think this is part of the broad cultural change because these things, as I said earlier, seem to typify that people find it hard to believe things. There are consequences that ripple out pretty much to every level where people have been affected. I think that is what we are talking about there.

**Ms HALFPENNY** — Just one final question. Where there has been a priest who has been charged and found guilty of child abuse, sexual abuse or whatever, what are the consequences for them? I know that in your submission you talk about various alternatives. Where a priest has been charged and convicted, do they — I am sorry; I am not very good at the religious terminology.

**Archbishop FREIER** — There is a range of things that can happen. Some of them are to do with their capacity to operate in any formal way or public way as a minister. So if they have been ordained, I can remove their licence. We can have a trail of information that means they cannot go somewhere else and others not look at all their history and give them an opportunity of working again. So some people are unable to hold a licence. That means that they cannot lead services, they cannot take weddings, they cannot take baptisms, they cannot represent themselves as a person who is authorised to be in public ministry.

There are other processes where people can either voluntarily or as a result of a professional standards outcome be removed from holy orders, so in a way they are you could probably say laicised.

**Ms HALFPENNY** — That was the term I was thinking of.

**Archbishop FREIER** — With some people, as a result of these things, that has happened. Some people have relinquished —

**Ms HALFPENNY** — That would be the case where someone is charged and convicted?

**Archbishop FREIER** — That is right, yes. They have relinquished their Anglican orders; they are no longer eligible to be an Anglican minister. Whilst there is a capacity for that to be reversed, it cannot be reversed easily or without proper process. They are broadly the consequences. But the clearance for ministry regime gives people recommendations of a clearance for ministry, so they are clear and I can with my full confidence commend them to congregations as someone who on all the examinations fits the expectations of training, diligence and professional standards clearance. It might be that some people have a clearance for ministry with some conditions and that can sometimes happen. I think it would not happen with any issue of child sexual offending but with some of the other adult behaviours that people have had they might be brought back under a very direct position of supervision and given some opportunity to be perhaps an honorary assistant in the parish. Then there are situations where people do not receive a clearance for ministry and on that basis cannot exercise a public ministry in the Anglican Church and its diocese.

**Mr O'BRIEN** — Following on, you have provided the Parkinson report of 2009. Just listening to your answers in relation to the fact that you would be open to audit and reporting, we appreciate this spirit of cooperation in which you come before this inquiry. Under 'Limitations' on page 49, Parkinson identifies that there have been a number of limitations to his survey. One of them, which is not necessarily a limitation but a difference in style, is that it does not contain necessarily a narrative section as to how abuse occurred even historically in the church, apart from perhaps a summary type: we have this number of cases et cetera. Given his limitations, would you be open to providing such a more narrative style, in picking up your comment that the truth will set you free, especially in that it also identifies that a number of perpetrators and victims are of course still alive? I put a caveat on that by saying that assuming that is something that certain victims and members of your church or the people of Victoria wanted.



**Archbishop FREIER** — I think we have those narrative approaches in some of those reports that I mentioned earlier, from Tasmania, Adelaide and Brisbane. So we have had something of a slice of that over the last decade or more. But to the extent to which it helps, by an analysis of particular cases, to pick up any things, we would be open to anything which gives us an opportunity of better practice.

**Mr O'BRIEN** — Thank you. I could have made my preamble longer, but we acknowledge those other cases that you have done. Part of that also is a complaints procedure about your handling of child abuse, which I note in your present protocol, you have grievances there. I was going to ask you briefly, have you had any present complaints about your handling of child abuse, that you are aware of? Because obviously the terms of reference of this inquiry are not necessarily about the incidence of the child abuse itself, but rather, how organisations have handled it.

**Archbishop FREIER** — Yes. We have a double layer of our professional standards regime. There is the Professional Standards Act 2009, which has been alluded to, which covers clergy and church workers, and then there is Episcopal Standards Act, which covers my behaviour. So any failures of process that I have that might be alleged would be matters of proper interest to a parallel — and, again, objective — system of an episcopal standards director, an episcopal standards committee, an episcopal standards board and an episcopal standards review board. So we think that gives a lot of accountability.

So it is both, in a sense, me as the decision-maker making decisions on the basis of advice for clergy and church workers, but then there is my conduct in the administration of my office, which is open to a parallel and similar process of independent accountability. So we think that gives us some robust confidence that if there were failures of process, if people had a complaint about the way I had acted after receiving advice in terms of matters, they have some redress about my conduct in the execution of my office.

**Mr O'BRIEN** — We have obviously received complaints about a number of organisations. In comparative terms we obviously have received a number about yours, so I am not able to point to specific instances. That is why I was asking: are there learnings that you feel are still on your records of complaints that are out there — and if there are confidentiality issues, you can tell us, if there are things you are investigating? Are there matters that you are still identifying that you need to work further on, where you are prepared to admit there are some failings?

**Archbishop FREIER** — We would be glad to have them pointed out to us, I think. We have wanted to have this process, as I have described it, over the last two decades — which is, wanted to seek learning, be proactive in developing things. The 2009 act we think increases a range of things, including procedural fairness, because we are aware that the procedural fairness for people who have allegations made against them is important for there to be confidence in the system. So we believe that was made more robust. We have got a review process in place so that any party, a complainant or a respondent, who is not satisfied with the outcome can take the matter to some review, and that is a review process which is quite robust and chaired by a Federal Court judge. So we think we have got quite strong community leadership in that — and, again, with certainly not an in-house kind of a body but one that, as far as we can see, is set up to give the community confidence, and people who are part of the process — there is confidence.

We are very open to things that you might point out that should be done. We do not think we are at the end of any journey here at all. But where there are omissions or where we have had something we have not seen, we are eager to learn from that and certainly look forward to the deliberations of your committee and in due course the deliberations of the royal commission, which will cover some related areas.

**Mr O'BRIEN** — But just to round my question off — and thank you for that answer — you are not aware of anything presently outstanding from members of your church in relation to how child abuse is presently handled, including the previous or historical complaints, as they are sometimes referred to?

**Archbishop FREIER** — No, I am not aware that we have got any pressing dissatisfaction with the opportunities people have of making complaints, having those complaints examined, and the approach we have towards supporting them to get some restoration of their situation.

**Ms SARGENT** — I would agree with the archbishop's comment there. I am not aware of any matter that is outstanding about process issues.

**Mr O'BRIEN** — Thank you. I might just return to the historical thing in relation to the police. If I understand the Diocesan Tribunal Act of 1963, within that act there was no — certainly legislated by canon law or your legislation — requirement to report to police?

**Archbishop FREIER** — That is right. The tribunal act is something which has not been used a lot. It is an authority conferred from our state legislation, our 1854 act of the colonial Parliament, colonial government. It confers a disciplinary authority, through this tribunal means, to the archbishop over any person who is in holy orders — so anyone who is an Anglican member of the clergy. It had been used early in the 20th century, but — it had been used once; I think the outcome was thought to be very unsatisfactory, and people had basically resolved either to believe or not believe the matters of substance and thought it was being used politically by the archbishop against a member of the clergy about 100 years ago. So I think it was seen to have some weaknesses.

But the tribunal act does confer some significant authority, and it is good to know it is there, because it does allow us to go to the Supreme Court to compel people to be part of the tribunal. People are able, under the tribunal act and the authorities conferred by our 1854 act, to give testimony under oath. So were we to need that — it has not been apparent that we have needed it so far — it is of some value to have in the legislature because it is actually backed up by some state authority; it is not just an internal process. But we think that we achieve similar ends with greater expedition and with a different kind of burden of proof than a tribunal would have. A tribunal would be, by and large, like a court of law in terms of the burden of evidence.

I think we wanted to take a very different view, especially in matters of historical complaint where people are reporting on something that is unwitnessed by others, often against a perpetrator who may be dead. I think here of the matters that Claire summarised earlier. Most of the matters we have had that have come to a point of some financial settlement have been with perpetrators who have been dead, so we are not able to take the matter to a forensic examination. We have taken the veracity of the complainant's reports on face value and have wanted to work with them from what they report. The tribunal would probably push us more into a court of law style of situation and a different burden of proof, so for those reasons we thought it was not the platform on which to build our modern approach to clergy discipline and professional standards.

**Mr O'BRIEN** — That is right, and historically your role and that of your predecessors is that you were the end of the line in terms of ultimate decision-making. Canon's clause 17 says:

If they admit the proceedings ... that the archbishop shall pronounce sentence which deals with the matter accordingly.

Now with your protocols you have got the referral to police. In relation to your submission to us, which I have got from the background from your letter, you say that your understanding of the historical practice was to refer complaints to police, but you are not able to locate any written or promulgated instructions in regard to this. As I have said, I think you are putting historical or retrospective scope on a bit — that is, because you do that now, you say it must have occurred somewhere in the mists of time. Do you know how you come to the view that it was your historical practice to refer to police, or was it probably not? Where do you think we sit there?

**Mr SPACKMAN** — Perhaps I can answer that, as I put the submission together. In putting the submission together we were able to access documents, discussion papers, et cetera, that had been written over the course of time, as this matter has increasingly become something that the church has focused on. From the way those documents are written and the background information, I am led to believe that there would be no reason that the church's practice now would not have been the church's practice then; however, as we have explained earlier, our records are simply not in a state where I could confirm that absolutely. Hence the way I have written it.

**Mr O'BRIEN** — An unknown is perhaps the best way to consider it.

**Mr SPACKMAN** — Correct.

**Mr O'BRIEN** — You have given yourself the benefit of the doubt from your present practice, and I understand that. I would just like to go to another matter that is a live issue before the tribunal in relation to present practices.

**The CHAIR** — It is an inquiry.

**Mr O'BRIEN** — An inquiry, thank you, Chair. It is your tribunal that has confused me perhaps.

**Mr SPACKMAN** — Yes.

**Mr O'BRIEN** — You have got a practice from 2006 on private confessions, and the issue of mandatory reporting probably is the most presently argued practice of not just your church but other Christian churches that may come into conflict with state laws. It may conflict with either present laws in relation to mandatory reporting obligations, or future laws, if a universal obligation of some kind is considered. Could I ask you briefly to go through some aspects of that: where you sit presently, and where you believe either your laws need to change or our state laws would change if we were to go to mandatory reporting on the confessional?

**Archbishop FREIER** — The practice of private confession certainly continues as a prospect even after the Reformation. In our Reformation era liturgies if they cannot quieten their conscience as a preliminary to receiving the holy communion, people are encouraged to go to some learned or discrete minister and unburden the weight of their sins. Confession is a possibility, but it has never been considered an Anglicanism, or an obligation, as it were, for people to make a private confession. The opportunity is there, but in some parishes probably there would be no experience of people making a private confession.

Where a private confession was made, it is not done anonymously. It would not be done, as it were, in some box with a grille and a curtain. It would be done by people sitting together, probably in the church and certainly seeing each other face to face. We realise there is a risk and possibly a certain pathology in some offenders where having any means to convince them that what they have done is not as bad as what they probably know it is helps their offending behaviour, and we have wanted to deal with that by saying that we would not pronounce absolution to people who come in with a matter of child offending until they had reported that matter to the police. We have wanted to limit the opportunity, which again in Anglicanism is a fairly limited practice, of people for whom their own pathology of behaviour takes some comfort out of using a church practice to make them somehow feel that what they are doing is not as bad as it is.

We have circulated guidelines about that, and we have also had people trained in each diocese in Victoria who are able to hear the confession of someone who is guilty of abuse, because we want to extend the ministry of the church, because there might be people who are in prison, people who are on the sex offenders register who actually want to do something about amending their own behaviour. We want to keep that provision open. We see it is not something that should be open for just any priest to be able to hear that confession, but we have people who have had some specific training, again so as not to be part of a grooming behaviour where people are using it somehow or other for their own pathological reasons.

**Mr O'BRIEN** — If I could just take you up on a couple of instances, or sections of your code, or protocol. One instance that probably indicates, if I could put it respectfully, that the canon law is perhaps out of date is canon 113 of 1603, which talks about an exception to the obligation to keep the rite sacred in the instance where, as I read it, the minister may have had their own life called into question — it says, 'for execution'. Obviously that is not part of the law any more in Australia.

**Archbishop FREIER** — Yes, and I think probably those canons of 1603 have been revoked in us establishing a general synod canon, a canon concerning confessions. I think that revokes the more historic, or ancient, canons inherited from the Church of England, but it is possibly getting into a fairly esoteric area of that canon law at that point.

**Mr O'BRIEN** — It is, but despite the fact that it is revoked it is still relied upon in a sense as the only example. It says that this exception to the seal of the confessional is not applicable in Australia because of the execution being no longer relevant, but the deeper question of whether you would persist with a sacred rite that would be contrary to the state's laws might remain. What is your position, because there are times when the church — —

**Archbishop FREIER** — We would understand that state laws override our church law. We would have no doubt about that. It would then be up to the matter of any individual's conscience if they were concerned about that, but we would be under no confusion that commonwealth or state laws are the superior law that we as citizens of the state and the commonwealth operate under. So our own internal procedures, unless there is an authority conferred, as, say, for the tribunals under the 1854 act, necessarily must be secondary to the laws of the commonwealth or the state.

**Mr O'BRIEN** — In hypothetical terms, there may be elements of the state law that you might not accept. I am being very hypothetical. For example, if the state were to outlaw your church for no good reason, you might say that would be something — —

**Archbishop FREIER** — Yes, I think we would not agree with that.

**Mr O'BRIEN** — That is why I need to get this in context. There is no element of the confessional that you — —

**Archbishop FREIER** — The remedy would not be by relying on our own opinion; the remedy would be by other matters of representation. I think we have shown, by the means I have described, every willingness to manage a practice so that it does not give people a place to hide or to use what is potentially helpful for people to actually make a way forward in their lives. We do not want to see our processes being abused, and we have managed it by the two means I have described.

**Mr O'BRIEN** — We understand repentance, and my time is coming to an end. I just wanted to confirm that, so thank you for that helpful clarification of your position.

**The CHAIR** — I will go back to Ms Sargent in relation to the question Mr McGuire asked about the 46 reports and those cases that you spoke about. I think you said there were 12 reported, 20 not reported and 14 unknown. Can you describe to the committee the nature and extent of the abuse? Were the perpetrators clergy, working within schools, kindergartens, nursing homes? Perhaps without going into too much detail, can I ask about the victims as well?

**Ms SARGENT** — I cannot give you chapter and verse for 46 cases — I do not have that to mind — but I could say that the vast majority of those people would be clergy, with a spattering of laypeople throughout. It might be somebody who is a layperson who is helping, for example, with the Christmas play, or it might be somebody who is a layperson who is helping with the after-school program, but it would not be associated — this is about the diocese of Melbourne — with a school or with a kindergarten. This is about parishes.

**The CHAIR** — With those cases that you are aware of, do you think there was any pattern with those perpetrators in the offending?

**Ms SARGENT** — No, I do not.

**The CHAIR** — Does anyone have a view within the church that perhaps there were patterns with these perpetrators?

**Ms SARGENT** — There can be. I have seen patterns in other dioceses, because I have regular meetings with my counterparts in other dioceses across Australia. We talk about these things for the very reasons that you are bringing them up here, and we have seen patterns of offending. We have in the past — thankfully not for many, many years — seen some people who have had a pattern of offending, and the pattern will be that their offences are not known until after their death, generally. We have a couple of people who have been spending some time at Her Majesty's pleasure, but otherwise we often do not find out until after they are deceased. There are very few people who have a number of victims. Mostly they appear to be opportunistic; there does not seem to be a pattern.

**The CHAIR** — Understanding the point you just made that there is no real pattern, in speaking to those other archdioceses do you talk about how you might recognise an offender and put that into your policies and protocols?

**Ms SARGENT** — Yes, indeed.

**The CHAIR** — What do you actually say to the people who are handling those policies and protocols? What are the points, I suppose, that you think they need to be looking out for?

**Ms SARGENT** — For a start we have developed some screening tools that we have put into place. It is not just a check of the national register, of a police certificate or that they have a working-with-children check; it is also a check of their past history, particularly if they have come from another diocese or come from overseas. We have a process called a letter of good standing, which is in effect a safe-to-receive letter. I would ask my

counterpart in another diocese, and that diocese's archbishop or bishop would provide a letter of good standing saying that that diocese has checked and that there are no outstanding professional standards matters — safe to receive. I would also get a history from the director as to whether there are any other major issues about which I need to inform the archbishop, so if there are other workplace risk factors that might come forward, they would also come forward.

I would put all that information together. It may be appropriate that, if the person has been working in an agency associated with the church — for example, if they have been working in a school or working at a hospice — I might contact that place as well if I had any inkling of concern. I would put all that information together into the screening process. If I had any issues that came up there at all, I would be advising the archbishop and the matter would be having some further consideration. That is one of the ways that we address this.

Another important one under the act is that we ask each applicant to sign a form called an application for clearance for ministry, which asks the person to clarify whether or not in their history they have been involved in this activity or that activity — 'Have you been involved in criminal activities' et cetera — and they need to sign off on that. That is another way that we can hold them accountable. One of the questions is, 'Is there anything in your past history' — I am paraphrasing now — 'that you need us to be aware of that might impact upon the archbishop's confidence in you and his decision about whether you are fit for ministry?'. That gives us an opportunity. People can say something, or we can check up on their past history and see that it fits. They are some of the risk factors that we look at.

The other important thing we do is talk with the directors of professional standards nationally, and talk about the sorts of matters — no names — that are coming forward to see what might be a spark, such as what abusers might have done and how they have got to be where they are. One of the things that has come out of that is I would now look closely at somebody who has been in a number of dioceses. There might be nothing there, there might be no concerns, but I would look closely at someone who I would consider was diocese hopping. I would think about that, and if there was somebody who had been, I would go back and ask other directors of professional standards. I would follow that through.

**The CHAIR** — So that movement is a bit of a flag for you?

**Ms SARGENT** — It is a flag for me. Another flag is somebody who is unable to accept authority. If somebody is saying, 'Oh no, that is all right. I was just', or, 'Oh no, that situation, I was just'. If they are told, 'Well, you won't be just doing that anymore', and if that person continues or arcs up against that, then that would be a flag. I would be looking carefully at the behaviours of that person.

**The CHAIR** — So monitoring from the Melbourne archdiocese is possibly a bit easier than some of those more rural and regional areas where there could be opportunities for children to be more at risk?

**Ms SARGENT** — Yes.

**The CHAIR** — You have spoken about a national perspective, and obviously in the more remote areas it is even more difficult?

**Ms SARGENT** — Yes and no.

**The CHAIR** — Looking at the rural and regional aspects, do you think there are opportunities for perpetrators or, with the monitoring that you have undertaken here in the Melbourne archdiocese and how that applies across the state — —

**Archbishop FREIER** — The authority in the Anglican Church for implementing things happens at the level of the diocese or the separate institutions if they are separately incorporated, but there has been a great deal of policy development at the general synod level and a willingness of larger dioceses to extend their services to smaller ones so that we are not asking people in smaller jurisdictions to reproduce the kind of approach we have, but we share that with them. I was the bishop of the Northern Territory before I came to Melbourne. We would use the diocese of Brisbane's professional standards directorate, because they had an operational system like we have here in Melbourne, but we were unable to replicate that in Darwin. I think across the board you have got that kind of resource available. I think there is a matter of some peer management in this, because when the bishops meet together we are very alert to these concerns. We are always eager to know what stronger

dioceses can do to help ones that might not have the administrative and other procedures in place. For instance, in Claire's role she is able to act under parallel legislation for some other Victorian dioceses as their director of professional standards and bring the full extent of the professional resources of her office to be applied for them.

**Mr McGUIRE** — I would like to ask a couple of follow-up questions. On mandatory reporting and the issue of the sensitivity for victims, could this be done in a scenario of schools where the abuse has been by a teacher? How do you handle that issue as far as the child is concerned?

**Ms SARGENT** — Schools have their own professional standard under VIT. They are separate entities to the diocese. Most schools would handle all these issues themselves. If it is a school with which we have an arrangement, then some expertise may be offered and may be accepted. If it is a person who is a teacher, but not somebody who is licensed under the diocese, then there is less involvement we have. If the person is licensed under the diocese and also happens to be a teacher of something or happens to be the chaplain, then we are extremely interested, and we would insist on having some involvement.

**Mr McGUIRE** — To follow up on that, how does that differ from, say, if it is within the church and it is abuse by clergy? What is the comparison and contrast in that issue?

**Ms SARGENT** — I am sorry; I do not understand your question.

**Mr McGUIRE** — Is it different if it is abuse alleged against a member of the clergy in a church setting rather than a school setting?

**Ms SARGENT** — If the abuse is perpetrated against a member of the clergy?

**Mr McGUIRE** — No, by a member of the clergy. I am trying to separate it out a bit.

**Archbishop FREIER** — If it is a member of the clergy who is a chaplain in the school, even though the school is a separate entity, the fact that the chaplain is licensed by me would mean they would be under the same regime of responsibility. I think the distinction Claire is making is that if someone who is a teacher at a school, I do not have a jurisdiction over those teachers because they are responsible through the state law, through VIT and their registration, and the whole management of the directors of that company and the headmaster and headmistress — those sorts of people.

**Mr McGUIRE** — That is the point I was wanting to get to. So there is no jurisdiction there?

**Ms SARGENT** — No.

**Archbishop FREIER** — The clergy would be under the same jurisdiction.

**Mr McGUIRE** — Just on this point then, how many people have been shown the door, so to speak, as to whether they have been de-licensed or under your reference of a loss of confidence within the Anglican Church on child sexual abuse matters?

**Archbishop FREIER** — Right across? We would not have those figures across the country. I think in Melbourne it would be less than 10, I suspect, but Claire would have her own view of the number.

**Ms SARGENT** — Yes.

**Archbishop FREIER** — It is not a number we have calculated.

**Ms SARGENT** — No, it is not a number I have looked up. There certainly have been some. There were some people who have lost their holy orders because of that. A number have not been appointed to a position that they may have sought because there was not adequate confidence in their ability. Our view is that all people who minister are expected to be able to minister to children; therefore they have to fit all the criteria as if they were definitely ministering to children. So if any fall short there, they would not be permitted to undertake that ministry.

**Mr McGUIRE** — And looking at remedies, Archbishop, would the Anglican Church support a criminal charge of concealment for covering up the failures of process that led to a suspect being moved on and then reoffending?

**Archbishop FREIER** — I think if that was where your recommendations lead, and you can have sufficient reason to think that would be a good remedy, that would be a sensible thing. I think I have described our systems of accountability which set up two layers of the professional standards regime and the episcopal standards regime, but if those models seemed inadequate to commend to other community organisations and something which was more like a conspiracy to conceal a matter was made a criminal offence, naturally we would support that.

**Mr McGUIRE** — Just one other on that same theme of the remedies: given that we have more knowledge now of the impact that those sorts of offences can have on people and how, in different ways, right throughout their lives, would the Anglican Church also look at the proposition of a contribution to a fund or, say, a justice and reconciliation fund, or something like that, if what had happened so far had been seen to be insufficient?

**Archbishop FREIER** — Yes, you would need to understand something of the shape of that. I think perhaps if it were on simple census Anglicans, that might be something that would seem to weigh a lot of responsibility upon us that would not seem to be suggested by the number of matters that we have reported on. We would want to understand, if that was going to be one of your recommendations, how there would be some way of that being equitable in the context of the vast width of community organisations that might be part of it. You would want a system that encourages good practice and the kinds of things we have wanted to speak about, about the resolve to change internal culture and set up robust procedures within it. You would not, to me, want to have something which, in a way, took that impetus, that responsibility, out of people's hands because, 'Oh well, we have got to make a contribution towards the bad practice of any other community organisation', whatever it might be.

**Mr McGUIRE** — No, it would only be according to each organisation in proportion, basically, is the proposition.

**Archbishop FREIER** — In proportion to what, I suppose, would be the question.

**Mr McGUIRE** — To greater knowledge and understanding of impact.

**Archbishop FREIER** — Yes. I think that would be an interesting idea, but if you are going to bring that forward as a recommendation, it would be interesting to have some public discussion around what that would look like.

**Mr McGUIRE** — I just wanted to resolve a number of those issues.

**Mrs COOTE** — Thank you very much for your extensive answers, but there is one element that we just have not touched on, and in the time that we have got left I would really appreciate a couple of answers to this specific area. In your submission you note:

Future training includes the potential for parish-based workbooks to allow church wardens to undertake site-specific risk assessment and to develop action plans in accord with the requirements of act.

This is a question for Mr Spackman. What proportion of the 203 parishes in your diocese has undertaken the site-specific risk assessment to date? Then I have a couple of other brief questions after that, but if you could answer that, that would be helpful.

**Mr SPACKMAN** — Yes, I can. With the rollout of the Professional Standards Act 2009, which in fact occurred in 2010 after the legislation was assented and the regulations put into place, we have undertaken extensive awareness training for clergy and lay leaders in the diocese. The submission points to the numbers we have captured and had at an all-day session; 93 per cent of our clergy across the diocese and a considerable number — hundreds — of lay leaders are going through that program. That program continues. That was designed to be the first cab off the rank, if you like, to be followed by what you have mentioned in terms of the outflow of the act in a context of occupational health and safety.

To answer your question specifically, no parishes as yet. The module is in final completion of being written and will be trialled in June of this year. The hold-up has been putting it into context of a broader occupational health and safety regime, but we going to trial with that. That draws on a number of things, including safe working with children. In a pack that we have left for you today you will see a book called a *Duty of Care* handbook, specifically aimed at assisting parishes and ministers involved with children as to appropriate behaviours, settings and contexts. That book has been around for a long time, I think since about 2005, but it has just recently been updated and continues to be evolved along with our professional standards. That will be part of a core of training that we are doing.

What we are trying to do is make and assist church wardens locally to be accountable for the environment that children are involved with in their local church. We have worked on the accountability of individuals. We are now saying to church wardens who have primary responsibility for the environment of the church to be aware of risk factors, which comes to Claire's point about learnings out of the national body and things that we can take into that as well.

**Mrs COOTE** — These modules are put together by independent groups like Child Wise or ChildSafe or one of these other organisations or someone associated with the church?

**Mr SPACKMAN** — No, we have an independent contractor who is a member of the church, who is acting in an independent capacity as a contractor to us, with an extensive background in education, putting together both sets of training.

**Mrs COOTE** — Finally, is there a monitoring element in this module and who will do that monitoring?

**Mr SPACKMAN** — Yes. What we conceive is that the training will be awareness training for church wardens. From there the follow-up element to the training will be working alongside each of the 203 parishes to support them in their risk assessment, to prioritise areas that require attention and to monitor their progress with that with a view to that being an annual process that they undertake.

**Mrs COOTE** — When is this going to be fully operational?

**Mr SPACKMAN** — It is going to a pilot of nine parishes in June of this year. From there we will take feedback, we will refine the course slightly and be prepared to be rolling that out, I would say, from about the last quarter of 2013.

**The CHAIR** — Again my apologies, Archbishop, for the confusion in relation to the communication that I sent to your office regarding today's proceedings. I know that we have covered off a lot of information that perhaps you had in your statement, but the committee would be very pleased to hear from you if you would like to read your statement to us.

**Archbishop FREIER** — Thank you. Some of it may sound as if we are covering some things we had done, but if you would, perhaps rather than me jumping around, I will read it in its entirety.

**The CHAIR** — That is absolutely fine.

**Archbishop FREIER** — As I stated at the time of the announcement of this inquiry, the Anglican Church welcomes the inquiry led by the Family and Community Development Committee of the Victorian Parliament and its intent as defined by the terms of reference. The diocese of Melbourne takes its responsibilities in the community very seriously and regards the issues that are the subject of this inquiry as being of great importance.

The Anglican Church has long emphasised how each Anglican minister bears personal responsibility for his or her own conduct in the exercising of their duties. Each person who has been ordained a priest has these words spoken to them at their ordination so as to stress the seriousness of their responsibility:

... if any of the church's members is hurt or hindered as a result of your negligence, you know the greatness of the fault and the judgement will follow. Therefore apply yourself with diligence and care, and fashion your life and ministry in accordance with Christ's example.

We want to have the highest standards of behaviour from all who minister with the authority of the Anglican Church. We are determined to achieve this, and we appreciate the work of this committee to assist us as we



work towards this goal. We believe what Jesus said when he taught, 'The truth will set you free'. Public scrutiny is to be applauded when it brings shameful matters to light.

It is of secondary importance compared with the experience of victims of child sexual abuse, but the disappointment of ordinary church members that abuse has occurred is profound. When I have spoken to victims of abuse within the church I have witnessed their courage in naming the abuse and identifying their abuser. I know that this is often a long and painful decision, especially when their abuse has been perpetrated by someone they were told to trust and who was trusted by their parents and the community. They were often disbelieved by the people from whom they had sought protection and help. This is wrong now and was wrong then.

The response we have developed since it was first put in place in 1994 has emphasised the importance of listening to victims and working with them from their own perception of the effects of their abuse. We have sought as far as it has been possible to make our processes easily accessible to victims. Whilst we can acknowledge their plight, we can never have the ability to stand in their shoes and truly understand the enormity of the pain and misery caused by abuse. I thank them for their courage and perseverance in coming forward to tell their stories here at this committee and no doubt at the royal commission.

I acknowledge that people's faith has been severely questioned and challenged during this process, which is to be expected in such circumstances. However, I want to give the assurance that good things are being done by good people to assist victims. I do not want us to stop with shame and disappointment as the only things that come out of this inquiry and this hearing. I want us all to contribute to a society where children can be safe wherever they are and can be confident that the adults they encounter in churches, schools and clubs are worthy of their trust, whether they be ministers, teachers, sports coaches or family members.

It is unfortunate that we cannot change the past — I wish I could — but I give a real and genuine commitment to enhance the processes and culture of our organisation, the Anglican Church, so that the road travelled by victims in the future will be one of compassion, support and understanding. We strive to have the most robust procedures in place so that the risk of harm to children is reduced as much as possible. The abuse of children has no place in our society, and I want for there to be no place where abusers can operate with impunity or can dodge accountability for their actions.

I would like to reiterate here what I said within our own organisation when I spoke to the 2012 synod in welcoming your committee's terms of reference. These are the words I said then:

Some behaviour is wrong whenever it occurs. Any instance in the past, or present, of abuse of children or adults by a member of the clergy is wrong — unquestionably wrong.

I come before you today as a spiritual leader and also just as an ordinary member of our society. I know the chill of fear I experienced when it was revealed that a teacher at my son's primary school in another part of Australia was a sexual predator of boys in his class. I have listened to a victim of child sexual abuse in the church tell me how a predatory minister insinuated himself into the confidence of his family so that children of that family came to be entrusted to the predator's care and how this trust was betrayed and a vulnerable child abused. I carry those memories and more with me today and into all of the decisions I am part of in shaping the Anglican Church's efforts in preventing child abuse and its endeavours to better respond to victims of abuse. It is a difficult but essential part of my leadership role. Like members of this committee no doubt have already experienced, I have been shocked and dismayed by what I have heard and reports I have read.

The diocese of Melbourne has explicit procedures in place, since 1994, to deal with sexual misconduct, its reporting and investigation. Prior to that time the approach to dealing with misconduct was not described in that way. We have learnt from independent inquiries conducted into child sexual abuse and misconduct within other Anglican diocesan jurisdictions in Australia. The 1997 Wood royal commission in New South Wales was important, as were Kohl and Crowley's report on the diocese of Tasmania in 1998, O'Callaghan and Briggs on the diocese of Brisbane in 2003 and Olsson and Chung on the diocese of Adelaide in 2004. As we have heard, in 2009 Professor Patrick Parkinson and his research colleagues reported on abuse across generally the dioceses of the Anglican Church in Australia. These wider experiences and investigations have informed the development of our current policies.

The independent professional standards office for the diocese of Melbourne holds records of 46 complaints of child sexual abuse made against clergy and church workers within the diocese of Melbourne. There have been 10 financial settlements associated with child sexual abuse since 2003. These settlements have totalled \$268 000. We have sought to make our response one that does not, however, reduce any complainant to a mere statistic. We remain very conscious that there are real people behind each of these numbers, and I hope our engagement with them has been of some assistance in their recovery of hope and confidence. We have wanted most of all to have restorative outcomes for people who have reported abuse.

The diocese of Melbourne currently has approximately 685 licensed and authorised clergy; 295 lay ministers who are authorised either as stipendiary lay ministers or as volunteers, performing valuable roles within local communities; and approximately 65 employees who, together with numerous volunteers, make up what we call a 'church worker' definition.

In addition to the diocese of Melbourne, there are four other Anglican dioceses in the state, a number of separately incorporated community service agencies and over 30 separately incorporated Anglican schools. Anglicare Victoria has made a written submission to the inquiry, and I encourage the committee to invite that organisation to come and discuss their experience, which includes extensive work with care leavers who have suffered abuse in church institutions.

I thank the members of the committee for this opportunity for us to speak with you today.

**The CHAIR** — Thank you very much, Archbishop, and on behalf of the committee, I thank all of you for your time this morning and appearing before the inquiry. Your evidence has been most helpful. Thank you very much indeed. The hearing will adjourn until 1.00 p.m., when it will resume for the afternoon session.

**Witnesses withdrew.**