



# **Anglican Diocese of Melbourne**

## **Submission to the Parliament of Victoria Inquiry into the handling of Child Abuse by Religious and Other Organisations**

**21 September 2012**

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**Inquiry Terms of Reference:**

1. The Family and Community Development Committee is requested to inquire into, consider and report to the Parliament on the processes by which religious and other non-government organisations respond to the criminal abuse of children by personnel within their organisations, including:
  - a. the practices, policies and protocols in such organisations for the handling of allegations of criminal abuse of children, including measures put in place by various organisations in response to concerns about such abuse within the organisation or the potential for such abuse to occur;
  - b. whether there are systemic practices in such organisations that operate to preclude or discourage the reporting of suspected criminal abuse of children to State authorities; and
  - c. whether changes to law or to practices, policies and protocols in such organisations are required to help prevent criminal abuse of children by personnel in such organisations and to deal with allegations of such abuse.
2. In undertaking the inquiry, the Committee should be mindful of not encroaching upon the responsibilities of investigatory agencies or the courts in relation to particular cases or prejudicing the conduct or outcome of investigations or court proceedings.

**Executive Summary:**

3. The Terms of Reference of the Inquiry are broad and in providing a submission to the Committee, the Anglican Diocese of Melbourne has sought to provide a comprehensive response which includes an overview of the development of Professional Standards with this Diocese and where appropriate within the Province of Victoria and where it is relevant the National Church. This section provides an overview of the submission.

**General Commentary**

4. As was stated publically at the time of the announcement of the Inquiry, the Church welcomes the Inquiry and its intent (as defined by the Terms of Reference). The Church takes its responsibilities in the community very seriously and regards the issues that are the subject of the inquiry as being of great importance.
5. It is our belief that as a general principle, a religious organisation should have in place a complaints resolution process that is transparent, independent and commands respect and integrity.

6. The over-riding purpose of such a process, in our view, should be to protect the community, particularly the vulnerable, with a process that deals with complaints fairly, inexpensively and as efficiently as possible.
7. In addition to having such a process, it is also important to have in place a recognised system, including codes of conduct, to regulate the fitness of those in ministry. In the Church's view both are required to ensure an effective Professional Standards regime.
8. Even with a robust system in place, it is important to recognise that some misconduct is of such gravity as to require notification without delay to the Police and / or other authority. The Church has in place a protocol which guides the Church's Director of Professional Standards and its Professional Standards Committee in such matters.

### **Transparency**

9. The *Professional Standards Act 2009* of the Diocese of Melbourne (the Act) and its accompanying protocols seek to put in place a process that at key points is transparent:
  - a) Any complaint about misconduct of a church worker is made to an independent body – the Professional Standards Committee and the Director of Professional Standards: s23 of the Act;
  - b) The respondent receives a copy of the complaint (Protocol (P) [8.2]);
  - c) Before completion of the investigation, both complainant and respondent are informed of the substance of proposed findings of the investigator P[10.8] and [10.9];
  - d) If a complaint is dismissed summarily by the PSC under s27 of the Act, the Director must give the complainant a written notice of the outcome including the reasons for the outcome.
  - e) Both complainant and respondent receive a copy of the referral report and opinion of the Committee to the Board (s59 Act);
  - f) Both complainant and respondent are notified of the Board's decision and reasons and those if any of the Review Board: s102 of the Act;
  - g) Any of the complainant, the respondent and the Committee may apply for a review of a determination and recommendation of the Board: s83 of the Act;
  - h) Each of the Board and the Review Board may make public its reasons without identifying any relevant parties (s108);
  - i) The Archbishop may release to the public such material as he may determine with respect to any action taken against a Church worker (s109 Act).

### **Fairness**

10. Each of the Diocese's Professional Standards Board and the Professional Standards Review Board:
  - a) must act with fairness and according to equity, good conscience, natural justice and the substantial merits of the case without regard to technicalities or legal forms; and
  - b) is not bound by the rules of evidence but may inform itself on any matter in such manner as it thinks fit: s88 of the Act.

The procedures in the protocols referred to above are intended to reinforce these requirements.

### **Duty to proceed with expedition**

11. The Act imposes a statutory duty to proceed with expedition, on the Committee (s14(5)), the Director (s20(b)), the investigation (s29(1)), the Board (s66) and the Review Board (s87).

### **Independence**

12. The Diocese has appointed people with appropriate ability and experience to serve on the Professional Standards Committee, the Board and the Review Board. See the attached schedule of appointees. They are not necessarily members of the Anglican Church. In particular:
  - a) The Committee must include at least one person who is not a member of this Church and so far as it is reasonably practicable shall have at least one man and at least one woman: s13(3) of the Act.
  - b) So far as reasonably practicable the Board must have at least one man and at least one woman and two members who are not members of the Church: s35.
  - c) Two members of the Review Board Panel must not be members of the Church: s70(b)(i) of the Act.

The Diocese is grateful for the support of suitably qualified Committee and Board members and for the support and direction of a Chair (PSC) and Presidents (PSB and PRSB) who have strong background in legal and related fields<sup>1</sup>.

### **Reporting harmful misconduct**

13. The Act imposes a duty on Church workers in s22(1):

*(1) If any Church worker believes on reasonable grounds that a person has suffered harm or is at risk of harm as a result of misconduct by another Church worker and has no reason to believe that the Director or a member of the PSC is aware of those facts, the first mentioned Church worker shall as soon as possible report the matter to the Director or to a member of the PSC.*

### **Clearance (and fitness) for Ministry**

14. The Act, s50 requires each Church worker to apply to the Archbishop for a clearance for ministry when the Church worker intends for the purpose of ordained or authorised lay ministry:
  - a) to transfer from one office licence or position of responsibility in a Church body in the Diocese to another in the Diocese;
  - b) to take up an office licence or position of responsibility in a Church body in the Diocese;
  - c) to transfer from one office licence or position of responsibility in a Church body in the Diocese to another in another diocese; or
  - d) to take up an office licence or position of responsibility in a Church body in another diocese.

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<sup>1</sup> The Chair of the Professional Standards Committee is Daryl Williams SC. The President of the Professional Standards Board is Stephen Willmot (LLB) and the President of the Professional Standards Review Board is Hon. Justice Julie Dodds-Streeton.

A 'Clearance for ministry' protocol guides the process of the Archbishop granting that clearance. Clearance for Ministry checks will also occasion reference to the National Register (see page 15 – Development of a National Register)

#### **Power and Trust Protocol**

15. The Diocese has put in place a 'Power and Trust' protocol for handling complaints in accordance with the Act.

#### **Notifying the Police and child welfare authorities**

16. The Power and Trust Protocol provides as follows:
  - 20 Co-operation with Government Authorities
    - 20.1 If arising from a complaint the Director or the PSC forms the belief on reasonable grounds that a child is in need of protection within the meaning of that expression in the *Children, Youth and Young Families Act 2005*, the Director must notify the relevant child protection authorities.
    - 20.2 The Director must notify the Police if the conduct disclosed may constitute an offence whether committed in or outside Victoria that is an indictable offence against a law of the Commonwealth or any jurisdiction in Australia punishable by imprisonment for not less than five years (whether or not the offence is or may be dealt with summarily).
    - 20.3 The Director may notify the Police if the conduct disclosed may constitute any other criminal offence.

### **Introduction**

#### **Background to the Submission:**

17. This submission is on behalf of the Anglican Diocese of Melbourne (the Church). We welcome the Inquiry and its objectives as described in the Terms of Reference. The Church also recognises that the Inquiry is also an outcome of the Cummins Report findings and to reiterate our support for these findings.
18. As an organisation we represent a diverse range of community based activities and outreach. In our most obvious form the Diocese comprises 203 parishes covering greater Melbourne and Geelong. The Church is also presented in schools, hospitals, prisons, mission to seafarers and through our Theological Colleges (Ridley Melbourne and Trinity College). The Diocese 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 the 'church worker' definition. A list of those entities that are covered by this submission is appended as Attachment A.
19. We are also present in the community through the work of our agencies such as Brotherhood of St Laurence, Anglicare Victoria, Benetas Anglican Aged Care Services and Anglican Overseas Aid (formerly AngliCORD) and Lifeworks. These separately incorporated organisations, whilst having a strong Anglican ethos, have developed their own complementary approaches to the issues under consideration by the Committee. As such, while broadly complimentary, this submission does not purport to represent these agencies. Attachment A also details those entities that are not covered by this submission.
20. The Anglican Diocese of Melbourne exists as one of 23 Dioceses in the Anglican Church of Australia. Within Victoria there are 4 provincial Dioceses being Gippsland, Bendigo, Ballarat and Wangaratta.
21. Where appropriate this submission makes reference to the development of standards within the Province and within the national Church. In respect to the present Professional

Standards practices, the Diocese of Melbourne, Ballarat and Wangaratta have very similar legislation governing Professional Standards and utilise a single Director of Professional Standards and Committees structure. Whilst not a part of this process, the Diocese of Gippsland and Bendigo operate on very similar protocols to that described herein.

22. Despite being similar, this submission does not seek to speak on behalf of any other Diocese within the Province.

#### **Addressing the Terms of Reference:**

23. In providing this submission, the Anglican Church (the church) is conscious of the focus of the Inquiry under its terms of reference and the definitions employed by the Committee<sup>2</sup> in respect to 'child abuse' and 'religious personnel'. In respect to the latter, the church has a definition of church worker within its guiding legislation the *Professional Standards Act 2009 (the PSA 2009)* and may differentiate the 'classes' of worker in a different way to the Committee's submission guidelines.
24. Additionally, the *PSA 2009* has a broader application than child sexual abuse as might be expected given its foundational role in underpinning the expectation the church has of its ministers of religion and lay staff and volunteers.
25. This submission also outlines the steps taken to ensure appropriate nurture and care for approximately 23,000 congregational members from across the State, themselves drawn from 9.2% of the total Victorian population that declared themselves Anglican.
26. The church takes responsibility for the appropriate conduct of its church workers and accordingly takes the protection of members of the community very seriously and has worked hard for many years to implement a thorough and rigorous approach to identification, reporting and determining issues of Professional Standards. We believe that this approach is comparable with many non-religious institutions and agencies with similar community outreach activities.
27. This submission will provide the history of our approach to dealing with this important issue, the current legislative base and the values that underpin this approach. Where appropriate, documents and reference material are attached to further inform the Committee.
28. Further information is available upon request. The church welcomes the opportunity to demonstrate the robustness of our Professional Standards processes and of the Inquiry's intent to provide best practice recommendations to government. Representatives would be pleased to attend the Committee to answer any further questions.

### **Foundations of the Church's response to Professional Standards**

#### **Historical background to the Church's response to Professional Standards:**

29. The Anglican Church takes its responsibilities to those who entrust their spiritual and pastoral care to its leaders very seriously. It has long held a position of trust in the community and in fulfilling their pastoral responsibilities clergy and other church workers often find themselves in situations of close personal contact with those to whom they minister. Often such sensitive contact is an essential context for the exercise of their ministry.
30. To safeguard all parties the church, over many years, has developed standards and practices which have advanced alongside societal demand and the increased transparency of reported abuse, whether historical or current. The church has long recognised the need for clear and publically known procedures for dealing with allegations of sexual harassment and abuse. Throughout the development of the various protocols and procedures, two fundamental principles have remained constant, namely:

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<sup>2</sup> As defined within 'Inquiry into the handling of child abuse by religious and other organisations – Submission Guidelines – Family and Development Committee – State Parliament of Victoria - July 2012.

- Anyone who has suffered alleged sexual harassment or abuse can be assured that every complaint will be taken seriously and carefully examined to ensure that justice is done;
  - Any persons so accused of sexual harassment or abuse has the presumption of innocence unless and until evidence of guilt is demonstrated.
31. These principles guided the first efforts of the church in 1991<sup>3</sup> to establish best practice principles and guidelines. Attachment **B** highlights these early efforts which followed the release of a report titled “*A Pastoral Report to Churches on Sexual Violence against Women and Children in the Church Community*” in December 1990.
32. The result of this work was the establishment in 1994 of Principles and Procedures which included (1) the definition of the church’s ethical standards concerning sexual harassment, (2) guidelines for the avoidance of sexual harassment incidents and (3) procedures for dealing with complaints by the public. These early works were both supported by and constrained by the Diocesan *Tribunal Act 1963* and the General Synod *Offences Canon 1963*, both of which governed behaviour of licensed clergy.
33. Key features of this early framework were:
- Establishment of an ethical framework in respect to sexual harassment;
  - Defining obligations for clergy, lay workers, vestry members, choir leaders and Sunday school teachers in respect to matters of sexual harassment;
  - Promotion of an environment free of sexual harassment;
  - Establishing the role of senior leaders in the Diocese in respect to (1) promotion of the principles and procedures (2) independence from investigatory processes and (3) the obligation on the Diocese to provide appropriate pastoral care and support for complainants and respondents;
  - The appointment by the Archbishop of Sexual Harassment Advisers and provision for professional training thereof;
  - Principles in respect to forgiveness, reconciliation and justice, including were appropriate suitable financial compensation;
  - A process for both informal (mediation) and formal (investigatory) resolution of complaints;
  - Strong support for education of clergy and laity across the Diocese;
  - Appropriate alignment with applicable Commonwealth and Victorian legislation.
34. By 1999<sup>4</sup> the Province of Victoria had adopted a protocol for dealing with matters of sexual harassment. This protocol was significant in that it was developed and adopted by the Provincial Council of Victoria and thus had the agreement of all dioceses within the State. This protocol borrowed heavily from the earlier work, but importantly also included a Review Committee, whose task was to:
- Implement the protocol;
  - Regularly review the functioning of the protocol;
  - Make recommendations regarding training, appointment and pastoral care of those involved in administering the protocol;
  - Make recommendations regarding education and training;
  - Submit an Annual Report to the Bishop.

The Provincial Protocol also called for a review after operating for three years.

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<sup>3</sup> Group on Sexual Harassment established by Archbishop Rayner

<sup>4</sup> Protocol for Dealing with Sexual Harassment Complaints – Provincial Council of Victoria December 1999

35. By 2001, the Standing Committee of the General Synod of the Anglican Church of Australia<sup>5</sup> were more broadly discussing the issue of child protection, with the Bishop's Conference of that year noting the establishment of a Committee<sup>6</sup> to develop benchmarks in relation to protocols, appropriate screening procedures, discipline guidelines and suggested model legislation for dioceses. This work of the General Synod Standing Committee underpins much of what has been developed subsequently by the church in Australia and provides some uniformity in approach between Dioceses, particularly in relation to the movement of licensed clergy between jurisdictions.
36. This Committee was requested by General Synod, in June 2002, to prepare a code of professional ethics for clergy and lay persons undertaking ministry. Whilst development and ratification of this code would take a further two years, this resolution was the forerunner to the development of *Faithfulness in Service – a national Code for personal behaviour and the practice of pastoral ministry by clergy and church workers (Attachment H)*.
37. In July 2001, the Diocese adopted a Code of Good Practice for Clergy which, amongst other things on the issue of sexual abuse and harassment, endorsed the following principles:
- “Christian ministry” implies and requires relationships both pastoral and personal. Clergy need to be aware that in the development of effective pastoral relationships they must neither overstep appropriate levels of intimacy nor misuse their inherent influence and power;
  - Clergy are subject as is any other professional group to a host of criminal and civil legislation such as sexual abuse, domestic violence and other offences;
  - Clergy shall recognise the power inherent in their role and shall not use this power in a manner which is abusive and unprofessional;
  - It is acknowledged that most human relationships have a sexual dimension. In light of this:
    - Members of the clergy must never take advantage of their vocation to gain a sexual favour from a parishioner or members of the public. In this regard members of the clergy must be aware of and not exploit those who are in a vulnerable state through bereavement, divorce, illness or dependency;
    - It is a serious abuse of privilege to use a pastoral role to further a personal relationship of an emotional or sexual nature. Such abuse would be regarded as a breach of duty and risks damage to the relationship between the clergy and others, bringing discredit to the church, [it is also recognised that such actions would also bring great distress to the victims of such abuse];
    - Due care should be taken to protect and respect all parties. There is a need to be extremely cautious about making or receiving a visit alone at night;
    - Particular care needs to be exercised in ministry with children and young people;
    - A particular pastoral relationship is not to endanger the life and well-being of the church community;
    - Clergy must be fully aware of Diocesan protocols concerning sexual harassment and have a duty to bring those to the attention of the Christian communities in which they bear responsibility;
    - In the course of one's ministry, significant and lasting friendships may be formed. In the case of a single cleric, it may well be that such a friendship could develop into a lifelong partnership. As soon as the possibility of the friendship developing into a personal and intimate relationship is recognised, with the

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<sup>5</sup> The General Synod is the governing body of the Anglican Church of Australia

<sup>6</sup> The Child Protection Committee – established by General Synod - July 2001

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knowledge of the other party, it is the responsibility of the cleric to seek advice from a supervisor or person to whom they are pastorally responsible with a view to the requirement that the pastoral relationship be severed.

38. In June 2002, the then Archbishop of Melbourne appointed a review team as required by the Provincial protocol. The purpose of the review is recorded as being:
- Review the sexual harassment protocols, child protection policy and Code of Good Practice for Clergy;
  - Review sexual abuse (of children and adults) in Anglican parishes, schools, welfare institutions and other agencies;
  - Consult with Heads of Anglican Schools;
  - Review the case load and case outcomes of the Committee for Dealing with Sexual Harassment and their Advisors;
  - Review the way the Diocese handles such complaints and recommend to the Archbishop any change that should be made; and
  - Make recommendations for education in these matters of clergy, church workers and church wardens.
  - The review was intended to complement the work of the General Synod working group.
39. This review team published its findings in **November 2002**<sup>7</sup> which included the following conclusions:
- That the new Protocol for Dealing with Complaints of Abuse in the Church should respond, on behalf of the church, to all complaints of abuse by clergy, church officers, church employees and volunteers who were or have been in a relationship with the complainant<sup>8</sup>;
  - That the new Protocol should be expanded to include appropriate professional and pastoral care for complainants, respondents and the wider Church community. This care should also extend to the professional support of any subsequent clergy to the parish;
  - The Review Team was conscious of the shift towards greater emphasis on pastoral ministry and integration with the wider community with the potential for isolation and a lack of clear accountability and highlighted the need for the Diocese to continue to address workplace flexibility, accountability and collegiality;
  - That Church communities and Church leadership should have responsibility to select clergy and authorised lay ministers and that they be accountable for on-going education about ethics, sexuality, leadership and relationships as well as appropriate policies, protocols and procedures;
  - That the Code of Good Practice should be integrated into the new Protocol for dealing with Complaints of Abuse. Clergy should be required to sign a statement stating that they will abide by the Code of Good Practice every time that they are issued with a licence.
  - The new Protocol should provide for appropriate counselling and other professional services for complainants, recognising that such measures will not ‘solve’ the problem and final closure for many complainants may never be possible. Long term and episodic support in response to individual needs may also be required.

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<sup>7</sup> *Power and Trust in the Church* – A discussion paper on Sexual Abuse and Harassment within the Church, Anglican Diocese of Melbourne November 2002.

<sup>8</sup> In other words the recommendation was to expand the roles to which the protocol applied.

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- That the new Protocol should provide for pastoral support and therapeutic services for respondents whether or not a formal or informal disclosure or a complaint has been made. However in instances of admitted behaviour or disclosure which is assessed as valid, the capacity for respondents to continue in a pastoral role should be removed until assessed by an independent psychiatrist and spiritual advisor, [or the police should the matter be of such serious misconduct].
  - The pastoral needs of the parish and subsequent clergy are crucial to the long term resolution of any disclosure of complaint of abuse by clergy or church officers. The new Protocol is recommended to make specific provision for implementing and monitoring the pastoral needs of the parish for up to 5 years.
  - The Review team was of the view that fundamental characteristics of the preferred Church response should include accuracy, openness, honesty, practicality, empathy, timeliness, professionalism, respect, accountability and legality in the context of investigation, industrial relations and organisational issues.
40. The review team then went on to make the following recommendations:
- Expansion of the Code of Good Practice for Clergy to include Church officers, Church employees and volunteers;
  - Integration of the Code of Good Practice for Clergy, Church officers and Church employees and volunteers with the new protocol for Dealing with Complaints of Abuse;
  - Appointment of a Professional Standards Committee and a Director of Professional Standards as the lynch pin of the new Protocol;
  - Inclusion of procedures for addressing congregational and wider church responses to disclosures of abuse by clergy and Church officers in the revised protocol;
  - Appointment of a panel of professionals to provide services to the Director of Professional Standards;
  - Improved, integrated and co-ordinated education, training and other methods for reducing inappropriate behaviour by clergy, Church officers and Church employees and improving the resilience of potential complainants;
  - Involvement of field committees as presently used for curates in training in all clergy based training and assessment of ethical issues relating to pastoral care; and
  - Mandatory appraisal of all clergy every three years and appraisal of clergy new to the Diocese one year after appointment.
41. With respect to the new draft protocol that this review recommended, the following principles were embodied within it:
- a) All complaints will be taken very seriously;
  - b) We offer respect, pastoral care and ongoing long term support, including professional counselling where appropriate, to anyone that makes a complaint. We will do all we can to lessen harm by providing the best care possible;
  - c) We will also offer support to any cleric or Church member who is accused of abuse or harassment. This will be under the pastoral supervision of the regional bishop where the cleric is licensed or where the person is employed. The rights of the person accused of wrongdoing must be respected;
  - d) We will be as open, transparent and accountable as possible while respecting the rights of the complainants to privacy. We will use confidentiality clauses in agreement settling claims only where there is clear justification for doing so with respect to the rights of individuals to privacy;
  - e) Where allegations of abuse involve possible illegal behaviour, we will report these matters to the police;

- f) We will continue to invite any person who claims to have been abused, no matter when, to come forward and make the matter known, so that his or her ongoing needs can be addressed;
  - g) Any person engaged in ministry or in our employ found guilty of non-criminal sexual abuse must face the appropriate Diocesan process.
42. This review was also important in that it established the **framework for handling complaints**, by recommending the following:

**The role of Director of Professional Standards:**

The review recommended that a Director of Professional Standards be appointed, a role which the review team expected would assist the Diocese in:

- a) Providing a central focus for the Diocese in matters involving personal ethics and behaviour including advice about appropriate standards and enforcement;
- b) Providing appropriate responses to complaints of abuse by members of the church; and
- c) Providing input into education and vocational training programmes for members of the Diocese, including those involved in managing or providing pastoral care and other community services.

In particular the **Director of Professional Standards** was expected to:

- a) Report to the Professional Standards Committee of the Diocese;
- b) Ensure all Diocesan organisations have protection policies in place to satisfy all statutory and Diocesan requirements;
- c) Ensure all Diocesan organisations screen all workers to satisfy statutory and Diocesan requirements;
- d) Consult and cooperate with Church-associated organisations to ensure consistency between them and the Diocesan protection policies and procedures;
- e) Keep records of employment screening details;
- f) Ensure all complaints of abuse by Diocesan members are dealt with according to Diocesan protocols;
- g) Keep records of people affected by allegations of abuse;
- h) Answer and respond to the 1800 number;
- i) Act as a resource person and coordinator for dealing with complains or disclosures of abuse in the Diocese;
- j) Coordinate the pastoral response to complainants of disclosures of abuse in the Diocese;
- k) Monitor, conduct and advise in relation to education and other prevention programmes aimed at preventing abuse;
- l) Advise the Archbishop in Council<sup>9</sup> and, through them, the Diocesan Synod, about structural changes that would reduce the risk of inappropriate sexual behaviour and other abuse in the Diocese.

**The Professional Standards Committee:**

The review recommended that the Diocese appoint a Professional Standards Committee comprising up to six people being the Registrar of the Diocese, the Director of Professional

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<sup>9</sup> Archbishop in Council is the Archbishop's Council of advice on temporal matters and is elected by the Synod of the Diocese for a term of 3 years. The Synod is the highest governing body of the Diocese and acts in governance matters with the assent of the Archbishop.

Standards and four individuals with expertise in, for example, the fields of ethics, mediation and post-traumatic stress management. Furthermore it was recommended that no more than one member of the Professional Standards Committee be a member of the clergy and that such person not be appointed chair.

The role of the committee was to support and monitor the work of the Director and to advise the Archbishop as required under the protocol.

**The Panel:**

The review recommended that the Registrar be asked to appoint a panel of professionals (the Panel) to provide assistance to complainants, respondents and / or congregations involved in disclosures of abuse by clergy or Church officers. Members of the panel were encouraged to provide informal advice to the Director from time to time as requested.

Further, to ensure an appropriate relationship between the Panel and the complainants and respondents it was recommended that the members of panel act in their own professional capacities, thus ensuring that the fiduciary responsibility was to their client and that they acted in the clients best interest at all times, even where that interest may be at conflict to the interests of the Diocese.

43. Attachment C provides an overview of the **process undertaken in respect to complaints brought under the Protocol**. This process had the following features:
- Director of Professional Standards will be the **first point of contact** for disclosures of abuse<sup>10</sup>. All complaints received by Clergy, Church workers, employees and volunteers were to be immediately referred to the Director;
  - Where disclosure is through the 1800 number established for this purpose, the matter is to **remain confidential** until and unless the Director has received **informed consent** to provide information to others and to initiate the following processes;
  - The Director to provide **confidential advice to all who seek to appoint clergy, staff or volunteers** to positions of authority within the Church, such applicants being expected to provide their appointer or employer with authority to obtain that advice;
  - Where disclosure is reported or referred to the Director, they will contact the complainant and seek to obtain their story face to face. The Director shall advise the complainant that they are required to keep a record of the name of the respondent if that is provided and that **matters of child abuse and other criminal offences are required under the protocol to be referred to the Police**, where such matters are disclosed to the Director;
  - The Director will listen fully, honestly and compassionately to the persons making the complaint or disclosure, both concerning the facts of the situation and the emotional, psychological and spiritual effects. The Director may refer the complainant to counselling or other services as appropriate from a member of the Panel. The Director will explain the processes available through the Protocol and obtain informed consent to proceed on the basis of these procedures. The Director is also to explain the voluntary nature of the Protocol as far as the complainant is concerned and the avenues for formal and informal redress that are open to them;
  - As part of this process the Director will receive a written and signed complaint or will provide written notes of the complaint, confirmed by the signature of the complainant. The Director shall confirm whether the written complaint reasonably falls within the definition of abuse and whether the respondent is covered by the Protocol. If the complaint does not concern a matter which is dealt with by the Protocol or the behaviour does not represent a serious breach of pastoral ethics and

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<sup>10</sup> Abuse in the context of this Protocol was defined as including physical, emotional, spiritual and sexual abuse as well as a breach of the Code of Good Practice for Clergy.

can be properly dealt with by correction or an informal personal apology, the Director will advise the complainant of these other means of addressing the issue;

- If the Director assesses that mediation is likely to resolve the issues raised by the complainant, the Director will seek consent to refer the matter to a mediator;
  - No Bishop shall have any contact with a complainant in the course of his dealing with a complaint except through the Director of Professional Standards;
  - Where the complaint involves the Bishop the Director is to contact the Registrar who will source an appropriate Provincial Bishop to accept carriage of the matter;
  - Where the Bishop feels that they cannot be involved because of personal or professional prejudices or their relationship with either of the parties involved, they must refer the matter to another Bishop or the Registrar for carriage. To this end they must have nothing more to do with the matter and maintain confidentiality of that which they have become aware because of their preliminary involvement;
  - The Bishops primary task is to provide support to the respondent and the process called for the Bishop to contact the respondent within one week of the complaint and outline the nature of the complaint (including providing the complaint in writing) and informing the respondent of their rights to legal or other advice. The respondent is also to be offered counselling and other professional services as may be appropriate, such support being drawn from the panel. The Bishop was also to seek a response from the respondent within two weeks as to whether the substantive facts of the matter were disputed;
  - Within two weeks of notification of the complaint, the Director is to develop a pastoral strategy which seeks to appropriately deal with all parties to the complaint and any wider stakeholder groups;
  - Where a significant difference between the facts reported by the complainant and the respondent exist, the Director together with the Professional Standards Committee will investigate the matter;
  - Following the conclusion of the investigation and consideration by the Committee, advice is to be given to the Archbishop who may exercise his discretion in terms of the imposition of the penalties advised by the Professional Standards Committee;
  - Each case under the protocol was to be closed by a deliberate review and learnings process, with recommendations arising from each case to be synthesised into recommendations to the Archbishop in Council for further improvements to the protocol;
  - A detailed and comprehensive record of the matters is to be kept by the Director and a completed file for each case is to be held by the Registrar.
44. The discussion paper of November 2002 (as above) was followed by a revised discussion paper in July 2003 following a period of consultation across the Diocese as the recommendations were implemented and as a result of draft documents released by the working bodies of the National Church.
45. The main thrust of the July 2003 update was to **incorporate the updated version of the Protocol as described into the Code of Good Practice and to expand both the Protocol and Code of Good Practice to apply to Diocesan employees and volunteers as well as ordained clergy and authorised lay ministers.**
46. As well, the document details the **desire by other Dioceses in the Province of Victoria to pool resources and to adopt the revised Protocol in each Diocese.**
47. By early 2003, the then Melbourne Diocesan Registrar had appointed Dr Jane Hendtless as the first Director of Professional Standards and Ms Angie Were as the Chair of the Professional Standards Committee. These appointments were key to implementing the review team's findings and the Protocol.

48. In March 2003 the Standing Committee of General Synod appointed a working group comprising Bishop Richard Appleby (Brisbane), Mr Phillip Gerber (Sydney) and Dr Jane Hendtlass (Melbourne) to undertake further preparation of the National Abuse Protocol in accordance with the principles and structures prescribed by the General Synod<sup>11</sup>. This group was tasked with the development of a national approach to the issue of sexual abuse.
49. By November 2003, early drafts of national ‘model’ legislation, proposed by the Church Law Commission were being considered within the Province of Victoria, with the Provincial Council<sup>12</sup> supporting the adoption of a national approach but cautioning against the jurisdiction difficulties that this might create. The weight of Church law legal opinion seemed to favour the promotion of a ‘model ordinance’ which would then be adopted by each Diocese, a different means to the same end.
50. By March 2004, the position of the National Church and that of many Dioceses, on the issue of sexual abuse can be summarised as being addressed in three ways: (1) the development of a National Code of Ethics – the Faithfulness in Service Guidelines, (2) the development of a National Model Ordinance to standardise an appropriate response to complaints about sexual abuse and (3) the development by individual Dioceses of protocols and approaches which met local needs but aligned to the National Guidelines. Dioceses within the National Church were progressively adopting either the National Model Ordinance (or a variation of the same), its complementary National Protocol or their own Sexual Abuse Protocol which reflected elements of the National Approach.
51. The Diocese of Melbourne, who had been operating on a form of protocol since 1997, and a form of policy and procedures for some years before that, elected to continue to operate on a revised version of its Professional Standards Protocol and Code of Good Practice. The Diocese remained fully engaged with the National Church discussion and in fact the Melbourne documents were a basis for the consideration of the National model ordinance.
52. From a provincial perspective, the Dioceses of Ballarat and Bendigo followed Melbourne into the revised Protocol in July 2003, whilst the Dioceses of Gippsland and Wangaratta chose to remain with the 1999 Provincial Protocol.
53. This Protocol, known as ***Power and Trust in the Church*** operated from 2002 until 2009. The 2004 Report to the Melbourne Diocesan Synod included the following summary:
- The current protocol used in the Diocese of Melbourne to address issues of abuse and harassment in the church has built upon previous models and an extensive review of professional literature. It has been operating since November 2002 (and previously in other forms). The principles upon which it is based include:
- All complaints are taken very seriously;
  - The experience of this Diocese and other church communities around the world in responding to complaints of abuse is that the handling of complaints should be, and be perceived to be, independent of and as far removed as possible from the influence of the clergy hierarchy (except insofar as care of respondents is concerned);
  - Complainants are professionally supported and protected as much as possible and further harm to them is minimised;
  - The rights of respondents are respected, and they are supported throughout this process by the appropriate Assistant Bishop or their delegate, and professional services are provided to them;
  - The process is transparent while respecting the rights of complainants to privacy;

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<sup>11</sup> Section 3 of the report of the Sexual Abuse Working Group to the General Synod – March 2003

<sup>12</sup> The Provincial Council comprises the Archbishop, Bishops, Assistant Bishops, Registrars and other delegates from each of the five Dioceses within the Province.

- Instances of possible illegal behaviour will be reported to police in respect of cases involving children and reporting to police will be facilitated in matters involving adult complaints;
- Any person engaged in providing pastoral services in the Diocese is subject to the Code of Good Practice and the Protocol.

The protocol is administered by an Independent Director of Professional Standards (DPS) and assisted by an Independent Professional Standards Committee (PSC). In practice, the protocol operates as follows:

- Complaints are received via the 1800 number or through correspondence, referral or solicitors;
- In the first instance, all complaints are channelled through the DPS;
- An expert panel of counsellors (psychologists) and investigators is appointed:
  - Typically complainants are provided with counselling and assistance with making an informed decisions about whether to make a formal complaint;
  - Mediators are available;
  - Both complainant and respondent lawyers are involved.
- In circumstances where a formal complaint is made, an Assistant Bishop or their nominee is appointed to communicate with and support the respondent. A member of the panel is offered and available to provide professional support and the process ensures that their rights are protected;
- The DPS and PSC aim to bring to the complainant, a resolution of their complaint;
- The DPS, in conjunction with the PSC, makes a recommendation to the Archbishop of action in respect to the respondent; if appropriate.

**The effectiveness of Power and Trust Protocol in dealing with historic issues:**

54. Any incidence of sexual abuse and harassment within the church is abhorrent. Whilst nothing can erase the past the Diocese and the provincial members believe that the Protocol that has operated for many years and in particular, throughout a period in 2004 / 2005 where significant levels of disclosure were evident, has served both complainants and respondents well in respect to appropriately and transparently dealing with the matters brought to light.
55. Over a fifteen month period to October 2004, 104 disclosures of abuse by members of the church were reported, involving 102 complainants and 75 respondents. In terms of disclosure at this time, about one third of complaints related to sexual abuse of children, another third related to sexual assault, inappropriate adult sexual relationship or sexual harassment, and the last third, bullying and other forms of abuse of power. In most cases matters were satisfactorily resolved through the investigative and pastoral emphasis of the protocol (as opposed to adversarial and legalistic approach). In a small number of cases financial settlements were reached and a number of respondents resigned from the church as a result of the outcomes of the process.
56. Statistical information is held for each year of operation of the protocol and can be provided if required. Suffice to say that 2004 / 2005 represented the most significant peak of disclosures and represented a time of increased community recognition and abhorrence at past behaviours by some in the church.
57. During the period of the Power and Trust Protocol, the Diocese and provincial members were well served by the Professional Standards Committee, itself an independent body comprising experts in the fields of ethics, mediation, medicine and post-traumatic stress management.

### Development of Power and Trust Training to support the protocol:

58. While the protocol was an effective means of dealing with issues of disclosure and historic abuse, it also served as an appropriate foundation with which to undertake awareness and other training for clergy and authorised lay workers across the Diocese (and Province).
59. A systematic approach to training was taken to enable clergy and church workers to become aware of their obligations under Faithfulness in Service, the Code of Good Conduct and the protocol. This training has also been linked to licensing and authorisation of clergy / lay workers along with other requirements such as Working with Children (WWC) and clearance for ministry processes.
60. This training, which was delivered in seminar based forums with trained and experienced facilitators was module based, using prepared material to advise, workshop and discuss both the obligation (Code of Good Practice) and appropriate response (the Protocol) to disclosure.
61. Clergy and authorised lay workers were required to attend the training at not less than 3 year intervals and licences and authorities were largely dependent upon compliance.
62. This training was based on best practice from Professional Standards within Australia and the Diocese kept pace with training and development through forums such as Safe Churches.

### Development of the National Register:

63. In October 2007, the National Church passed the *National Register Canon 2007* (the Canon). A copy of the National Register Canon is attached as Attachment D.
64. The **objective** of the Canon as expressed in *section 3* of that Canon is:

*To assist in providing for the physical, emotional and spiritual welfare and safety, and the protection from the risk of abuse, of all people having dealings with clergy and church workers by establishing a National Professional Standards Register to which authorised persons may have access and make disclosures of the information therein.*
65. The Canon requires that :
  - The Director of Professional Standards of each diocese and the Defence Force (as well as the Director of Episcopal Standards Commission) to provide certain information to the General Secretary of the General Synod relating to a member of the clergy or lay person (as defined in the Canon);
  - Limits access to and disclosure of information in the National Register to prescribed persons;
  - Regulates how information may be removed or amended from the Register.
66. The Register is designed so as to capture information (as specified) relating to clergy against whom a notifiable complaint **has been made** unless it has been exhausted, or:
  - in respect of whom there has been a relinquishment of, or consent to deposition from, Holy Orders arising out of sexual misconduct or child abuse;
  - in respect of whom, there has been an adverse Working With Children check or adverse criminal history check or an adverse Safe Ministry Check; or
  - who have not been ordained as a priest or as a bishop or issued with a licence or appointed by a church authority, because of an adverse risk assessment.
67. The Register is designed so as to capture information (as specified) relating to lay persons against whom a notifiable complaint **has been made** unless it has been exhausted, or:
  - in respect of whom, there has been an adverse Working With Children check or adverse criminal history check or an adverse Safe Ministry Check; or



- Who have not been ordained as a deacon, or issued with a license or appointed by a church authority, because of an adverse risk assessment.
68. The common requirement of each of the categories is that there must be a connection with sexual misconduct or child abuse, **whether alleged or found to have taken place**. These terms are described within the Canon as follows:

*Sexual Misconduct:*

*Sexual assault, sexual harassment or sexually inappropriate behaviour in relation to an adult.*

*Child Abuse:*

*the following conduct in relation to a child:*

- a) emotional abuse; or*
- b) neglect; or*
- c) physical abuse; or*
- d) sexual abuse; or*
- e) spiritual abuse.*

69. A notifiable complaint is defined as:
- A complaint in accordance with the relevant canon, ordinance, rule or protocol received by a Director of Professional Standards of sexual misconduct or child abuse by a member of the clergy or a lay person, whenever and wherever occurring:
- which has been communicated to the member of the clergy or lay person; or
  - which the Director of Professional Standards has certified has been sent to the last known postal or electronic address of the member of the clergy or lay person.
70. The **role** of the National Register can be described as:
- Providing a national repository for information on clergy and laity about whom a complaint of sexual misconduct or child abuse has been alleged;
  - Providing a national repository for information on clergy and laity about whom adverse information has been received relative to a Working With Children check, a criminal history check or a safe ministry check;
  - To establish a duty of care obligation on Diocesan bishops to reference the Register in appropriate circumstances (appointment to a position for example) and where practicable, to have regard to it;
  - Providing a useful reference point (amongst others) in respect to the process regarding the suitability of clergy seeking appointment within a diocese where there may be limited prior knowledge of their ministry.
71. The National Register operates as a repository of information regarding (with the exception of the Working With Children and criminal history categories) sexual misconduct or child abuse. It does not operate as a comprehensive register of all and any misconduct relating to clergy or lay persons. Similarly it does not include all matters that fall within the jurisdiction of the Director of Professional Standards, but nevertheless is an important tool.
72. *The National Register Canon 2007* was also accompanied by a Protocol regarding its use and commenced on 1 March 2008.

**Working with Children Act (2005) and Police Checks:**

73. The introduction of the *Working with Children Act 2005* (WWC) offered the Diocese the opportunity to further strengthen its regime of preventative measures, through the inculcation of the WWC requirements into the licensing and clearance requirements.

74. Whilst the WWC Act prescribed situations where the requirements would apply, the Diocese determined that Police Checks and WWC Checks would be required for:
- Candidates for Ordination;
  - Licensed Clergy;
  - Authorised lay Ministers and Lay Readers;
  - Stipendiary Authorised Lay Ministers;
  - All with Permission to Officiate authorities;
  - Any others who work with children in either an employed or voluntary capacity.
75. Compliance with these requirements is strictly controlled and recorded centrally, as is the expiry and renewal details. All clergy, authorised stipendiary lay ministers and authorised honorary lay ministers were contacted and briefed on the requirements in early 2007. All Incumbents<sup>13</sup> and Priests in Charge were briefed and given 7 months to implement the WWC requirements throughout all facets of their parish where applicable.
76. Such requirements were also embedded in the management structures and operational procedures of our Anglican Early Childhood Services (Kindergarten), schools and Opportunity Shop environments.
77. Additionally, such requirements were incorporated in updates of Faithfulness in Service and Code of Good Practice as well as being included in the Power and Trust training.

#### **National Survey into Child Sexual Abuse within the Anglican Church 2009:**

78. In 2006, the National Church commissioned a **study of Reported Child Sexual Abuse in the Anglican Church of Australia** (the CSA Study). This independent study conducted by Emeritus Professor Kim Oates AM and Professor Patrick Parkinson AM was published in June 2009. The full report and findings are appended as Attachment E.
79. The aims of the research study were to:
- Understand the characteristics of accused persons and complainants and the circumstances of the offence;
  - Ascertain patterns of abuse in relation to similarities or differences in gender and age of the child complainants;
  - Inform the church on what steps could be taken towards better prevention of sexual abuse within church communities.

The report analysed 191 alleged cases of child sexual abuse, reported from 17 (of 23) dioceses throughout Australia between 1990 and 2008 to see what lessons could be learned to improve efforts in child protection. In the view of the authors the cases reviewed represented most, but not all, of the reported cases across the church in Australia during the period.

80. The **key findings** of the report were:
- Unlike patterns of abuse in the general population, three quarters of the complainants were male and most were between the ages of 10 and 15 at the time of the abuse;
  - Most accused persons were either clergy or were involved in some form of voluntary or paid youth work;
  - There were 27 accused persons with more than one allegation in the sample. These 27 people accounted for 43% of all cases;
  - Ongoing abuse lasting three years or more was significantly more common amongst male complainants;

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<sup>13</sup> An Incumbent is a priest who has tenure and is the senior cleric of the parish.

- Most alleged abuse episodes occurred in the accused persons home or on church premises. Almost a quarter of the episodes of abuse of girls occurred in the girl's own home, compared with 7% of male cases;
  - There were long delays in reporting offenses to the church by complainants, with an average delay of 23 years;
  - Just over half the cases were treated as substantiated by the church and a third as inconclusive, with erroneous allegations by child complainants being rare.
81. The **report concluded with various recommendations** to the Church on improving its child protection strategies in the light of the findings and responding better to complaints of past abuse. These recommendations were:
- a) Each Diocese and church body undertaking youth work should introduce a system of selection and accreditation of people involved in youth work that complies with the Model System for Selection and Accreditation for Lay Parish Church Workers approved by the Standing Committee as a resource in October 2006, if they have not already done so;
  - b) Each Diocese should ensure that its system for licensing of clergy and for the selection and accreditation of leaders of youth groups includes a check of the National Register, if it has not already done so;
  - c) Each Diocese should review its protocols for youth work, and where applicable, the role of servers, to ensure opportunities for adults and young people to be alone together in contexts that would allow sexual activity to occur without discovery are restricted to situations of unplanned necessity, and where necessary amend its protocols to ensure that this requirement is explicitly stated;
  - d) The Professional Standards Commission (National Church Committee) should review *Faithfulness in Service* as to whether it adequately addresses the risk of sexual abuse in youth work in parishes and other organisations such as CEBS<sup>14</sup> and in the relationship between clergy and servers;
  - e) Each Diocese should review its safe ministry policies and structures to ensure that a person or persons other than a member of the clergy or their spouse are responsible for ensuring that *Faithfulness in Service* and other Diocesan protocols are enforced in each parish;
  - f) Each Diocese should ensure that there is adequate education of church workers concerning the risk of child sexual abuse in any organisation that works with children and young people, and in particular, the risk of abuse to boys demonstrated in this study;
  - g) The Professional Standards Commission in conjunction with Professional Standards Directors Network develops a common form for the recoding of information about child sexual abuse;
  - h) All dioceses should develop protocols for a pastoral response to victims of child sexual abuse that may make a complaint to the Church many years after the events occurred. This pastoral response should include elements of apology, reparation and payment of counselling expenses as is appropriate in the circumstances of each case. The Professional Standards Commission should assist the dioceses in developing a recommended model for best practice.
82. The release of the report was accompanied by public and internal communications regarding the Churches endorsement of the findings. The key messages conveyed in release of the report were:

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<sup>14</sup> CEBS – Church of England Boys Society – a longstanding body formed to provide a range of Christian activities for boys between 8- 14 years of age.

- The commissioning of the report and its recommendations were designed to strengthen the controls and protection of vulnerable members of our congregations and communities;
  - The report is a review of historic cases from which the Church can learn. It furthers the considerable work already undertaken by the Church in this area;
  - The release of the report will undoubtedly open old wounds / hurts for those who have suffered abuse. The intention of the Church was not to cause further pain to victims of abuse, but rather to use the report to bolster our efforts to prevent abuse of the vulnerable in the future. The Church reiterates its earlier apology to victims and in particular to those for whom the report's release causes further distress;
  - The prompt release of the report reflects the churches desire to be open and accountable. Our desire is to be transparent in our dealings in these matters.
83. To back up the findings of the report, internal communications were issued which reiterated the public messages and provided clergy and authorised lay ministers within the Diocese a précis of the report and findings, as well as a Question and Answer Sheet to assist in answer questions from the congregation. Clergy were recommended to download the full report to assist in their education on the issue.
84. Following release of the report, the Registrar and Director of Professional Standards met on several occasions to review the findings and compare the recommendations against the current practice of the Diocese. Overall, the Diocese was happy with the standards in place and the level of compliance with the report's recommendations, cognisant of a larger piece of work that was underway.

#### **Development of the *Professional Standards Act 2009*:**

85. Whilst the Power and Trust Protocol had served the needs of complainants and respondents well and had many features which could be commended in any pastoral approach to dealing with matters of child sex abuse, by early 2008 work was underway within the Church to revise the professional standards frameworks utilised.
86. There were several drivers for this which can be broadly categorised as:
- A desire to address perceived issues of natural justice and the potential for lack of procedural fairness within the Power and Trust Protocol;
  - An objective of more closely aligning with the 'model ordinance' adopted by the National Church;
  - Recognition that the Church's response should be strengthened from a Protocol (essentially an enforced guideline) to an Act (legislation applicable under Church Law).
87. This latter point represented a recognition that although much had been achieved by the Church's approach in regard to pastorally and sensitively dealing with issues of child (and other) sex abuse, this had been achieved 'outside' of the established governance process of the Diocese. It was recognised that it was time for the Synod of the Diocese to resolve legislation dealing with this matter, both out of respect for victims of abuse, but also to clearly signal the resolve of the Church to transparently and openly deal with this issue.
88. This work led to the development of the Professional Standards Act 2009 (the Act). A copy of the Act and its accompanying protocol are included as Attachment F. The Act was formally adopted by the Diocesan Synod in October 2009 and came into operation on 1 October 2010.
89. The Act provides for a number of fundamental enhancements to the approach to the management of Professional Standards, including:
- A system which by the nature of the legislation, has the foundational support of the Synod and therefore the broader Church community, lay and clergy;

- Enhances consistency with the national scheme of the Church and promotes continued cooperation between Dioceses;
  - Provides for the Director of Professional Standards (DPS), the Professional Standards Committee (PSC) as at present, but adds the **Professional Standards Board (PSB)**, whose primary role it is to adjudicate on complaints and questions of fitness for ministry;
  - Introduces a new right of review, through the **Professional Standards Review Board (PRSB)**, a review function which is similar to the Victorian Civil and Administrative Tribunal (VCAT);
  - Enhances ability for ‘stand down’ for respondents where an adverse risk assessment is made.
90. The Professional Standards Committee (PSC) continues to have a broad and significant role, focussing on preliminary appraisal and investigation of complaints and, where appropriate, referral to law enforcement agencies and / or to the Professional Standards Board (PSB) for adjudication. The PSC also arranges, where appropriate, conciliation and mediation to resolve complaints and focuses on promoting good conduct by all church workers.
91. The Act however provides for clear and deliberate demarcation between the PSC and the operation of the PSB, to ensure that deliberative and decision making processes are kept separate from appraisal and investigatory processes. This promotes confidence in the integrity and independence of the process and respect for the decisions made.
92. The process under the Act is administrative in character. Its role is not to decide any controversy as to existing rights and obligations of the parties, as would a Court, but rather to exercise an ‘evaluative and discretionary’ function to determine a complaint and discern fitness for the protection of the church going public<sup>15</sup>.
93. Following adoption of the Act by the Synod of the Anglican Diocese of Melbourne, the Dioceses of the Ballarat and Wangaratta subsequently adopted practically identical legislation and in doing so affirmed their continued cooperation with the Professional Standards process adopted by Melbourne.
94. The remaining Dioceses within the Province are Bendigo and Gippsland. Bendigo opted to remain under the Power and Trust Protocol (the 2003 document) and asked that the Professional Standards Committee continue to support their approach. This has been agreed and essentially means that matters for the Diocese of Bendigo are considered in a different process to that of the other cooperating Dioceses. The Diocese of Gippsland continues to operate under its protocol and has established its own governance regime in respect to matters brought before it. Even so, the respective DPSs have a close working relationship and, from time to time, Gippsland matters may be referred to the PSC for advice.
95. The remainder of the submission will focus on the *Professional Standards Act 2009*, as a means of both describing the current process and providing recommendations to the Inquiry.

## Current Professional Standards Regime:

### The Professional Standards Act:

96. The purpose of the Act and any protocol under the Act (s3), in respect to any complaint under this Act is to *‘facilitate the just, quick and inexpensive resolution of the real issues in the complaint’*. Each of the bodies under the Act can give effect to this overriding purpose of the Act in interpretation.

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<sup>15</sup> Cf *Albarran v Members of the Companies Auditors and Liquidators Disciplinary Board* (2006) 151 FCR 446 at [44] and [48] and in the High Court at [2007] 231 CLR 350.

97. Part 2 of the Act allows for Archbishop in Council (AiC) to (1) *'resolve to approve a code of conduct for observance by church workers in the Diocese'* and (2) *'take steps as may be necessary and desirable to promote the knowledge, understanding and observance in this Church of any code of conduct applicable in the Diocese'*.
98. Part 3 of the Act calls for AiC from time to time to *'consider and approve a protocol or protocols for implementation in relation to the matter the subject of this Act, which should include:*
- *procedures for receiving a complaint;*
  - *the appointment, role and function of professional support persons and carers;*
  - *provision for informing a complaint and victim of alleged misconduct, and a respondent, of their rights, remedies and relevant procedures available to them;*
  - *provision for assisting or supporting, as appropriate, any person affected by alleged conduct the subject of a complaint;*
  - *an explanation of the processes for investigating and dealing with a complaint;*
  - *processes for referral to mediation and conciliation in appropriate circumstances;*
  - *processes for dealing with alleged process failure;*
  - *provisions for regular information, reports, advice and recommendations to the Archbishop and any other relevant Church authority; and*
  - *procedures for working with, where necessary, law enforcement, prosecution or child protection authorities of the States and Territories and of the Commonwealth of Australia.'*
99. These provisions give rise to a Professional Standards Protocol, a plain English explanation of the Act with a focus on the rights and procedures for both complainants and respondents.
100. The Act itself is broader than child sex abuse and applies a robust methodology for dealing with historic complaint issues whilst also encouraging training, awareness and the fostering of a culture of preventative awareness. In this regard it promotes a total quality management approach.
101. This manifests itself in several ways, firstly through the training and development of church workers. In 2011 / 2012 a total of 20 seminars were conducted throughout the Diocese, designed to educate clergy and lay workers in respect to the Act's requirements and obligations. Attendance has totalled 913 persons of which 509 have been clergy. **Within active clergy a participation rate of 93% has been achieved.** This training has been treated as compulsory as a means of ensuring that awareness of the requirements is achieved.
102. The training includes (1) overview of the Act, (2) discussion as to complementary material (Clergy Good Practice Guide), (3) discussion as to accountabilities and (4) scenario based case studies to prompt consideration of the difficulties typically encountered within Professional Standards.
103. Future training includes the potential for parish based workbooks to allow Church Wardens<sup>16</sup> to undertake site specific risk assessment and to develop action plans in accord with the requirements of Act.

#### **Committees formed under the Professional Standards Act:**

As indicated earlier, the Act provides for committee structures as follows:

104. Professional Standards Committee (PSC):

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<sup>16</sup> Church Wardens carry responsibility for Occupational Health and Safety and general legislative compliance under the *Parishes Act 1987*.

The Professional Standards Committee has a broad and significant role. It focuses primarily on the preliminary appraisal and investigation of complaints and where appropriate, referral to law enforcement agencies or the Board for adjudication. It can also arrange conciliation and mediation where appropriate and advise the Diocese on financial assistance. An important function is also to arrange ways to promote good conduct within the Church. The Committee also has power to dismiss a complaint or take no action in respect to a complaint in prescribed circumstances (s18).

The PSC comprises at least three members in addition to the chair and shall be constituted so as to collectively comprise skills, experience and appropriate professional qualifications in:

- law;
- the ministry; and
- child protection, investigations, social; work, ethics or counselling.

The PSC will include at least one member who is not a member of the Church and in so far as is reasonably practicable shall have at least one man and one woman.

105. Professional Standards Board (PSB):

This body receives referrals from the PSC and has an adjudicative role in determining a complaint and on the question of fitness of a church worker for service within the Church. It makes recommendations to the Archbishop and other relevant Church Authorities on that question. This Board will comprise four members and includes two who are not members of the Church.

The PSB shall have four persons including the President and Deputy President and shall be constituted so as to collectively comprise skills, experience and appropriate professional qualifications in:

- law;
- the ministry; and
- child protection, investigations, social; work, ethics or counselling.

The PSB will include at least one member of the clergy and at least two who is not members of the Church and in so far as is reasonably practicable shall have at least one man and one woman.

106. Professional Standards Review Board (PRSB):

The legislation establishes a Professional Standards Review Board (PRSB) to hear any application for review of a decision of the Professional Standards Board (s67). This review can serve an invaluable role in overseeing the process and developing sound principles for the guidance of the Committee and the Board. The Act provides that both the PSB and the PRSB may publish its reasons without identifying the parties to facilitate the development of a body of principles which might serve as precedents (s 108). The Act imposes no restriction on the right of administrative review by the PRSB (s83), this approach being consistent with the scheme of the *Working with Children Act 2005 (Vic)* which gives an aggrieved person the right to apply to VCAT for review of the decision to give that person a negative assessment notice.

The PRSB comprises a panel of seven persons including the President and Deputy President, both of whom shall have been either a judicial officer or practising barrister or solicitor of at least 10 years standing of the Supreme Court of the State or Territory and five other persons of whom at least:

- Two members shall not be of the Church;
- Two shall be members of the clergy; and

- Three shall have professional qualifications and experience in child protection, investigations, social work, ethics or counselling.
- 107. All appointments are for specified terms and are appointed by Archbishop in Council, thus far on the advice of an eminent persons group established for that purpose.

**The Office of the Director of Professional Standards:**

- 108. The Office of the Director of Professional Standards has existed since 2003 as an independent authority to assist complainants and respondents to resolve matters of professional standards. The office maintains steadfast independence from the Church as both parties recognise the need to do so to maintain the confidence of the broader community.
- 109. The *Professional Standards Act* allows of the appointment of the Director (s19) and establishes the core functions (s20) as follows:
  - to receive any complaint on behalf of the PSC and in his or her discretion to make a complaint against a church worker;
  - to manage the implementation of the protocol in respect to any complaint;
  - to be the executive officer of the PSC;
  - to attend meetings of the PSC except for any part of a meeting that deals with conditions of employment, remuneration or performance of the Director;
  - to provide a central focus in matters involving personal ethics and behaviour including advice about appropriate standards and enforcement;
  - to provide or arrange care of treatment of parties to the process of any protocol;
  - to provide input into any education or vocational training programmes for members of the Diocese, including those involved in managing or providing pastoral care and other community services;
  - to provide advice to complainants and Church workers about the operations of the protocol, with particular emphasis on helping Church workers in authority to understand and discharge their responsibilities under any protocol;
  - to keep proper records of complaints, decisions, meetings, employment screening, details, police checks and people affected by allegations of misconduct;
  - to consult and cooperate with Church associated organisations to promote consistency between them and Diocesan protection policies and procedures;
  - in cases of alleged illegal behaviour to support the complainant in making a report to Victoria Police and Child Protection Service Victoria; and
  - to report to the PSC on any recommended changes to the Protocol and any other changes to Church processes, structures and educational programmes that would reduce the risk of abuse in a Diocese;
  - such specific functions and duties as may be prescribed in this or any other Act or as may be determined by the PSC;
  - such specific functions and duties as may be prescribed in this or any other Act or as may be determined by the Archbishop in Council.
- 110. The DPS meets with the PSC on approximately a six week cycle and has statutory obligations to report to both PSC and through the PSC to AiC. The DPS also reports on an annual basis to the Synod of the Diocese.



### **Encouraging victims of abuse to speak out:**

111. The Diocese has consistently urged victims of abuse to come forward, providing an independent and transparent process, where to the extent possible they will feel heard, supported and assisted to speak freely and openly of their experience.
112. The independence of the Office of the DPS is a critical aspect of this for victims, but also for respondents. Both are interested in ensuring a supportive and just process. Whilst appearing quite legalistic, the approach of the Diocese has been to focus strongly on pastoral and restorative processes as a means of helping victims to heal to the extent that they are able.
113. Accessibility is also important. Since 2003 a 1800 phone line has been available as a primary means of contacting the DPS. This line, which operates on a 24 hour basis, allows for the caller to speak with the Director – there is no call screening. A professionally trained call answering service will assist at times, but do not offer counselling or advice.
114. The existence of the Office and our processes for dealing with Professional Standards complaints is advertised with prominence on our website and within church publications. The 1800 number is advertised within the white pages.
115. All complaints of abuse are taken very seriously; respect, pastoral care, counselling and on-going support and care are offered. Often such processes will be initiated by the DPS either as part of her initial contact with the complainant / respondent and in some cases even before a formal complaint has been made. The PSC has, at times, made a decision to continue to support counselling and care regardless of a complaint and in many cases for periods well beyond the resolution of a matter.  
  
The PSC has access to, and use of, a wide range of well proven counsellors and support persons. The appropriateness of such matters is often at the discretion of the DPS and is not mandated, thus ensuring that a suitable relationship is able to be established to best support the complainant and respondent.
116. The DPS will work with complainants to encourage and assist them to make reports to police and other statutory bodies as appropriate. Often this can be a daunting step and assistance and pastoral support to the complainant are critical measures.
117. While each complaint has its own history and each complainant is different, the Diocese prides itself on being willing to respond appropriately and to not shy away from accepting complaints. Our experience is that through a pastoral approach to responding and showing genuine concern and care for the victims of abuse we are able to achieve outcomes which begin the process of healing within those who have carried the burden of abuse for many years.
118. This approach was one of the factors behind the Church commissioned study, published in 2009 which sought to establish what learning could be taken from the experience of those who had come forward.

### **Supporting respondents to allegations of abuse:**

119. Of course each disclosure of alleged abuse involves both victim and an alleged offender. A respondent to an allegation must be dealt with in a respectful and caring manner throughout the process of preliminary appraisal, investigation, and importantly, through and beyond any formal finding. Each respondent to a complaint is assigned a pastoral carer and will be given professional counselling and support as appropriate.
120. This also extends to the respondent's family and any congregation affected by an allegation. It is important that all feel cared for and supported throughout the process.
121. The Act provides for the 'stand down' of a Church worker in situations where, in the view of the DPS and Chair of the PSC, in cases of immediate risk, or by the PSB in the normal course, consider that the potential risk posed by the respondent remaining in their role or continuing to have contact with vulnerable persons is such that concerns over 'duty of care' arise.

122. Whilst stand down is an accepted and usual practice within some organisations, the Church has only begun the task of grappling with the cultural and stigma issues associated with these provisions. We are as yet immature in our approach to the acceptance of stand down as a routine risk management decision. This is partly because the provisions are new and have not been used extensively and also because the nature of many complaints is historic and therefore the need for stand down of Church workers is not as routine. Nevertheless these provisions are part of a series of active decisions and once stand down has been determined, this is then regularly reviewed at each subsequent PSC decision point. This is to ensure that, from both the complainant's and respondent's point of view, the risk profile has not altered and / or that mitigating actions are working to reduce the risk position. Whilst duty of care to the wider public is an important consideration this must be weighed against the impact on the individual.
123. As with complainants, the process established allows for the respondent to have a single point of contact with the DPS, although often the respondent carer can become involved as a point of reference between the respondent and the DPS.
124. One of the benefits of the Power and Trust Protocol, and something that we are working hard to maintain under the *Professional Standards Act*, is the desire to deal with matters in a timely fashion. Once an allegation has been made it is important for all concerned that the matter be dealt with promptly and efficiently. Our experience suggests that the complexity of complaints and the need to undertake careful and methodical investigatory work means that it is not possible to prescribe timeframes within which issues are likely to be resolved.
- One of the roles of the PSC is to monitor the work to the DPS to ensure that the clearance rate of matters is maintained. Active discussions around timeframes occur with the Directors Report to the PSC at each meeting. The Director is also at liberty to suggest external investigators as a way of managing demanding or difficult cases and ensuring that issues are dealt with appropriately.
125. Because of the historic nature of some cases that come before the Church, it is sometimes difficult to investigate matters first hand, perhaps because of the age of the matter, the persons involved or through the death of the respondent or significant witness. In such cases, the work of the DPS will be to try and gather as much corroborating evidence as is possible and thus allow for the potential of a determination on the balance of probabilities.
126. Such matters need to be dealt with sensitively and with the utmost pastoral care for all involved. Our experience is such that when handled appropriately, the complainant is likely to value the opportunity to talk through their experience and use this as a restorative process where they know that confrontation with the respondent is not possible.
127. Where respondents have moved parishes and or Dioceses established practices exist that investigations are not significantly impeded and in most cases can proceed. The DPS network within the Church is closely linked and co-operates where this is required.
128. The Church by its nature also offers the opportunity for offenders to rehabilitate back into the church community. This is seen as a key part of the healing of an individual and the Church exercising forgiveness for sin. Having said that, such reintegration, for those that want this, needs to be appropriately managed from the perspective of the duty of care to the victim(s) of crime and to the general public. This can be difficult in an environment where privacy of information is also important.

Much of this can be handled through discussion and agreement. A Support and Accountability Agreement is an agreement adopted by the parish and a person who has a confirmed history of abusive behaviour towards vulnerable people. It provides for the support of the 'Person of Concern' at the heart of the agreement and documents the commitment of the parish to the parishioner. The agreement clarifies acceptable boundaries of behaviours and in doing so seeks to provide a safer environment for others, including children and the vulnerable, within a parish. It also allows the priest to transparently manage the potential risk to the parish.

## **Mandatory Reporting:**

129. Anglican Dioceses which prescribe to the Act, and those agencies and schools which affiliate with the provisions of the Act, support the issue of mandatory reporting. In fact currently, the definition of mandatory reporting in the Act goes beyond that which is enshrined within the *Children, Youth and Families Act 2005*.
130. Whilst not a gazetted organisation, the Church believes that it is incumbent upon us to report acts of actual or potential harm and to ensure that Church workers are in no doubt as to their responsibilities in this area.
131. Part 6 of the Act states:

*Certain matters must be reported:*

  - *If any Church worker believes on reasonable grounds that a person has suffered harm or is at risk of harm as a result of misconduct by another Church worker and has no reason to believe that the Director or member of the PSC is aware of the facts, the first mentioned Church worker shall as soon as is possible report the matter to the Director or to a member of the PSC.*
132. The purpose is to leave Church workers in no doubt as to their obligations whilst also providing them with an appropriate method of disclosure. The Director of course is then obligated to report matters which are of alleged illegal behaviour and to support complainants in making a report to Victoria Police and Child Protection Services.
133. Increasingly the work of the DPS is to offer advice to parish priests to assist them in issues of disclosure and of dispute. Whilst many clergy are able to provide pastoral support, having the Director to refer to and as a sounding board for disclosures and approaches is proving to be very valuable.
134. The DPS now has regular contact with clergy meetings and gatherings, which she uses to offer assistance to them and enables her to talk through the nature of the common problems that they might face. The PSC sees this important work as part of the preventative cycle of action within the Diocese.
135. The use of the confessional for disclosure of child sex abuse is thought to be rare within the Diocese. The Church has a range of clergy who are nominated to hear the confessions of this nature and who are trained in how to respond appropriately before, during and after the confession.
136. The use of the confessional within the Anglican Church is guided by the *Canon concerning Confessions 1989*. This states inter alia:
  - a) If any person confess his or her secret and hidden sins to an ordained minister for the unburdening of conscience and to receive spiritual consolation and ease of mind, such minister shall not at any time reveal or make known any crime or offence or sin so confessed and committed to trust and secrecy by that person without the consent of that person.
137. This Canon has potential to create difficulty in respect to mandatory reporting. Whilst wishing to hold true to the sanctity of the confessional in 2006, the national Bishops meeting agreed a Protocol entitled 'Private Confession – Pastoral Guidelines with Special Reference to Child Sex Abuse'.
138. This Protocol (included at Attachment G) seeks to reconcile the desire to uphold the importance of confidentiality of confession seeks to provide guidance to priests who may hear confessions of this nature. The guidance is such that absolution of sins would only be provided in exceptional circumstances and usually only after the penitent had reported the conduct to the Police or appropriate authority.

## **Data Privacy and Disclosure to the Community:**

139. Managing the dichotomy between protecting the privacy of the individual and responding to the rights of the community to full disclosure is difficult. Our system is one where the

first question to be answered in respect of a complaint is whether the alleged perpetrator is fit to remain in ministry, either temporarily or, in the case of a concluded investigation, perhaps permanently.

140. In clear cut cases (i.e. an admission of behaviour) then dependent upon the admitted behaviour the Church worker is unlikely to be licensed or authorised for further duties. Where this is the case, it is usual for the DPS to work with the respondent to craft a suitable statement for the attention of the local congregation. This will usually be read at Church services. Often such statements will have had some input from the victim; at the very least they will be made aware of it. While such a regime is difficult to achieve without the offenders co-operation, we have experienced very few instances where this has been the case.
141. In cases where the outcome is an appropriate restriction on licence conditions, then these restrictions will form a part of the cleric's agreement to remain / continue in a role. They may be coupled with other facets such as ongoing counselling or attendance at courses designed to enhance self-awareness of ones actions / behaviours and the impact of these on others. Where licence restrictions are imposed, the cleric's direct supervisor will be informed and steps will be taken to ensure that the supervision is real, for example, a call for reports back to the PSC.
142. In some cases the issues will be so profound that the surrender of Holy Orders is appropriate. In such cases this will either be achieved through the voluntary relinquishment by the perpetrator or through the mechanisms of the Professional Standards Board and or the Disciplinary Tribunal who will provide a recommendation for the Archbishop's consideration.
143. The purpose of the National Register is also relevant in that it provides a mechanism for the national Church to ensure that relevant issues are brought to the attention of those considering licensing of clergy and lay workers. The clearance for ministry process, by which the relevant authorities (DPS and PSC) make the recommendation as to fitness for ministry, have within their processes reference to the National Register. As has been previously stated, this is particularly useful, along with the other measures outlined at hereafter to ensure that clergy and Church workers who are new to the Diocese have appropriate background checks.

#### **Focus on Outcomes:**

144. At all times, the process of Professional Standards must be to ensure that allegations of abuse and misconduct are appropriately and effectively resolved. For the Diocese this means a strong focus on a pastoral response to both the complainant and the respondent seeking in difficult circumstances to produce a just and fair outcome.
145. In our experience dealing with allegations of past abuse can, on rare occasions, lead to complainants seeking financial compensation. In such instances, established policies and practices are available to inform consideration of such requests. While financial settlement of matters may be an outcome, the Diocese is concerned to ensure that the pastoral and restorative nature of the process is the overriding outcome. While accepting that each complaint comes in unique and difficult circumstances, in our view the focus of either the complainant or the Church should not be monetary consideration.

#### **Potential New Legislative Changes:**

146. We note the interest of the Inquiry in understanding our reaction to the suggestion that a legislative framework be established to hold senior clergy and administrators responsible for the actions of Church workers and volunteers.
147. In the context of our own legislation and our present stance on mandatory reporting we are of the view that further legislation in this area may be counterproductive, especially given the reliance placed on Church workers and volunteers.
148. In our view, the promotion of self-governance and legislation owned by the organisation and designed to create community confidence and trust is the only long term solution.

Churches and non-Government community organisations need, on the one hand, to comply with State and Federal legislation but, on the other, create a culture of self-examination and compliance to be truly effective. Such a culture moves an organisation beyond mere compliance with external requirements.

149. Additionally, in a broader context than the terms of reference of the Inquiry, the compliance regime in place with Victoria currently places a high burden and accountability on Church organisations and not-for-profits generally. Unless an organisation deliberately sets out to create self-accountability in an area like Professional Standards, then it is likely that a response to external compliance practices will not be totally effective in the context and complexity of the individual organisation.
150. We note that an avenue of enquiry for the Committee is to consider whether having an internal system of investigation discourages reporting of criminal acts to the Police and / or prevents redress through civil legal action.

Our experience, and indeed our legislation and the Protocol in place before that, is clear about our obligation to report alleged criminal behaviour. Indeed, the *Professional Standards Act* requires the Diocese (through the DPS) to actively support complainants to bring matters to the attention of the Victorian Police and Child Protection Services.

In cases where the ongoing safety of the public may be at risk, the PSA provides for stand down of respondents until an outcome of the investigation is complete or until the identified risk factors can be more appropriately managed.

We have few examples of matters pursued in civil law and generally find that complainants and respondents have had little occasion to seek support from the legal system. We acknowledge that this remains a path open to both complainants and respondents throughout the processes that we have adopted.

### **Ensuring the maintenance of high standards:**

#### **The broader context of Clearance for Ministry, Training and Duty of Care:**

151. Any total quality system, which is how we view the approach to Professional Standards, relies upon robust processes as a key measure of prevention. This begins with a rigorous process for evaluating fitness for ministry and in providing an appropriate clearance for ministry.
152. A clearance for ministry process which is undertaken for any change of licence or authority will involve an application by the individual in which they are asked to voluntarily disclose any information which is needed to assess their fitness and which might, if known, impact on their ability to minister. This voluntary process is part of a culture of openness that needs to be created and in the context of licensing regularly brings disclosures of past events, generally not related to child sex abuse, but indicative of the development of a positive culture nevertheless.
153. The application is then processed by dedicated staff within the Diocese, who then, with the support of the applicant, gather a Police Check, which is renewed on a three year cycle regardless of tenure within a role, and a WWC check, which has a five year renewal period.
154. The application, Police and WWC checks are then provided to the Director of Professional Standards, whose role it is to access the National Register and to make enquiries as to their background and 'good standing' within their former community. If the applicant is from overseas, a formal letter of good standing will be sought and more extensive enquiries may be necessary.
155. Once this process is complete, and assuming no adverse findings, the DPS will provide a recommendation (under their delegated authority from the PSC) to the Archbishop. Should the process of clearance prompt questions regarding fitness, or should matters come to light during the process, then the clearance would be referred to the PSC for deliberation.
156. The effect of this process is that the question of fitness for ministry of an individual is considered periodically and many times in the normal course of their life long ministry.

157. In addition, clergy and lay leaders are regularly exposed to training and other publications which are designed to build their awareness of the risk factors inherent in pastoral ministry to the vulnerable and to provide ways of keeping themselves and other safe in a ministry context.
158. Some of this material has been tailored to specific ministries, for example the Duty of Care Handbook aimed at those exercising ministry with children and young adults and other material is in the course of completion dealing with matters such as bullying and appropriate use of social media. Such work complements the Professional Standards training.

#### **Linkage with other Christian Churches and Faith Traditions:**

159. The Diocese has strong links with other Christian Churches and Faith Traditions and works with them on a number of dimensions including from a Professional Standards perspective. There is much that we can learn from each other and the Director of Professional Standards is encouraged to meet with and promote ideas and learnings from this interaction. We are also active users of material which is developed by those we consider well versed in this field such as Church Safe. This work informs our own processes.
160. We are also active participants in a broader DPS network within the National Church and the Director attends 3 / 4 meetings per year to discuss relevant issues. This is a strong source of National alignment of practices and procedures and ensures consistency of approach as clergy and authorised laity move about the country.
161. As well as these 'operational' forums, the Diocese is well represented within the structure of the National Church on various bodies and working groups with carriage of the issues of Professional Standards and its ongoing development.

#### **Important Relationships:**

162. The Inquiry is also seeking details of the important relationships that the Diocese maintains with Government agencies and others in respect to child sex abuse. The maintenance of sound community relationships is important to the Church, especially where difficult societal issues such as professional standards and abuse are involved. The Church has an excellent and cooperative arrangement with Victoria Police, in particular those departments dealing with sexual crimes and historic abuse. There is open and appropriate dialogue between the DPS and Police on matters that arise from time to time and we believe that our relationship is held in high regard. Additionally we have had, as is required on occasion, cooperative dealings with Child Protection Services and the Courts of Victoria.
163. In so much as it is appropriate we seek to maintain good relations with victim advocacy groups and believe generally that as an organisation we have a reputation for being willing to address issues and cooperate.
164. These broader relationships, combined with learning from our own processes and that of other bodies with whom we interact, help to shape the direction of our policies and practices and also the input that we have to the national approach of the Church in this important area.

#### **Conclusion:**

165. This submission has been assembled to provide the Inquiry with a view of the development of our approach to the broad issue of Professional Standards and in particular our stance on child sex abuse, the main focus of the Family and Community Development Committee under the terms of reference for the inquiry.
166. It is important to note that the Church has been actively addressing these issues in a proactive and systemic manner since 1990 and the fundamental principles that underpinned these early attempts to address increased disclosure within the community remain to undergird the current legislative base and approach.

167. We would wish to summarise this submission by confirming to the Committee the following:
- The Church takes matters of professional standards and child sex abuse very seriously and ensures that every complaint is examined carefully and transparently;
  - This work is guided by long established principles and practices, which have more recently been enshrined in legislation to ensure greater ownership by the Church's governing body and to mirror developments in the national Church;
  - As an organisation, we have clear selection and accreditation processes including comprehensive Clearance for Ministry applications which include Police and WWC checks as mandatory compliance elements;
  - The National Church has developed a National Register to record complaints against Clergy and Church workers and this forms an integral part of our Clearance for Ministry process, as well as providing a mechanism to ensure that those accused of sexual misconduct are unable to move between jurisdictions without enquiry;
  - The Church has a comprehensive programme to ensure that all Church workers are aware of their obligations, safe practices and how to respond to disclosure of misconduct and that this programme continues to evolve and develop over time. Much of this programme is mandatory and periodic;
  - We encourage complainants to come forward, having established protocols and practices for dealing with these matters. Our willingness to hear complaints of misconduct and the existence of processes is advertised and supported by the existence of an independent Office of the Director of Professional Standards;
  - We have legislation guiding Church workers in respect to disclosure and mandatory reporting;
  - The emphasis of our process is pastoral, respecting the rights of both the complainant and respondent, providing counselling and specialist services to both and to any other parties impacted by the complaint or disclosure;
  - The DPS is increasingly working to offer advice to clergy to assist them in managing matters of disclosure, even where that disclosure is not related to abuse within the Church;
  - The Church has a strong network and working group structure for the on-going development of Professional Standards;
  - We are involved in a provincial network of inter-denominational Professional Standards Directors;
  - We value strong co-operative links with government agencies, advocacy groups and believe that we are well regarded in the community for our efforts on matters of Professional Standards.
168. The Anglican Church and the Diocese of Melbourne support the work of the Committee and this inquiry. We welcome any moves designed to strengthen the protection of the vulnerable in our community and to hold those who commit abuse against them to account.

<end>

**Attachments:**

- Attachment A:** List of Anglican entities within the Diocese to whom the provisions outlined in this submission apply
- Attachment B:** Timeline of the development of Professional Standards within the Church
- Attachment C:** Flow chart from Figure 1 – Page 21 – Power and Trust in the Church – Discussion Paper on Sexual Abuse and Harassment within the Church – November 2022
- Attachment D:** National Register Canon 2007 of the Anglican Church of Australia.
- Attachment E:** Study of Reported Child Abuse in the Anglican Church of Australia 2009: Emeritus Professor Kim Oates AM and Professor Patrick Parkinson AM.
- Attachment F:** Professional Standards Act 2009 and Professional Standards Protocol: Anglican Diocese of Melbourne.
- Attachment G:** Australian Anglican Bishop’s Protocol 2006 – Private Confession – Pastoral Guidelines with Special Reference to Child Sexual Abuse.
- Attachment H:** Faithfulness in Service: A national code for personal behaviour and the practice of pastoral ministry by clergy and church workers.