

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

**Public Hearing - Case Study 52
(Day 260)**

Level 17, Governor Macquarie Tower
1 Farrer Place, Sydney

On Friday, 17 March 2017 at 11am

Before:

| | |
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| The Chair: | Justice Peter McClellan AM |
| Before Commissioners: | Justice Jennifer Ann Coate |
| | Mr Bob Atkinson AO APM |
| | Mr Robert Fitzgerald AM |
| | Professor Helen Milroy |
| | Mr Andrew Murray |

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| Counsel Assisting: | Ms Gail Furness SC |
| | Ms Naomi Sharp |

1 MS G FURNESS SC: Your Honour, this is the 52nd hearing,
2 and I appear with Ms Sharp and I am assisted by
3 Ms Ellicott, Ms Rose, Ms Beange and Mr Burnett.

4
5 THE CHAIR: And the other appearances?

6
7 MR L GYLES SC: Your Honour, I appear for Bishop Greg
8 Thompson, with leave already granted.

9
10 THE CHAIR: Thank you.

11
12 MR G BLAKE SC: If it pleases the Commission, my name is
13 Garth Blake. I appear for the Diocese of Adelaide and
14 Reverend Professor Peter Sandeman, Bishop Tim Harris, and
15 also Bishops Condie and Jones.

16
17 THE CHAIR: Thank you.

18
19 MS M ENGLAND: May it please the Commission, my name is
20 England. I appear with Ms Rose pursuant to leave that has
21 already been granted for the Diocese of Sydney and I also
22 appear for Archbishop Glenn Davies, the Reverend Archie
23 Poulos, the Reverend Andrew Ford, Ms Jacqueline Dawson and
24 Mr Lachlan Bryant.

25
26 THE CHAIR: Thank you.

27
28 MR G CRANNY: If the Commission pleases, my name is
29 Cranny, I have leave to appear for the Diocese of Brisbane
30 and Archbishop Aspinall. I also seek the Commission's
31 leave today to appear for Bishop David Robinson, a panelist
32 today, of the Rockhampton Diocese.

33
34 THE CHAIR: You have that leave.

35
36 MS FURNESS: Your Honour, as I've indicated, this is the
37 Royal Commission's 52nd public hearing. This hearing will
38 inquire into the current policies and procedures of
39 Anglican Church institutions in Australia in relation to
40 child protection and child safe standards, including
41 responding to allegations of child sexual abuse; secondly,
42 factors that may have contributed to the occurrence of
43 child sexual abuse at Anglican Church institutions in
44 Australia; factors that may have affected the response of
45 Anglican Church institutions in Australia to child sexual
46 abuse; the responses of Anglican Church institutions in
47 Australia to relevant case study reports and other

1 Royal Commission reports; data relating to complaints of
2 child sexual abuse in the Anglican Church in Australia; and
3 any related matters.
4

5 As with other review hearings being conducted by the
6 Royal Commission, the purpose of this public hearing is not
7 to inquire into individual sets of facts or particular
8 events in a forensic manner, as has occurred in previous
9 Royal Commission case studies.
10

11 Over the last four years, the Royal Commission has
12 conducted public hearings in relation to 116 institutions.
13 The matters examined in a public hearing were carefully
14 chosen. There were a large number of institutions reported
15 in private sessions and elsewhere, and there were necessary
16 limits on the Royal Commission's resources.
17

18 It was plain that hearings were needed to examine the
19 responses of faith-based institutions given that, as at the
20 end of 2016, 60 per cent of survivors attending a private
21 session reported abuse in those institutions. Of those
22 survivors, 15 per cent reported abuse in institutions
23 associated with the Anglican Church.
24

25 While the percentage has varied over time, as at the
26 end of 2016, almost 9 per cent of all private session
27 attendees reported sexual abuse in an institution
28 associated with the Anglican Church.
29

30 The Royal Commission has completed a data survey of
31 the 23 Anglican Church dioceses in Australia to gather
32 information about complaints of child sexual abuse received
33 by those dioceses. The project was undertaken with the
34 cooperation and assistance of the General Synod of the
35 Anglican Church of Australia and each of the
36 23 Anglican Church dioceses which completed the data
37 surveys. The Royal Commission is very grateful for their
38 assistance.
39

40 The Royal Commission engaged independent data analysts
41 to design the complaints survey and engaged with
42 representatives of the General Synod about the design of
43 the survey.
44

45 A pilot survey was tested with several Anglican Church
46 dioceses and the draft survey forms were subsequently
47 modified to address a number of issues that emerged during

1 that testing process.

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1 complaints the diocese had.

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1 just mentioned - require any schools within the diocese to
2 report complaints of child sexual abuse to the diocese.

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4 Seventy-four per cent of complaints involved alleged
5 child sexual abuse that started in the period from 1950 to
6 1989. The largest proportion of first-alleged incidents of
7 child sexual abuse, 25 per cent, occurred in the 1970s.

8
9 Where the gender of people making a complaint was
10 reported, 75 per cent were male and 25 per cent were
11 female. The average age of people who made complaints at
12 the time of the alleged abuse was 11 years of age, for boys
13 and girls. The average time between the alleged abuse and
14 the date a complaint was made was 29 years.

15
16 The complaints survey sought information about alleged
17 perpetrators of child sexual abuse. 569 alleged
18 perpetrators were identified. Additionally, 133 unknown
19 people were identified as perpetrators - that is, alleged
20 perpetrators. It cannot be determined whether any of those
21 people - that is, the unknowns, whose identities were
22 unknown - were identified by another complainant in a
23 separate complaint.

24
25 Of the 569 identified individuals, 247 were ordained
26 clergy, 285 were laypeople, and for 37 known alleged
27 perpetrators, their religious status was not known.

28
29 Of the alleged perpetrators, 94 per cent were male and
30 6 per cent were female.

31
32 The complaints survey sought information about the
33 theological college attended by alleged perpetrators who
34 were ordained clergy. Forty-five alleged perpetrators
35 attended St John's College, Morpeth, and 29 attended
36 St Francis Theological College in Brisbane. For 55 alleged
37 perpetrators who were ordained clergy, the theological
38 college they attended is unknown.

39
40 The complaints survey also sought information about
41 outcomes provided to people who made complaints, including
42 the number of people who received monetary compensation and
43 the amount of monetary compensation.

44
45 Overall, 459 complaints resulted in a payment being
46 made following a complaint for redress. This amounted to
47 41 per cent of all complaints. Including amounts for

1 monetary compensation, treatment, legal and other costs,
2 Anglican Church dioceses made total payments of nearly
3 \$31 million at an average of about \$67,000 per payment.
4

5 The highest average monetary payment paid was through
6 civil proceedings at approximately 113,000 per complainant.
7

8 The survey also sought information about other
9 outcomes provided to complainants. In 25 per cent of
10 complainants, the complainant received an apology from the
11 diocese.
12

13 In 2007, the Anglican Church engaged
14 Professor Parkinson and Professor Kim Oates to report on
15 the nature and extent of reported child sexual abuse within
16 the church since 1990. The final report, dated May 2009,
17 has been published by the General Synod of the
18 Anglican Church.
19

20 The authors analysed 191 alleged cases of child sexual
21 abuse reported to 17 of the 23 Anglican dioceses between
22 1990 and 2008. Three dioceses declined to participate and
23 three did not report any relevant cases.
24

25 The report recorded the authors' findings that
26 75 per cent of complainants were male and most were between
27 10 and 15 years of age at the time of the abuse.
28

29 There were long delays in reporting offences to the
30 church by complainants, with an average delay of 23 years.
31

32 135 people described as "accused persons" were
33 identified through the study. 133 were male and two were
34 female.
35

36 Most accused persons were either clergy or were
37 involved in some form of voluntary or paid youth work.
38 Professor Parkinson will be giving evidence about the
39 circumstances and findings of the report.
40

41 On 12 April 2013, the Royal Commission issued its
42 first notice to produce documents in relation to matters
43 concerning the Anglican Church in Australia. Since then,
44 at least 156 notices have been issued to Anglican Church
45 institutions. They include the 23 dioceses, the General
46 Synod, the Episcopal Standards Commission, and Anglican Aid
47 Abroad.

1
2 As a result of those notices, about 1.5 million
3 documents were produced to the Royal Commission.
4

5 Evidence has been heard from 169 witnesses in case
6 studies focusing on the Anglican Church in Australia,
7 including some witnesses who have been called to appear at
8 more than one public hearing.
9

10 There have been 7,290 pages of transcript of evidence
11 generated, and 460 exhibits.
12

13 As at the end of 2016, 500 private session attendees
14 reported they had been sexually abused as a child in an
15 institution associated with the Anglican Church. Most of
16 those institutions have not been considered in a case
17 study.
18

19 The type of Anglican institutions reported by private
20 session attendees, for example, a school or parish, the
21 state or territory in which they were located and the
22 diocese which was responsible, will be published in the
23 final report. All other institutions reported in a private
24 session and not considered in a public hearing will also be
25 documented in the final report in a similar way.
26

27 The Chair of the Royal Commission has made 84
28 referrals to police in all states and the Australian
29 Capital Territory in relation to allegations of child
30 sexual abuse involving Anglican institutions. As a result
31 of those referrals, there have been four prosecutions,
32 23 matters are currently being investigated, the victim or
33 the accused has died in seven cases, and eight matters are
34 pending. "Pending" means that a referral has been made and
35 the Royal Commission is waiting for information about the
36 allocation of the matter within the receiving agency.
37

38 In relation to the other referrals, some have been
39 used for intelligence purposes, or there has been
40 insufficient evidence, or the complaint has been withdrawn.
41

42 Turning now to the structure and governance of the
43 Anglican Church, it was initially called the Church of
44 England in Australia, and that stayed until 1981. The
45 church is divided into five provinces, being each of the
46 five mainland states. Within the five provinces, there are
47 22 independent dioceses. The Diocese of Tasmania is an

1 extra-provincial diocese, making a total of 23 nationally.

2
3 The diocese is the main unit of organisation in the
4 Anglican Church. At the top of each diocesan hierarchy is
5 a bishop. Under the bishop there are several assistant
6 bishops or regional bishops. Archdeacons generally
7 supervise several parishes within a diocese and report
8 directly to the diocesan bishop.

9
10 Each parish is headed by a rector or priest in charge,
11 who is assisted by other clergy, including assistant
12 priests, curates and deacons. The bishop in each diocese
13 licences the clergy in that diocese. If a priest wishes to
14 transfer to another diocese, it is necessary for the priest
15 to obtain a licence from the bishop in the other diocese.

16
17 Dioceses are organised into larger provinces. Each
18 province is led by a metropolitan, who is the diocesan
19 bishop of the senior diocese in the province - for example,
20 Archbishop Philip Freier is the Metropolitan of the
21 Province of Victoria and the Archbishop of the Diocese of
22 Melbourne.

23
24 The Anglican Church is governed at a national level by
25 a constitution that came into force in 1962. Governance
26 occurs at a national and individual diocesan level.

27
28 At a national level, there is a General Synod, which
29 comprises all diocesan bishops and elected clergy and lay
30 representatives from each diocese.

31
32 The chair of the meetings of the General Synod is
33 known as the Primate and is the titular head of the
34 Anglican Church of Australia. The Primate is usually one
35 of the archbishops, and is usually described as the first
36 among equals. The Primate has no binding authority over
37 other diocesan bishops.

38
39 The General Synod meets every two or three years.
40 Some rules or canons may be passed by the General Synod
41 with a very high level of agreement, and they apply to all
42 dioceses.

43
44 Each of the 23 dioceses is self-governing and has
45 a Diocesan Synod, a Diocesan Council and usually a Board of
46 Trustees.

47

1 At a diocesan level, the bishop of the diocese is
2 responsible for licensing clergy. In addition to licensed
3 clergy, a diocese is assisted by laypeople who perform
4 ministry functions such as youth ministry, scripture
5 teaching, and other forms of church work.
6

7 Each Diocesan Synod comprises clerical and elected lay
8 members from each parish and usually meets every one or two
9 years.
10

11 The Diocesan Council and its committees manage the
12 business of the diocese between sessions of the synod.
13

14 Any rule passed by the General Synod that affects the
15 order and good government of a diocese must be expressly
16 adopted by the synod of the particular Diocese before it
17 takes effect in that diocese. This includes most
18 professional standards matters, such as clergy discipline
19 and redress.
20

21 The Anglican Church does not require its clergy to
22 remain celibate, and it has always been the church's
23 position that sexual relations should only occur within
24 marriage.
25

26 In 1992, the first woman was ordained as a priest in
27 the Anglican Church. The first female bishop was
28 consecrated in 2008. Now, around 23 per cent of all
29 Anglican clergy are women, and there are five female
30 bishops. Women comprise around one-third of the lay
31 membership in the General Synod and about one-third of the
32 General Synod Standing Committee. The level of women's
33 involvement in the church varies across the different
34 dioceses.
35

36 In terms of clergy discipline, under the 1962
37 constitution, there must be a Diocesan Tribunal in each
38 diocese. Until the mid 2000s, the Diocesan Tribunal was
39 the primary method of disciplining clergy.
40

41 In many dioceses, that tribunal has now been
42 effectively supplanted by a professional standards system,
43 which is based upon the Model Professional Standards
44 Framework adopted by the General Synod in 2004.
45

46 Under this system, there are various offences listed
47 and are determined by a Diocesan Professional Standards

1 Board which can make recommendations to bishops as to the
2 matters before it. They can include disposition from Holy
3 Orders.
4

5 There is a national tribunal, known as the Appellate
6 Tribunal. A recent decision of that tribunal raises issues
7 concerning clergy discipline and, in particular, the
8 deposition of a bishop from Holy Orders.
9

10 In May 2013, the former Bishop of Grafton,
11 Keith Slater, resigned after publicly acknowledging that he
12 had failed to ensure compliance with diocesan procedures
13 for responding to child sexual abuse. He was deposed
14 in October 2015 following a recommendation of the Grafton
15 Diocese's Professional Standards Board. Your Honours and
16 Commissioners will recall that Case Study 3 concerned that
17 Diocese.
18

19 Bishop Slater appealed his deposition to the Appellate
20 Tribunal. On 19 January this year the tribunal held that
21 it had no jurisdiction to hear the appeal because the
22 Grafton ordinance had not included any right of appeal.
23 Nevertheless, even though the tribunal had concluded that
24 it didn't have jurisdiction, it also ruled that the
25 deposition itself had no legal basis because the
26 Professional Standards Board of the Diocese of Grafton had
27 exceeded its own jurisdiction. Some of these issues raised
28 will be discussed later in the week.
29

30 The Royal Commission has conducted eight public
31 hearings which have involved Anglican institutions,
32 including schools. Case Study 3, as I referred to earlier,
33 the Royal Commission examined the response of the Diocese
34 of Grafton to claims of child sexual abuse at the North
35 Coast Children's Home in Lismore. The case study examined
36 the way the Diocese of Grafton handled allegations that
37 staff, clergy and other residents at the home had sexually
38 abused children who lived there between 1940 and 1985.
39

40 Evidence was heard from the then Primate, Archbishop
41 Phillip Aspinall, who will be giving evidence today, about
42 the structural barriers, he felt, restricted the
43 Anglican Church's handling of complaints, including his, as
44 the Primate's, lack of authority over bishops and dioceses.
45

46 The Royal Commission found that representatives of the
47 Diocese of Grafton adopted a legalistic and hard-line

1 approach to a group claim by former residents of the home.
2 The Royal Commission found that the diocese did not follow
3 its own policies for handling claims of sexual abuse or in
4 responding to survivors.

5
6 In Case Study 36, the Royal Commission inquired into
7 the response of the Church of England Boys' Society, known
8 as CEBS, to allegations of child sexual abuse made against
9 laypeople or clergy involved in or associated with CEBS.
10 The historical and contemporary responses to those
11 allegations of abuse by the Anglican Diocese of Tasmania,
12 Adelaide, Sydney and Brisbane were examined.

13
14 In that case study, the Royal Commission found that
15 there were networks of perpetrators in CEBS who had
16 knowledge of each other's sexual offending against boys and
17 who facilitated the sexual abuse of boys in or associated
18 with CEBS.

19
20 The Royal Commission found that most CEBS branches
21 could operate in an autonomous and unregulated way. The
22 Royal Commission found that these factors, combined with
23 the nature of the activities run by CEBS, such as overnight
24 trips and camps, provided access to boys and opportunities
25 to sexually abuse those boys.

26
27 In Case Study 42, the Royal Commission inquired into
28 allegations of child sexual abuse perpetrated by clergy and
29 laypeople involved in or associated with the Anglican
30 Diocese of Newcastle. There has been no report published
31 in relation to that case study as yet.

32
33 The Royal Commission heard evidence of the past and
34 present systems, policies and practices in place within
35 that Diocese for responding to instances and allegations of
36 child sexual abuse.

37
38 The Royal Commission also heard evidence about the
39 institutional culture in the diocese and at the clergy
40 training college at St John's College in Morpeth.

41
42 The Royal Commission has also held five public
43 hearings concerning independent schools which have had
44 differing levels of involvement with the church. In Case
45 Study 20, the response of Hutchins School in Hobart and the
46 Anglican Diocese of Tasmania to allegations of sexual abuse
47 against former students was examined. The Hutchins School

1 is an independent Anglican school where the staff are
2 required to understand and embrace the Anglican tradition.

3
4 In that case study, the Royal Commission was satisfied
5 that the bishop's degree of influence in that school was
6 significant.

7
8 In three case studies, number 12, concerning an
9 independent school in Perth; number 32, concerning Geelong
10 Grammar; and number 45, which examined Trinity Grammar and
11 The King's School, among other matters, each of which had
12 an association with the Anglican Church. In each of these
13 case studies, the relationship between the schools and the
14 Anglican Church was not examined.

15
16 Finally, in Case Study 34, the response of two
17 independent schools in Brisbane to allegations of child
18 sexual abuse of students at those schools by Kevin Lynch
19 was examined. One of those schools was St Paul's School,
20 which is owned by the Corporation of the Synod of the
21 Diocese of Brisbane.

22
23 In that case study it was found that a former
24 headmaster of St Paul's was appointed to the position of
25 executive director in circumstances that members of the
26 committee that made the appointment were aware of
27 allegations against Mr Lynch and that the appropriate
28 person had not taken any action.

29
30 Now, turning to this public hearing, the issues
31 considered and the witnesses who will give evidence have
32 been the subject of consultation with the church's
33 Royal Commission Working Group of the General Synod of that
34 church. This hearing will be conducted over four days,
35 concluding next Wednesday. Witnesses will give evidence in
36 panels.

37
38 Shortly, Commissioners will hear evidence from a panel
39 regarding the structural governance and cultural factors
40 that may have contributed to the occurrence of child sexual
41 abuse in church institutions or affected its response.

42
43 Three panels will then be convened on Monday. The
44 first of those will focus on evidence about screening and
45 training. The second will consider issues arising out of
46 the context of the Anglican Church's community services
47 organisations - like Anglicare. The third panel will

1 consider the context of the Anglican Church's related
2 educational bodies. On the third day, there will be
3 evidence from two panels of witnesses in relation to
4 professional standards. The first will consider the
5 broader policy questions in relation to policies and
6 procedures and the like, and the second will comprise
7 directors of professional standards from various dioceses.
8 It is anticipated that following on from the more general
9 nature of the previous panel, these witnesses will give
10 evidence of operational issues associated with the
11 professional standards framework.
12

13 At the final day of the hearing, Wednesday of next
14 week, there will be a panel of witnesses who it is expected
15 will give evidence on the position of various entities in
16 the church going forward in relation to a number of
17 matters, including the response to child sexual abuse;
18 among other things, the response of the church to the
19 Commonwealth Government's November 2016 announcement of
20 a national redress scheme will also be canvassed.
21

22 The policies and procedures regarding redress and
23 civil litigation will be considered and the witnesses on
24 that panel will include, among others, the current Primate,
25 the Archbishop of Melbourne; and the Archbishop of Sydney
26 and Professor Smith, who will shortly become the Archbishop
27 of Adelaide. The Archbishop of the Diocese of Brisbane,
28 Archbishop Aspinall, will be appearing today given his
29 unavailability on that day.
30

31 Your Honour, I understand that Ms Hywood, who is the
32 General Secretary of the General Synod, wishes to make
33 a short statement.
34

35 THE CHAIR: Ms Hywood? Come forward, if you can, to that
36 microphone there.
37

38 MS HYWOOD: I make this statement as the General Secretary
39 of the General Synod of the Anglican Church of Australia.
40

41 This is the final opportunity the Anglican Church will
42 have to appear at a public hearing before this
43 Royal Commission. We welcome the focus in this case study
44 on our policies and procedures and the church culture and
45 structure in which they operate.
46

47 We recognise that we have further work to do, and we

1 look forward to the assistance of the Royal Commission,
2 through its recommendations, to help us put in place the
3 highest standards of child protection and the best possible
4 response to survivors. We are prepared to confront the
5 challenges that will be put to us.
6

7 We have already been confronted. We have been humbled
8 by the survivors who have been prepared to relive the pain
9 of telling their stories in these public hearings. It is
10 through their telling that we have more deeply understood
11 where we have failed. We are sorry that they have had to
12 bear this responsibility, but we are thankful for their
13 courage.
14

15 In confronting our failings, we are ashamed. We have
16 had to face that we have not always protected the children
17 we were trusted to care for. It is clear that there were
18 times when we did not act as we should and we allowed harm
19 to continue; we did not believe those who came forward, and
20 we tried to silence them; we cared more about the church's
21 reputation than those who had been harmed.
22

23 We have witnessed first-hand the suffering of those
24 who have shared their stories. We have seen in their faces
25 and heard in their voices not only the pain of the abuse
26 they suffered as a child, but the further damage that we
27 inflicted when they came forward as adults, seeking justice
28 and comfort, and we pushed them aside.
29

30 The Anglican data report tabled today tells us more.
31 We are appalled at the stark presentation of the number of
32 abusers and those they harmed. It tells us that any
33 processes we had in place did not prevent abusers working
34 in our church as clergy and lay leaders, and in the roles
35 most trusted to care for our children, as teachers and
36 youth workers.
37

38 What the data tells us now was only becoming apparent
39 to the wider church in the 1990s. Individual dioceses were
40 dealing with abuse in the absence of any national
41 guidelines or policies. We know that mistakes were made.
42

43 As awareness grew, we took action. At the General
44 Synod in 2001, we commenced the process of establishing
45 a national approach to child protection and responding to
46 complaints. At the General Synod in 2004, a package of
47 child protection initiatives and a consistent complaints

1 process was endorsed for national implementation. The
2 review and improvement of that work has been ongoing and
3 has been greatly assisted by the work of the
4 Royal Commission over the last four years.

5
6 At that General Synod in 2004 we apologised, as one
7 church, to those who had been abused in our care. As one
8 of the many who stood and made this apology in 2004,
9 I repeat it now:

10
11 *That this General Synod and we as members*
12 *of it acknowledge with deep regret and*
13 *repentance the past failings of the church*
14 *and its members.*

15
16 *On behalf of the whole Anglican Church in*
17 *this country, we apologise unreservedly to*
18 *those who have been harmed by sexual abuse,*
19 *perpetrated by people holding positions of*
20 *power and trust in this Church.*

21
22 *We apologise for the shameful way we*
23 *actively worked against and discouraged*
24 *those who came to us and reported abuse.*

25
26 *We are ashamed to acknowledge that we only*
27 *took notice when the survivors of abuse*
28 *became a threat to us.*

29
30 *We apologise and ask forgiveness for the*
31 *church's failure at many levels to listen*
32 *to and acknowledge the plight of those who*
33 *have been abused, to take adequate steps to*
34 *assist them and to prevent abuse from*
35 *happening or recurring.*

36
37 *We commit the church to listen to survivors*
38 *of abuse, to respond with compassion to all*
39 *those who have been harmed, both to those*
40 *who have come forward and those who may*
41 *choose to do so in the future, and to deal*
42 *appropriately, transparently and fairly*
43 *with those accused of abuse and negligence.*

44
45 The commitments in this apology from 2004 still drive
46 our work to deliver a child safe culture and a response to
47 survivors that meets community expectations. Those

1 expectations have already been shaped by the work of this
2 Royal Commission.

3

4 During this public hearing, there will be much
5 discussion about the structure of the complex institution
6 that is the Anglican Church of Australia, how its federal
7 structure creates barriers to a national, consistent
8 approach by the 23 dioceses and its many schools and
9 agencies.

10

11 Our actions in responding to child sexual abuse cannot
12 be limited by our structures, our culture or our
13 differences. We recognise the imperative for a nationally
14 consistent approach to child protection and a structure to
15 deliver the best possible response to those who have been
16 harmed in our care.

17

18 We accept the challenge and we are committed to taking
19 action. Thank you.

20

21 THE CHAIR: Thank you.

22

23 MS FURNESS: Your Honour, there might be a short
24 adjournment?

25

26 THE CHAIR: Yes, we will take an adjournment while the
27 cameras are reorganised.

28

29 **SHORT ADJOURNMENT**

30

31 MS FURNESS: Thank you, your Honour. We have a panel of
32 six to swear in.

33

34 <GREGORY THOMPSON, sworn: [11.51am]

35

36 <DAVID ALAN ROBINSON, sworn: [11.51am]

37

38 <MURIEL LYLIE PORTER, sworn: [11.51am]

39

40 <PHILLIP JOHN ASPINALL, sworn: [11.51am]

41

42 <BRUCE NORMAN KAYE, affirmed: [11.51am]

43

44 <PATRICK NEWPORT PARKINSON, affirmed: [11.51am]

45

46 <EXAMINATION BY MS FURNESS:

47

1 MS FURNESS: Can I begin by tendering some documents,
2 your Honour. Firstly, the report of the Anglican data
3 survey, which is called "The Analysis of Complaints of
4 Child Sexual Abuse Received by Anglican Church Dioceses in
5 Australia".

6
7 **EXHIBIT #52-001 REPORT OF THE ANGLICAN DATA SURVEY,**
8 **ENTITLED "THE ANALYSIS OF COMPLAINTS OF CHILD SEXUAL ABUSE**
9 **RECEIVED BY ANGLICAN CHURCH DIOCESES IN AUSTRALIA"**

10
11 MS FURNESS: Secondly, a statements bundle, which is the
12 statements provided by bishops and former bishops of each
13 of the 23 Anglican dioceses, together with annexures.

14
15 **EXHIBIT #52-002 STATEMENTS BUNDLE BY BISHOPS AND FORMER**
16 **BISHOPS OF EACH OF THE 23 ANGLICAN DIOCESES, TOGETHER WITH**
17 **ANNEXURES**

18
19 MS FURNESS: Thirdly, a general tender bundle, which is in
20 three volumes.

21
22 **EXHIBIT #52-003 TENDER BUNDLE COMPRISING THREE VOLUMES**

23
24 MS FURNESS: Thank you. Perhaps if I can start with you,
25 Bishop Thompson. Would you tell the Royal Commission your
26 full name?

27
28 BISHOP THOMPSON: My name is Bishop Greg Thompson.

29
30 MS FURNESS: This is a difficult question,
31 Bishop Thompson. What is your current employment status?

32
33 BISHOP THOMPSON: My current employment status is I've
34 declared that I will be resigning on 31 May of this year,
35 so I'm currently the Bishop of Newcastle. And then, at
36 31 May, I will cease to hold that office.

37
38 MS FURNESS: And will you be seeking another office within
39 the church?

40
41 BISHOP THOMPSON: I need to have a long break from my
42 current role and will be considering about what that
43 involves, in terms of the church or beyond the church.

44
45 MS FURNESS: How long have you been the Bishop of
46 Newcastle?

47

1 BISHOP THOMPSON: Three years, and prior to that, seven
2 years in the - as the Bishop of the Northern Territory.
3
4 MS FURNESS: And so you remain the bishop for the period
5 of the next two or so months?
6
7 BISHOP THOMPSON: Of Newcastle. But, obviously, I hold
8 the orders of bishop after I retire from the role.
9
10 MS FURNESS: But over the next little while, before your
11 resignation takes effect, you carry out all the functions
12 of the bishop?
13
14 BISHOP THOMPSON: I still carry the authority, but I have
15 been on sick leave and I will remain on sick leave until
16 31 May.
17
18 MS FURNESS: Thank you very much. Can I turn to you,
19 Bishop Robinson. Your full name?
20
21 BISHOP ROBINSON: David Alan Robinson, Bishop of
22 Rockhampton.
23
24 MS FURNESS: How long have you been the Bishop of
25 Rockhampton?
26
27 BISHOP ROBINSON: Two and a half years.
28
29 MS FURNESS: And I think you have provided a statement,
30 Bishop Robinson, which I think is tab 17-1. Do you have
31 a copy of that with you?
32
33 BISHOP ROBINSON: Unknown to me.
34
35 MS FURNESS: No?
36
37 BISHOP ROBINSON: Not that I know of. Could you tell me
38 what the statement is about? I haven't made any statement
39 that I know of formally.
40
41 MS FURNESS: Perhaps we will come back to that. Do we
42 have a copy of the bishop's statement? Perhaps we could
43 provide it to him in hard copy. It is dated twice,
44 16 November 2016 or 9 November 2016.
45
46 BISHOP ROBINSON: So that's the witness statement?
47

1 MS FURNESS: That's right.
2
3 BISHOP ROBINSON: I have a copy of that, yes, I'm sorry.
4 There was some confusion at some stage about whether I was
5 providing a statement about culture.
6
7 MS FURNESS: That's the only statement you have provided?
8
9 BISHOP ROBINSON: That's the only one, thank you.
10
11 MS FURNESS: And the contents of that statement are true
12 and correct?
13
14 BISHOP ROBINSON: It is indeed.
15
16 MS FURNESS: What position did you hold before the Bishop
17 of Rockhampton?
18
19 BISHOP ROBINSON: I was Lecturer in Mission and Ministry
20 at St Mark's National Theological Centre, so it was
21 a lecturing position within the Charles Sturt University.
22 I was also the Coordinator of Ministry, Formation Training.
23
24 MS FURNESS: That statement, your Honour, has been
25 tendered as part of the statements bundle.
26
27 Could I turn to you, Ms Porter, your full name?
28
29 DR PORTER: Muriel Lylie Porter.
30
31 MS FURNESS: What's your occupation?
32
33 DR PORTER: I'm a retired academic but with an adjunct
34 position with the University of Divinity, teaching into the
35 history area. I'm also an author and freelance journalist.
36
37 MS FURNESS: What are your qualifications?
38
39 DR PORTER: They're academic - PhD, Theology Masters,
40 Bachelor of Arts, Bachelor of Letters.
41
42 MS FURNESS: The subject of your PhD?
43
44 DR PORTER: The Defence of the Marriage of Priests in the
45 English Reformation.
46
47 MS FURNESS: The English reformation having taken place

1 when?
2
3 DR PORTER: In the 16th century.
4
5 MS FURNESS: Thank you, Ms Porter. Can I turn to you,
6 Mr Kaye. Would you tell the Royal Commission your full
7 name?
8
9 REVEREND DR KAYE: Bruce Norman Kaye.
10
11 MS FURNESS: Your occupation?
12
13 REVEREND DR KAYE: I'm retired.
14
15 MS FURNESS: You are retired. What position in the church
16 did you hold before your retirement?
17
18 REVEREND DR KAYE: I was the General Secretary of the
19 Anglican Church of Australia, from 1994 until 2004.
20
21 MS FURNESS: And after 2004?
22
23 REVEREND DR KAYE: I occupied myself in academic matters.
24
25 MS FURNESS: Unrelated to the church?
26
27 REVEREND DR KAYE: Well, I edited the "Journal of Anglican
28 Studies" which is in some sense related to Anglicanism, and
29 I have an adjunct position at Charles Sturt University.
30 I'm an adjunct research professor there.
31
32 MS FURNESS: Have you ever been ordained?
33
34 REVEREND DR KAYE: Yes, I am ordained.
35
36 MS FURNESS: When were you ordained?
37
38 REVEREND DR KAYE: 1964.
39
40 MS FURNESS: What positions did you hold as an ordained.
41
42 REVEREND DR KAYE: I was a curate in the Parish of Dural
43 for two years. I then went to Switzerland, did a doctorate
44 in the New Testament and then went to Durham where I was
45 employed in the university lecturing in theology and was
46 vice-principal of one of the colleges there. I returned to
47 Australia in 1983 and was made master of New College, which

1 is an Anglican college at the University of New South
2 Wales, and I lectured in the Faculty of Arts and Social
3 Sciences.
4
5 MS FURNESS: What's your proper title?
6
7 REVEREND DR KAYE: Doctor.
8
9 MS FURNESS: Thank you. Can I turn to you,
10 Professor Parkinson. Your full name?
11
12 PROFESSOR PARKINSON: Patrick Newport Parkinson.
13
14 MS FURNESS: Your occupation?
15
16 PROFESSOR PARKINSON: I'm a Professor of Law at the
17 University of Sydney.
18
19 MS FURNESS: And your particular area of interest,
20 Professor?
21
22 PROFESSOR PARKINSON: Most of my work has been in the area
23 of child protection, particularly child sexual abuse,
24 family law and also equity and trusts.
25
26 MS FURNESS: And I think you have given evidence in
27 relation to the Catholic review hearing?
28
29 PROFESSOR PARKINSON: Yes.
30
31 MS FURNESS: Professor, you have provided us a statement,
32 which I think is tab 59 of the general bundle. Do you have
33 a copy of that with you?
34
35 PROFESSOR PARKINSON: I do, thank you.
36
37 MS FURNESS: That's dated 25 July 2016.
38
39 PROFESSOR PARKINSON: Yes.
40
41 MS FURNESS: And the contents of that are true and
42 correct?
43
44 PROFESSOR PARKINSON: Yes.
45
46 MS FURNESS: That statement and the annexures have been
47 tendered, your Honour.

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Can you turn to you, Archbishop. Your full name?

ARCHBISHOP ASPINALL: Phillip John Aspinall.

MS FURNESS: And you have also given evidence before?

ARCHBISHOP ASPINALL: Yes, I have.

MS FURNESS: What's your current position?

ARCHBISHOP ASPINALL: I'm the Archbishop of Brisbane.

MS FURNESS: You have been the Primate?

ARCHBISHOP ASPINALL: Yes, I was the Primate between 2005 and 2014.

MS FURNESS: And at the end of 2014, you began or took up again your current position?

ARCHBISHOP ASPINALL: I never ceased being Archbishop of Brisbane during the time I was Primate. I've been Archbishop of Brisbane since 2002.

MS FURNESS: So you held those positions concurrently.

ARCHBISHOP ASPINALL: Correct.

MS FURNESS: Thank you. Now, you have provided various statements to the Royal Commission in relation to a number of matters, including the Newcastle hearing; that's right?

ARCHBISHOP ASPINALL: That's correct, yes.

MS FURNESS: And I think the Grafton hearing as well?

ARCHBISHOP ASPINALL: Yes, and probably the St Paul's school hearing, I think.

MS FURNESS: Thank you. Now, if I can start with you, archbishop, you will know from various materials that you have provided, as well as the small part of my opening that concerned it, about the general structure and governance of the church; that's right?

ARCHBISHOP ASPINALL: Yes.

1
2 MS FURNESS: What can you tell us in practical terms about
3 how the church's structure operates today, beginning,
4 perhaps, if we can, with the role of the Primate?

5
6 ARCHBISHOP ASPINALL: The role of the Primate is very
7 limited, actually. The Primate is required, under the
8 constitution, to chair the General Synod once every three
9 or four years; to chair the meetings of the General Synod
10 Standing Committee two or three times a year; to chair the
11 executive of that standing committee, which meets two or
12 three times a year. The Primate formally makes appointments
13 to some commissions of the church on the recommendation of
14 the standing committee. The Primate has formal roles in
15 relation to the Special Tribunal. If a charge is heard
16 against a bishop and there is a sentence recommended by the
17 Special Tribunal, then the Primate pronounces that
18 sentence. But beyond those formal matters, the role is
19 very limited.
20

21 Depending on the person in the job, sometimes the
22 Primate is able to exert personal influence, to give
23 advice, pastoral counsel to bishops and others in the
24 church, but that is not binding. Very often, that advice
25 is rejected, as previous case studies have found.
26

27 MS FURNESS: It would be wrong to call you the head of the
28 Anglican Church in Australia, wouldn't it?
29

30 ARCHBISHOP ASPINALL: In the sense that you are the - the
31 Primate is the person who presides at the General Synod,
32 who is often called upon to speak in the media and in other
33 places on behalf of the Anglican Church of Australia, it's
34 a colloquialism which is not untrue, but to the extent that
35 it gives the impression that the Primate is the CEO of the
36 Anglican Church of Australia, who can direct and command
37 and require obedience to the Primate's instructions, that
38 would be a very false understanding of the power of the
39 role.
40

41 MS FURNESS: The bishop has total autonomy in respect of
42 his or her diocese?
43

44 ARCHBISHOP ASPINALL: In a sense that's true, but in
45 governance terms, the bishop - any bishop of any diocese
46 does not exercise monarchical power, if I can put it like
47 that. Authority in the Anglican Church is always dispersed

1 at every level, so it is the bishop, in conjunction with
2 the synod, that governs a diocese.

3
4 MS FURNESS: Is that the Diocesan Synod you are referring
5 to?

6
7 ARCHBISHOP ASPINALL: Yes. So the bishop presides over
8 the Diocesan Synod, but the bishop cannot, in many matters,
9 dictate to the synod. It requires the agreement of the
10 clergy and the laypeople who also make up the membership of
11 the synod.

12
13 That dispersed authority is also reflected at the
14 parish level, where the parish priest operates in
15 conjunction with a parish council, made up of male and
16 female laypeople usually. So there are checks and balances
17 I think at every level.

18
19 MS FURNESS: Is the committee or other synods or councils
20 you have referred to consultative committees or
21 decision-making committees or bodies?

22
23 ARCHBISHOP ASPINALL: I should have mentioned, too, the
24 bishop always acts in relation to a Diocesan Council, or
25 sometimes it is called a Bishop-in-Council at the diocesan
26 level, too. That council usually exists to manage the
27 affairs of the church in between meetings of the Diocesan
28 Synod, which usually only meet annually, but can be called
29 for special purposes on other occasions.

30
31 The way a Diocesan Council or a Bishop-in-Council
32 works depends on the constitution and the legislation in
33 place in a particular diocese. In some instances, they are
34 technically councils of advice to the bishop. In other
35 instances, they actually have determinative powers of their
36 own, usually established by the constitution of the diocese
37 or the legislation put in place by the Diocesan Synod. So
38 the powers of a Diocesan Council vary from diocese to
39 diocese.

40
41 MS FURNESS: So is it a matter for the bishop of
42 a particular diocese to put in place, by way of legislation
43 or other means, an arrangement whereby the role of the
44 council is determinative rather than consultative.

45
46 ARCHBISHOP ASPINALL: It would be not the role of the
47 bishop alone but the role of the synod of the diocese, so

1 the bishop in conjunction with the clergy and laypeople -
2 they would need to exercise their powers under the
3 constitution of the diocese to make law, and laws made by
4 the synod would then determine the powers of the Diocesan
5 Council in conjunction with the bishop.

6
7 MS FURNESS: As Primate, did you have any role, advice or
8 otherwise, in relation to whether dioceses took one path or
9 another?

10
11 ARCHBISHOP ASPINALL: No, I don't recall giving any such
12 advice during my time as Primate.

13
14 MS FURNESS: Can you help us with how many of the 23
15 dioceses operates a consultative approach or those who
16 operate a more determinative approach?

17
18 ARCHBISHOP ASPINALL: No, I can't, I'm sorry, Ms Furness.

19
20 MS FURNESS: It is entirely a matter for the bishop and
21 the synod?

22
23 ARCHBISHOP ASPINALL: It is a matter for the constitution
24 of each diocese and the laws put in place by the synod of
25 that diocese, yes.

26
27 MS FURNESS: But you can say that, among the 23 dioceses,
28 there were different approaches?

29
30 ARCHBISHOP ASPINALL: I believe that's the case, yes.

31
32 MS FURNESS: What effect is there, practically, of those
33 dioceses having such dramatically different approaches to
34 decision-making?

35
36 ARCHBISHOP ASPINALL: It means that things happen
37 differently in different dioceses, and to some extent it
38 depends on the bishop. Even in a diocese where the
39 Diocesan Council, in technical terms, is purely advisory,
40 a bishop may well use that council effectively as a board
41 for the diocese, so the bishop never differs from advice
42 given by the Diocesan Council.

43
44 In other dioceses, I've heard stories over the years
45 where a bishop has said, "No, the Diocesan Council is
46 purely advisory and I do not seek advice on this matter,
47 therefore, the Diocesan Council will not consider it."

1
2 MS FURNESS: Does it depend on the constitution and
3 legislation in relation to those dioceses where
4 determinative power is given to a council or other
5 described body, whether there are limits to that - that is,
6 whether there are any, effectively, reserved powers to the
7 bishop?

8
9 ARCHBISHOP ASPINALL: I believe that would be the case,
10 yes. For example, in New South Wales, as I understand it -
11 and I'm not an expert on New South Wales by any means -
12 I understand that Diocesan Councils in New South Wales have
13 the power to pass canons, to pass legislation, which
14 usually, in other places, is the preserve of the synod.
15 That's not the case in dioceses outside New South Wales, as
16 I'm aware.

17
18 MS FURNESS: Does the General Synod have any role to play
19 in whether or not a diocese goes down one path or another?

20
21 ARCHBISHOP ASPINALL: Yes, the General Synod can put in
22 place canons, law, which is binding on the whole church.
23 But if that law affects ritual, ceremonial or discipline,
24 or it affects the order and good government of a church in
25 a diocese, then the General Synod law does not take effect
26 in a diocese until the diocese adopts it.

27
28 So the constitution is structured effectively to leave
29 the power in the hands of dioceses. So it effectively
30 enshrines diversity, and that's the issue we're wrestling
31 with in relation to the matters of interest to this
32 Commission.

33
34 MS FURNESS: When you say "wrestling with", do you mean
35 that there is no nationally consistent approach across the
36 dioceses as to responding or other relevant matters
37 concerning child sexual abuse?

38
39 ARCHBISHOP ASPINALL: Yes, concerning child sexual abuse,
40 concerning professional standards in general, and
41 concerning episcopal standards.

42
43 MS FURNESS: In order to make it nationally consistent,
44 those areas that you have spoken of, is there any current
45 power or provision or mechanism which would enable that to
46 happen?

47

1 ARCHBISHOP ASPINALL: Technically, the mechanisms are
2 there. The General Synod could pass a canon about child
3 protection with sufficient majorities for that to become
4 a canon of the General Synod. Because it would involve
5 order and good government in a diocese, it would then
6 require each of the 23 dioceses to adopt that canon.

7
8 So, technically, it can be done. Our experience shows
9 that very often we don't get uniform acceptance of those
10 measures.

11
12 MS FURNESS: Given your understanding of the dioceses,
13 particularly your recent time as Primate, do you see
14 impediments to dioceses adopting General Synod declaration,
15 for want of a better terms, concerning consistency in child
16 protection matters?

17
18 ARCHBISHOP ASPINALL: I think - if it was gone about
19 wisely, I think it's possible. I don't believe there's any
20 lack of commitment anywhere in the church to want to
21 protect children. I think there is uniform resolve about
22 that. It's disagreement about levels of detail that might
23 be provided in a canon. I think it's more likely to
24 succeed in being adopted around the church in every diocese
25 if the scope of the canon is well focused and well defined.
26 In other words, we get into trouble, I think, if we try to
27 overreach and include too much. When we tried to include
28 all professional standards in a single professional
29 standards canon, there was debate about what should be in
30 scope and what shouldn't be in scope, and there have been
31 amendments made to the Model Ordinance recommended by the
32 General Synod, amendments made locally, because of
33 different views taken about those kinds of matters.

34
35 So I think if there were to be a very carefully
36 constructed canon, very defined in scope, it's possible
37 that that could get the required majorities in General
38 Synod and be adopted by each diocese, especially given the
39 work of this Commission.

40
41 MS FURNESS: Has there been consideration of adopting
42 minimum standards which each diocese may be more inclined
43 to accept, and those that wished to go further could?

44
45 ARCHBISHOP ASPINALL: I think that is a potential way
46 forward. I mean, if the Royal Commission somehow were to
47 recommend, and it became a requirement, on an organisation

1 that identified itself as a national organisation, that
2 there be required a nationally consistent approach to
3 certain things, that might assist the Anglican Church of
4 Australia to put in place such measures.

5
6 I was very impressed during the Roman Catholic hearing
7 with the level of uniformity that has been achieved in
8 Ireland under the Irish Roman Catholic child safeguarding
9 measures. I think we could potentially learn a lot from
10 them about putting in place compulsory standards which are
11 then implemented uniformly around the country.

12
13 THE CHAIR: Archbishop, you would understand, we've looked
14 at these issues not only in relation to churches but in
15 relation to many organisations, but also, of course,
16 government.

17
18 ARCHBISHOP ASPINALL: Yes.

19
20 THE CHAIR: You can assume that the six Commissioners are
21 of one mind: there should not be inconsistency of approach
22 to these issues in one part of Australia different to
23 another. That's as much in your church as it is in any
24 other church.

25
26 ARCHBISHOP ASPINALL: Yes, and I think that will be very
27 welcome, your Honour.

28
29 MS FURNESS: Is it the sort of reform that you need
30 a recommendation from the Royal Commission in order to
31 achieve it?

32
33 ARCHBISHOP ASPINALL: I said in the Grafton hearing,
34 Ms Furness, that I believed that would help us.

35
36 MS FURNESS: What does it say about the church,
37 archbishop, that it needs such a thing to undertake such
38 reform, which you would accept, I'm sure, is necessary?

39
40 ARCHBISHOP ASPINALL: Yes, I think everybody accepts that
41 reform is necessary. I think it's when it comes to the
42 detail, Ms Furness, that there are disagreements about
43 details, and anybody looking objectively at the history of
44 the Anglican Church of Australia will see that we have
45 really struggled to deliver uniformity. It is a problem
46 for us and it is, I think, because it is enshrined
47 structurally in our constitution. When the power lies in

1 the diocese, it's almost a recipe to guarantee diversity.

2

3 MS FURNESS: Thank you. Bishop Robinson, as the Bishop of
4 Rockhampton, which I take it is quite a large area you
5 cover geographically?

6

7 BISHOP ROBINSON: I have 800,000 square kilometres.

8

9 MS FURNESS: That's quite large.

10

11 BISHOP ROBINSON: Yes.

12

13 MS FURNESS: In terms of the structure of your area, how
14 do the layers work?

15

16 BISHOP ROBINSON: We have the Diocesan Synod, we have our
17 Bishop-in-Council, we have two archdeacons who are really
18 portfolio archdeacons, with specific areas of
19 responsibility. Then I have 20 parishes, of which I think
20 at the moment we have eight clergy in those parishes.
21 A number of them are structured around lay leadership. So
22 it's an interesting mix, trying to govern what is very
23 diverse and to, I guess, impose structure and order.

24

25 We have a process of canons and - the difficulty
26 becomes, I think, we may agree at synod, as a body, that
27 this is something we want to do.

28

29 MS FURNESS: That's at the diocesan level?

30

31 BISHOP ROBINSON: At a diocesan level. You are not always
32 sure that the people, say, on the far side of the diocese,
33 are necessarily going to abide or uphold that particular
34 legislation. So there is a constant question, then, about
35 how do we manage that.

36

37 So for a lot of our compliance issues, we have brought
38 them in-house. So all of our licensing checks, all of our
39 Working With Children Checks - anything at all to do with
40 ministry is now dealt with through the head office. Some
41 of that was done prior to my arriving in the diocese. We
42 now handle all of it inside the diocese, as one way of
43 trying to maintain that these things happen. But it is
44 very difficult at both a regional diocesan level and
45 I think at a parish level to say, hey, everybody, we're
46 going to do it this way. Because, as the archbishop has
47 said, there is this dispersed nature of authority, and very

1 often, even as the bishop, even though I might say, "This
2 is the way I want it done", and Bishop-in-Council may well
3 agree with me, and the synod agrees with me, there may be
4 people who say "Well, I'm not doing it that way".

5
6 MS FURNESS: Are there any sanctions available to you if
7 they are not going to do it your way?

8
9 BISHOP ROBINSON: Well, we have our professional standards
10 canon, we have the tribunal process, but it is, I think,
11 extremely difficult, because of the way the canons in our
12 diocese are structured, to take action against people when
13 they refuse. That is one of the issues that I will be
14 dealing with on my return.

15
16 MS FURNESS: In terms of professional standards matters,
17 insofar as they are relevant to this Royal Commission,
18 I take it that you have uniformity within your diocese as
19 to how those are handled?

20
21 BISHOP ROBINSON: Yes. All of our professional standard
22 matters are covered by the Professional Standards
23 Ordinance, which is, in essence, the Professional Standards
24 Ordinance of the Brisbane Diocese. We have a process
25 whereby if Brisbane updates their Ordinance, we will update
26 ours. So that's consistent across the province.

27
28 If people then have a complaint, that is immediately
29 referred to the director of Professional Standards in
30 Brisbane, and it's handled from that location.

31
32 As a small regional diocese, I can't see, effectively,
33 any other way of doing it, because if you could imagine
34 a small diocese, almost everybody knows everybody, and to
35 try and bring about any, I guess, prosecution of anything,
36 there are enormous conflicts of interest.

37
38 MS FURNESS: So I take it that if Archbishop Aspinall went
39 into battle with his colleagues in relation to national
40 minimum standards, you would adopt whatever position he
41 took; is that right?

42
43 BISHOP ROBINSON: No, I would not.

44
45 MS FURNESS: In relation to professional standards?

46
47 BISHOP ROBINSON: I would be with the archbishop

1 100 per cent. I believe that we must have a national,
2 uniform approach to this matter.

3

4 MS FURNESS: Thank you. Bishop Thompson, is there
5 anything you wanted to add in relation to structure, given
6 your diocese is between, if you like, Rockhampton and
7 Brisbane?

8

9 BISHOP THOMPSON: Yes, it is a large, non-metropolitan
10 diocese. It is one of the larger ones. I was listening to
11 Bishop David about diffused authority. I think it is
12 diffused authority with mitigation of power in the office
13 bearers because of the culture of the diocese that you are
14 in. You have high levels of lay involvement. You have
15 relationships, as Bishop David has referred to, where
16 people are aligned to groups, to factions. So within
17 the diocese, let alone across the country, there are
18 factions and allegiances which cut across a common
19 response, particularly when there are beliefs and attitudes
20 that have not come to terms with the abuse history.

21

22 Conflicts of interest arise around friendships, where
23 alleged clergy who have offended have been afforded a lot
24 of protection at various levels, either at a committee
25 level or in the local parish - people refuse to accept that
26 their loved priest has been an offender.

27

28 I think overlaid on top of diffused authority and
29 mitigated power is the national political debates that are
30 under way. Newcastle sits as distinctive to Sydney
31 Diocese. It has had a long history of being opposed to or
32 in contrast to Sydney Diocese. So when you think of the
33 national church, there are alliances and political
34 associations, which means that trust is often limited. To
35 trust a diocese to take the lead requires a lot of the
36 differences to at least be attended to, and that there is
37 mutual respect.

38

39 I think mutual respect has been severely damaged in
40 recent years over the debates around sexuality, same-sex
41 marriage, the authority of the Bible and a diminishment of
42 our common life. Now that overlays the important
43 prioritisation of child protection and a national response.
44 It certainly has meant that in the Diocese of Newcastle, in
45 trying to deliver change, as the bishop and leader I've had
46 to manage the extremes of Anglo-Catholic and evangelical
47 disputes over these matters, and that has been difficult,

1 because it has deflected where the energy and resources
2 need to go.

3

4 I think as the bishop you have authority, but it is
5 absolutely one which requires you to navigate with all the
6 various parties. And when you set yourself a particular
7 change process, some people will fight it tooth and nail,
8 and that will happen at the national level.

9

10 I'm really disappointed that the national church
11 hasn't been galvanised for years to have a common national
12 response, and I think it's been undermined by tribal
13 interests, vested interests in keeping the jurisdictions of
14 not allowing someone else coming into our territory to tell
15 us what to do. And this is so disappointing. It's as if
16 the child protection, child safety thrust is being
17 overwhelmed by these other vested interests, and they need
18 to be examined. I think there needs to be an honesty about
19 it rather than this veneer of nice Anglicanism - we ought
20 to be nice to each other but in reality we're in
21 competition with each other.

22

23 MS FURNESS: Thank you. Can I turn to you, Dr Porter,
24 given your position as effectively an outsider in the
25 church. Is there anything you wanted to add in relation to
26 the structure of the church? We will come, of course, to
27 the question of causal factors in the past, but just in
28 terms of the current structure of the church?

29

30 DR PORTER: Can I just say I'm not really an outsider.
31 I'm a member of the General Synod and have been for
32 30 years, and on its standing committee for almost the same
33 amount of time. So, from a lay perspective, I'm not an
34 outsider. I am, of course, an outsider to the clergy,
35 because I am not ordained.

36

37 To refer to the structure of the church, I follow what
38 Bishop Thompson has just said. There are very real
39 tensions within our church which come because of its
40 structure, but also because of the reason for that
41 structure, and the reason is because we are so very
42 different, across the church, in the nature of our
43 churchmanship. That led to the demand, really, that the
44 dioceses retain autonomy when we finally got a constitution
45 as a national church that came into force in 1962.

46

47 MS FURNESS: Thank you. Dr Kaye, is there anything you

1 wanted to say on this topic?

2

3 REVEREND DR KAYE: Thank you. It is a very difficult
4 question about the structure of the church and the balance
5 between local and national.

6

7 It may be worth remembering that the first
8 constitution of the church, the first General Synod, was
9 held in 1872, and it was merely an agreement between
10 private people, in a way. It didn't have any legal
11 standing. But the pattern there of the relationships
12 between the dioceses was set, in my view, and it was of
13 dispersed colonial differences, and the church has not
14 changed in that regard since then, as the Commonwealth has.
15 There has been no centralisation that the Commonwealth
16 experienced, especially in the early 20th century. So we
17 are embedded in this thing, and it has become rationalised
18 in a variety of ways.

19

20 The differences then were the differences that
21 characterised the different colonies - Sydney, Melbourne,
22 Brisbane and Adelaide - Adelaide a particular example, from
23 a church point of view. And that's reflected in their own
24 diocese constitutions. So it is a long-embedded structure,
25 and I think it's really hard to imagine engaging in a
26 strong move to centralise it, unless it is on some such
27 issue as this, which is obviously one of great national
28 importance and which the church has manifestly failed in.
29 So I think I wouldn't want to underestimate the challenge
30 involved in such a move.

31

32 I think, also, I would like to say that the bishops
33 are in a fairly invidious position in terms of the exercise
34 of power. Most bishops in the dioceses constitute a house
35 in the synod. Most synods are made up of three houses -
36 laity, clergy and bishops - the diocesan bishop, that is.
37 And many important things will be voted on by houses and
38 you will need a majority. That procedure effectively gives
39 a bishop a veto, and it leads to the kind of point that
40 bishops find it very difficult to initiate things, except
41 by persuasion and things that don't ruffle the
42 constitutional feathers, but very easy to stop things. It
43 is easier as a bishop to stop something happening in those
44 kinds of contexts than I think to get something done. So
45 the problems are fairly significant, I think.

46

47 MS FURNESS: Thank you. If I can turn to you,

1 Professor Parkinson, what is your history with the
2 Anglican Church?

3
4 PROFESSOR PARKINSON: I grew up in an Anglican
5 environment. I came to a committed faith at the age of 17
6 in the Anglican Church. So the Anglican Church was very
7 much part of my Christian history as it were. But for the
8 last 25 years or so, we have been worshipping as a family
9 in churches other than the Anglican Church, the last 15 to
10 16 years in a Baptist church.

11
12 MS FURNESS: Thank you. I want to come to the study that
13 you carried out in 2008 and 2009. Before I do that, is
14 there anything you wanted to add to the matters discussed?

15
16 PROFESSOR PARKINSON: I just wanted to make one
17 observation, if I may, comparing the Anglican Church and
18 the Catholic Church structurally. All the issues that have
19 been raised are of course issues in the Catholic Church -
20 it's a bigger problem in some ways in the Catholic Church,
21 because there are so many religious orders who have had
22 a role in the past and to some extent in the present.

23
24 But the Anglican Church has another problem, and that
25 is that in contrast to the Catholic Church, it doesn't have
26 a singular or homogeneity around theology or church
27 practice. So at least in the Catholic Church there is
28 a fair degree of homogeneity coming from the Vatican in
29 terms of theological beliefs. In the Anglican Church,
30 there is at least three different groups one might
31 identify. To some extent they are differentiated by
32 diocese as well as by theological belief.

33
34 MS FURNESS: What are the theological differences that you
35 have described?

36
37 PROFESSOR PARKINSON: Broadly speaking, I would describe
38 three major groupings. They are not fixed lines, but you
39 have evangelical tradition of the church, particularly
40 represented in the Diocese of Sydney in Australia. You
41 have an Anglo-Catholic tradition of the church, which also
42 has a - there is an extended representation of that. And
43 then the third is a little bit harder to define; it is
44 a more liberal view of the church. That has been a part of
45 the church affected very much by modernist biblical
46 scholarship, and the tendency is for churches with a more
47 liberal approach, theologically, to be more concerned with

1 social Justice issues than perhaps the others are. Those
2 are very broad generalisations, I suppose.

3
4 MS FURNESS: Can I turn to your March 2009 report. It is
5 tab 59A and we might have it on the screen. Did you want
6 a hard copy, professor?

7
8 PROFESSOR PARKINSON: I have an online copy, thank you
9 very much, on my computer.

10
11 MS FURNESS: Perhaps the Commissioners might like, if you
12 wish, to have a hard copy. It is in tab 59A of the tender
13 bundle, volume 2. Could I start by asking you, professor,
14 when you were approached and for what purpose?

15
16 PROFESSOR PARKINSON: I was approached along with
17 Professor Kim Oates, who is a very eminent paediatrician
18 with great expertise in the area of child sexual abuse. We
19 were approached together, I think, to conduct a study of
20 child sexual abuse in the Anglican Church. There had been
21 considerable discussion about the possibility of there
22 being a joint project with the Catholic Church, but that
23 never eventuated. The Catholic Bishops Conference vetoed
24 that, I understand, so it became just a study of the
25 Anglican Church of Australia. It was the Professional
26 Standards Committee of the General Synod which was behind
27 the approach.

28
29 MS FURNESS: What was your task?

30
31 PROFESSOR PARKINSON: Our task was to, first of all, draft
32 a survey, a questionnaire, which would be answered by the
33 professional standards officers of each diocese, to try to
34 identify patterns in the parish life of the church. The
35 focus of it was what can we learn about prevention. So it
36 was only ever a study of child sexual abuse alleged to have
37 occurred in parishes, as opposed to schools or children's
38 homes or welfare organisations.

39
40 So the idea was to look at the past as a way of trying
41 to work out what we could do better in the present, in
42 terms of prevention. And so the survey was drafted and
43 directed towards that end.

44
45 MS FURNESS: It was intended to be answered by each of the
46 23 dioceses?

47

1 PROFESSOR PARKINSON: Yes. Of course no diocese could be
2 compelled to participate. Three declined to participate.
3 Three others we didn't have, as you said, any returns
4 within the criteria that we set out.
5
6 THE CHAIR: Which ones declined?
7
8 PROFESSOR PARKINSON: Ballarat, The Murray and I'm afraid
9 I can't remember the third, but it is in our report. Each
10 was a small regional, rural diocese.
11
12 MS FURNESS: Perhaps if I can help you, Ballarat, The
13 Murray, and Willochra.
14
15 PROFESSOR PARKINSON: Thank you very much.
16
17 MS FURNESS: The process you followed, you designed the
18 survey, you sent it out to each of the diocese; is that
19 right?
20
21 PROFESSOR PARKINSON: We first of all ran a bit of a pilot
22 just to check it out but then, yes, we sent it out to all
23 the dioceses which had agreed to participate.
24
25 MS FURNESS: Did you understand there was any general
26 direction from perhaps the General Synod or some other
27 person, perhaps the Primate, to encourage those to
28 participate properly and fully?
29
30 PROFESSOR PARKINSON: There certainly was. I don't
31 remember exactly the process. If I may say, Mr Garth
32 Blake, who is here in another capacity, was the one we were
33 liaising with and he was chair of the Professional
34 Standards Committee for the General Synod. Letters
35 certainly went out on behalf of the church, possibly under
36 Mr Blake's name but I can't recall exactly, encouraging
37 participation.
38
39 MS FURNESS: How did you access the cases that you
40 considered?
41
42 PROFESSOR PARKINSON: We were very reliant on the
43 professional standards officers of each diocese to fill in
44 returns for us. This whole study was done on a shoe
45 string, I should say, which was fine, but that was the only
46 way it could be done. So each professional standards
47 officer was asked to fill in a separate form for each

1 allegation that he or she identified on the file. In some
2 cases, there was a lot of information; for a lot of the
3 earlier complaints, there wasn't much. But they were asked
4 to provide for us as much as they could, based upon the
5 records.

6
7 Now, Adelaide was not able to do that. Adelaide had
8 so many cases that they said, "We simply can't get through
9 the work." We then sent our research assistant down to
10 Adelaide to do some herself, and that's also what happened
11 in Newcastle, where again, there were quite a large number
12 of cases, and she went to the offices and filled in some of
13 the forms herself. So that was the process.

14
15 MS FURNESS: Were there limitations that you can
16 articulate in relation to the work that you did?

17
18 PROFESSOR PARKINSON: Well, of course, the data was only
19 as good as the information provided to us. I think in the
20 light of the data that you have released today, it's clear
21 that it was incomplete.

22
23 We knew we had not captured all of the ones in
24 Adelaide. We thought we hadn't captured all the ones in
25 Newcastle. There were one or two in Sydney we knew we
26 hadn't captured. But we had thought, at least, that
27 otherwise we had a fairly comprehensive picture of
28 allegations where complaints had been made since 1990.

29
30 MS FURNESS: But they were limited to child sexual abuse?

31
32 PROFESSOR PARKINSON: Limited to child sexual abuse and
33 therefore under the age of 18.

34
35 MS FURNESS: Can we just perhaps have page 4 on the
36 screen. This is your executive summary.

37
38 PROFESSOR PARKINSON: Mmm-hmm.

39
40 MS FURNESS: You indicate that the period was 1990 to
41 2008.

42
43 PROFESSOR PARKINSON: Yes.

44
45 MS FURNESS: Was that a period that was one that you
46 considered appropriate or you were told that that was the
47 appropriate period?

1
2 PROFESSOR PARKINSON: We had a great deal of freedom in
3 terms of the design of the study, so we chose that. We
4 took the view that the focus was not to do a national
5 census of what had happened, but more to learn from what
6 has happened for the future. We took the view that before
7 1990 the records might be pretty poor, and I think that was
8 the case, even from 1990. We found by about 1997 or later
9 that one began to see rather more fulsome records kept by
10 the dioceses.

11
12 MS FURNESS: So these are complaints that were received
13 during that period?

14
15 PROFESSOR PARKINSON: These are complaints. The
16 complaints were of behaviour going back as far as the
17 1940s, but they were complaints received in that period.

18
19 MS FURNESS: Thank you. And you set out at the first dot
20 point, at the bottom of that page - do the Commissioners
21 have access to that on the screen? You say:

22
23 *The majority of accused persons were clergy*
24 *and the majority of non-clergy accused were*
25 *youth workers.*

26
27 PROFESSOR PARKINSON: Yes.

28
29 MS FURNESS: Is that something that you were expecting
30 when you set out to do it?

31
32 PROFESSOR PARKINSON: Yes. You would expect that if one
33 is doing a survey of complaints made to churches, to
34 dioceses, that they would predominantly involve clergy,
35 because the complaint is to the organisation about its paid
36 professional staff.

37
38 The biggest problems with child protection are always
39 in the youth work, and so it was no surprise that amongst
40 the non-clergy people accused, that a great many of them
41 were youth workers.

42
43 MS FURNESS: And then you refer to there being 27 accused
44 persons with more than one allegation, which was
45 43 per cent of all cases.

46
47 PROFESSOR PARKINSON: Yes.

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MS FURNESS: Again, was that something surprising or expected?

PROFESSOR PARKINSON: Not at all. You would expect that some men with paedophilic tendencies will have multiple victims - of course, this is well known to the Commission - and that was reflected in our data. There was no surprise.

MS FURNESS: And you refer to three-quarters of the complainants being male and most between the ages of 10 to 15. Now, you make the point that that is unlike the patterns of abuse in the general population. Can you explain that for us?

PROFESSOR PARKINSON: Just to clarify, the fact that most were between the ages of 10 to 15 is pretty typical of the general population, but the finding that 75 per cent of complainants were boys or male was astonishing, because in the general community, including intrafamilial abuse, about 75 per cent of all victims are girls. So this was a mirror image, effectively - in reverse - of what one would expect across the population in the community.

Now, even if we take extra-familial abuse only, where we exclude abuse by fathers, uncles, grandfathers and so on, you would still expect a significant majority of victims in the community to be female. It's just a lower percentage. So these were very surprising figures for us.

MS FURNESS: What was your thinking about why those figures were as they were?

PROFESSOR PARKINSON: Well, we did have the benefit of a huge study with which the Commission would be familiar in the United States, the John Jay Institute study, which had found that 80 per cent of all complaints in the Catholic Church were of boys. So there were significant parallels. Our figures were not very much below the Catholics, and of course your data produced today has come up with exactly the same figure, of 75 per cent.

So that told us a great deal about causation, I think, in terms of opportunity; that offenders have opportunities, had opportunities, to form relationships with boys which were probably much greater than forming relationships with teenage girls or girls of similar ages.

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MS FURNESS: Was it, do you think, that there was less concern within a family of a boy being taken away on an overnight camp with a priest or minister, whereas with the girl, the parents might be a bit more vigilant about such activities?

PROFESSOR PARKINSON: Yes. Many victims of abuse are troubled youth. They are targeted because they are troubled youth. They may have real difficulties at home, there may be a single mother. And if the priest takes an interest in your boy, a boy who is acting out, who has behavioural problems at school, you may be only too grateful. And so I think there are opportunities there to form relationships with boys - as you say, take them away, go on fishing trips, all these sorts of things - which would be welcomed by a parent who sees a constructive male role model involved in the life of their son. It's very difficult to imagine the same thing where you have a 40-year-old male with, say, a 14- or 15-year-old girl.

MS FURNESS: Thank you. If we can go to the next page, your next finding is that ongoing abuse lasting three years or more was significantly more common against male complainants.

PROFESSOR PARKINSON: Yes.

MS FURNESS: Did you give thought to why that might have been the case?

PROFESSOR PARKINSON: It is to some extent consistent with general community patterns. So if one looks at general community surveys of abuse - and here we are talking about adults reporting their abuse as children - you will find that there are many more girl victims but many more cases where it happened only once or twice; whereas with boys, the duration of abuse does tend to be rather longer, and what is going on here is that men are forming relationships with boys which continue over 1, 2, 3 or more years, in the sorts of ways that I have talking about. In the Anglo-Catholic tradition, for example, boys might have been servers. There are all sorts of other ways in which that relationship might continue without arousing a great deal of suspicion, in a way that wouldn't be so with girls.

MS FURNESS: Your next point is that most of the alleged

1 abuse episodes occurred in the accused person's home or on
2 church premises.

3
4 PROFESSOR PARKINSON: Yes.

5
6 MS FURNESS: Given the youth work that you have referred
7 to, you wouldn't have expected most of those episodes to be
8 away from church premises on youth activity?

9
10 PROFESSOR PARKINSON: We could only report the finding.
11 I have less confidence in interpreting it. What that told
12 us, from a prevention point of view, was that a lot of
13 abuse was happening in situations where adults and children
14 were alone, in circumstances where, with better regulation
15 of the environment, they shouldn't be alone and wouldn't be
16 alone.

17
18 MS FURNESS: Thank you. Now, you referred to the long
19 delays in reporting and you understand that that is
20 something that has been discovered by the Commission in its
21 work?

22
23 PROFESSOR PARKINSON: Yes. But there was a gender
24 difference here, again. For women, the average gap between
25 the first incident and reporting was about 18 years; for
26 men, it was 25. Girls, if they were going to report in
27 childhood, it was much more likely that it would be girls
28 who reported within a month or so of the event. Very few
29 boys would disclose the abuse at the time.

30
31 MS FURNESS: Thank you. Now, just over half the cases
32 were treated as substantiated and a third as inconclusive,
33 with erroneous allegations being rare. Now, that's what
34 you understand from the research as well - that it is very,
35 very unlikely for a child to make a false allegation of
36 abuse?

37
38 PROFESSOR PARKINSON: Yes.

39
40 MS FURNESS: Perhaps if we can come to page 8, and just
41 the last paragraph on page 8. You refer there to it being
42 apparent that the problem of child sexual abuse is not
43 confined to just one denomination, and occurs across
44 a spectrum of churches.

45
46 PROFESSOR PARKINSON: Mmm.

47

1 MS FURNESS: Given your experience with working with
2 a range of churches, is there anything you can tell us
3 about similarities or differences between denominations in
4 relation to child sexual abuse?

5

6 PROFESSOR PARKINSON: It's of course a very difficult
7 question on which the Royal Commission will have very much
8 more data than I have, but I have long said that I thought
9 that the instance of child sexual abuse was
10 disproportionately high in the Catholic Church, and there
11 are all the reasons that we have explored on that. I think
12 it's quite high in the Anglican Church. I think you will
13 find that the incidence in other churches seems to be
14 rather smaller, but of course one has to look at the
15 comparative size of the congregations and representation
16 across the country in those different churches.

17

18 MS FURNESS: Now, you deal with the characteristics of
19 accused persons on page 18.

20

21 PROFESSOR PARKINSON: Mmm.

22

23 MS FURNESS: Perhaps we can have that on the screen. Now,
24 it would be towards the end of the large paragraph. You
25 refer to the clergy's theological college - that is further
26 down the page that is on the screen. Do you see there:

27

28 *A third of all cases reported ...*

29

30 Do you see that part of the paragraph?

31

32 PROFESSOR PARKINSON: Yes, thank you.

33

34 MS FURNESS: 16 per cent were trained at Morpeth, followed
35 by 10 per cent at Melbourne, and just over 10 per cent for
36 Moore College, Crafers College in Adelaide and Brisbane.

37

38 PROFESSOR PARKINSON: Yes.

39

40 MS FURNESS: Did you draw any conclusions from those
41 figures?

42

43 PROFESSOR PARKINSON: We were very surprised by the
44 figures. In numerical terms, there were 14 people who had
45 been trained at Morpeth that we identified - in some cases,
46 of course, as you have found, the theological college was
47 unknown. It represented, as we said, 25 per cent of all

1 those clergy who were accused of abuse and where the
2 theological college was known. That seemed to be, again,
3 disproportionate to what one would expect across the
4 country.

5
6 The reason I say that is because although Morpeth, I'm
7 sure, trained a large number of ordinands over its years,
8 the big theological colleges, one would expect, would be in
9 Sydney, Brisbane, Melbourne, to a lesser extent Adelaide,
10 and Morpeth was serving a smaller church population, by and
11 large.

12
13 MS FURNESS: Did you have access to any other information,
14 other than the 190-odd cases you looked at, to assist in
15 coming to any conclusions about theological colleges?

16
17 PROFESSOR PARKINSON: No. This was really a data
18 analysis. So we identified the problem. We did, first of
19 all, take those findings to the Standing Committee of the
20 General Synod. That was in February 2009. And there was
21 some discussion there.

22
23 We then, at Archbishop Aspinall's invitation, as
24 Primate, spoke to the bishops collectively at a conference
25 in Queensland, and we did, of course, raise the issue
26 there. It was really saying: this would appear to be
27 disproportionate; can anybody give us an explanation for
28 this apparent overrepresentation at Morpeth? Nobody could
29 in that meeting. We had no other way of exploring it. We
30 had no data, remember, on who the offenders were or when
31 the offences happened, so we really couldn't take it any
32 further than raising the issue.

33
34 MS FURNESS: When you say "we had no data on who the
35 offenders were", that's because the material given to you
36 was de-identified?

37
38 PROFESSOR PARKINSON: Yes, yes.

39
40 MS FURNESS: And when you say "and when it happened", that
41 was just not available from the information you received?

42
43 PROFESSOR PARKINSON: No, no, I don't - no, it wouldn't
44 have been of - pardon me. No, the date of the first
45 offence would have happened - would have been part of our
46 data, because we had published that.

47

1 MS FURNESS: Thank you. Archbishop, you were present at
2 the meeting that Professor Parkinson has referred to?

3

4 ARCHBISHOP ASPINALL: The meeting of the bishops, yes, and
5 probably Standing Committee, too.

6

7 MS FURNESS: What was the discussion about this report
8 and, in particular, the Morpeth data?

9

10 ARCHBISHOP ASPINALL: Well, Professor Parkinson came along
11 to share the preliminary results and the terms in which he
12 and his team were proposing to report. I think there was
13 some shock at the extent of the abuse that had been
14 uncovered. There were some findings that the researchers
15 themselves found startling - namely, the proportion of male
16 victims, the delay in reporting, and so on. There was some
17 concern expressed by some bishops about the mention of
18 Morpeth and the questions raised about Morpeth, I think
19 because comparative information about the proportion of
20 candidates trained in a particular college versus number of
21 offenders, and so on, that information was less than
22 complete, and so there were questions asked about, well, is
23 this a significantly higher proportion of graduates from
24 Morpeth, or is it not? How can we tell?

25

26 There was some other concern expressed about whether
27 this will reflect badly on all graduates from Morpeth and
28 kind of tar everybody who attended St John's Morpeth with
29 the same brush, as it were. They are the kind of comments
30 I can recall from that meeting.

31

32 MS FURNESS: At that time, was it the case, from your
33 understanding, that the theological colleges in the major
34 cities would have been likely to have had more students
35 than a regional one such as Morpeth?

36

37 ARCHBISHOP ASPINALL: It's a bit hard for me to comment on
38 that. My understanding is - and this is kind of just an
39 impression rather than based on any hard data - that in its
40 heyday Morpeth was quite a large college with quite
41 a number of students. St Francis College in Brisbane at
42 a similar time probably had, you know, 20 to 30 students,
43 of that number. But I think Moore and Ridley always had
44 larger student populations.

45

46 But my understanding is that Morpeth was the kind of
47 college that attracted candidates from around the country,

1 not just from rural New South Wales. It was seen as
2 a college that trained people in the Anglo-Catholic
3 tradition and was sought out by dioceses with candidates
4 they wanted formed in that tradition.

5

6 MS FURNESS: Did you or your fellow bishops discuss
7 seeking more information of the type you have described as
8 being necessary in order to come to a more reliable view as
9 to Morpeth?

10

11 ARCHBISHOP ASPINALL: No, I don't recall any discussion
12 about that, other than to provide that feedback to the
13 research team, to see if any clarification were possible.

14

15 MS FURNESS: I think there was various correspondence
16 between you.

17

18 ARCHBISHOP ASPINALL: Yes.

19

20 MS FURNESS: Perhaps if we can have I think tab 61 on the
21 screen, a letter of 8 April 2009. Now, this is a letter
22 from you, being the Primate at the time, to the professor,
23 in April 2009, following the bishops' meeting that you have
24 referred to.

25

26 ARCHBISHOP ASPINALL: Yes.

27

28 MS FURNESS: Tell us the purpose of this letter?

29

30 ARCHBISHOP ASPINALL: Well, Professor Parkinson came and
31 gave a presentation at the bishops' meeting. There was
32 limited interaction with Professor Parkinson while he was
33 there, but in a subsequent session in the bishops' meeting,
34 the bishops got into small groups and discussed further the
35 findings of the research and the implications, and so on.

36

37 I think what I did was ask each of those small groups
38 to record salient issues from their discussion that could
39 be referred back to Professor Parkinson, and I provided
40 that information to him, together with a distillation of
41 a couple of issues that seemed to me to be particularly
42 important, emerging from the bishops' discussion, to see if
43 Professor Parkinson's team could provide any clarification
44 in relation to those matters.

45

46 MS FURNESS: Perhaps if we go down to the bottom of the
47 first page, that is the first what was called

1 a "significant" point, that the data on which the
2 reflections were based is neither the entire population or
3 a random sample. Now, professor, that was the case, wasn't
4 it?

5
6 PROFESSOR PARKINSON: Yes, but not the point.

7
8 MS FURNESS: No, let's leave the point to one side. The
9 case that the data upon which your report was written was
10 neither the entire population nor a random sample?

11
12 PROFESSOR PARKINSON: That's correct.

13
14 MS FURNESS: And you were relying upon the data that was
15 provided to you by each of the relevant dioceses?

16
17 PROFESSOR PARKINSON: Yes.

18
19 MS FURNESS: You didn't seek to obtain data from any other
20 source other than the dioceses who provided it?

21
22 PROFESSOR PARKINSON: That's exactly correct.

23
24 MS FURNESS: So insofar as that is correct, you say it is
25 not the point, because that was a known fact?

26
27 PROFESSOR PARKINSON: No, the point was, to go back to
28 what I said before, that the purpose of the study was not
29 to do a census of allegations of abuse in the Anglican
30 Church. It was not a replication of the John Jay study,
31 which had tried to do exactly that in the United States, in
32 a study which cost over a million dollars. The purpose was
33 to see, from the broad range of allegations which had
34 emerged, what we could learn about prevention for the
35 future.

36
37 So we never published - certainly not in the report -
38 any estimate of the incidence of abuse, a percentage of
39 priests and ministers who were accused or any of those
40 things. What we did was to say, "Here there is a large
41 number of cases. Here are the patterns. This is what we
42 recommend for the future." That's what I mean when I say
43 it was not the point.

44
45 MS FURNESS: But it was also not the point, wasn't it,
46 because that was something that was known and understood as
47 part of the task?

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PROFESSOR PARKINSON: Yes, but I think some bishops were reacting to the data as if it represented a snapshot of abuse in the Anglican Church of Australia, which was it was never intended to do. So that was what we had sought to clarify.

MS FURNESS: Then the second point, on the next page, is the size and relative sizes of the overall population, and that was not known to you?

PROFESSOR PARKINSON: Right. It again goes to this question of how many priests, out of all the priests we have had since 1950, or whatever, have been accused of abuse. That was not the purpose of this study, nor could we have done that.

We had a very large sample of cases, as it seemed, reported to us, from which we could draw some conclusions about prevention.

So, yes, we had no data on how many priests there had been over a certain period by which to compare the numbers who were accused against some larger figure.

MS FURNESS: Thank you. And I think you responded, and that's under tab 60. If we could have that on the screen. This is your letter dated 20 May 2009.

PROFESSOR PARKINSON: Yes.

MS FURNESS: You set out a number of matters that you have described to us as to the way in which you went about your task and the information available to you?

PROFESSOR PARKINSON: Yes.

MS FURNESS: Then you particularly refer to Morpeth at the bottom of page 3. Just talk us through your reaction to what was put to you and your response in relation to Morpeth?

PROFESSOR PARKINSON: Let me first of all say that Archbishop Aspinall's recollection of the Bishops Conference accords entirely with my own. Kim Oates was of course there as well, it wasn't just myself who was presenting.

1
2 There was a concern that, as Archbishop Aspinall has
3 said, all ordinands from that theological college might in
4 some way be tarnished, and we understood that concern and
5 respected it.
6

7 We decided - that is, Kim Oates and I, and no doubt we
8 consulted Amanda Jayakody as well, but it was Kim and I who
9 made the decision - not to publish the Morpeth data, the
10 theological college data. And there were a number of
11 reasons for that. One was the concern which had been
12 expressed about tarnishing all ordinands. Secondly, the
13 fact that there was quite a small sample - we only had 14,
14 and when one has small numbers in any study one must be
15 very careful about interpreting it.
16

17 So essentially my response to Archbishop Aspinall, who
18 was reflecting in his letter the issues raised by the
19 bishops collectively, was to say: this looks problematic,
20 this looks a concern, we think you need to investigate it
21 further. And that's really as much as we felt we could do
22 in the circumstances.
23

24 MS FURNESS: And I think you say that in your letter at
25 page 4, that it's important the information not be buried,
26 because it was a disturbing statistic.
27

28 PROFESSOR PARKINSON: Yes.
29

30 MS FURNESS: That's in the third paragraph, and then you
31 say that it is a matter that the Professional Standards
32 Commission or the Bishop of Newcastle might wish to
33 consider further, and that consultation with former
34 principals or lecturers might shed some further light on
35 it. Now, archbishop, did anything further happen?
36

37 ARCHBISHOP ASPINALL: Yes. My recollection is that the
38 correspondence was considered by a meeting of the General
39 Synod Standing Committee and a resolution passed by the
40 standing committee asking me to raise the matter with the
41 then Bishop of Newcastle, Bishop Farran. I'm not sure if
42 the resolution also included a reference to the
43 Professional Standards Commission or not, but the Chair of
44 the Commission would have been present, I think, for that
45 discussion.
46

47 MS FURNESS: What happened?

1
2 ARCHBISHOP ASPINALL: I'm not sure what Bishop Farran did
3 in response to my letter. I don't recall getting any reply
4 to my letter.
5
6 MS FURNESS: Is it something that you would expect to have
7 gone back to the synod, given that's where it came from?
8
9 ARCHBISHOP ASPINALL: Back to the standing committee?
10
11 MS FURNESS: Back to the standing committee.
12
13 ARCHBISHOP ASPINALL: I suppose the standing committee
14 should have followed through to see what, if any, action
15 Bishop Farran had taken.
16
17 MS FURNESS: So from your point of view, it was left with
18 Bishop Farran and you don't know one way or another whether
19 he did anything further?
20
21 ARCHBISHOP ASPINALL: That's correct.
22
23 MS FURNESS: I notice the time, your Honour.
24
25 THE CHAIR: Yes, we'll take lunch.
26
27 **LUNCHEON ADJOURNMENT**
28
29 MS FURNESS: Professor, you have had an opportunity to
30 look at the Commission's data report which was handed up
31 earlier?
32
33 PROFESSOR PARKINSON: I have, thank you.
34
35 MS FURNESS: Perhaps if we can have that on the screen.
36 That was exhibit 52-001. And if we can turn to page 46,
37 this is a table in relation to the college of ordained
38 clergy subject to a complaint of child sexual abuse, and it
39 sets out the college and the numbers and percentage of
40 unknown clergy.
41
42 PROFESSOR PARKINSON: Counsel, given there is a bit of
43 a delay, maybe I could have a hard copy?
44
45 MS FURNESS: Certainly. So at page 46, do you see down at
46 paragraph 133, and the table beneath it --
47

1 PROFESSOR PARKINSON: Yes, thank you.

2

3 MS FURNESS: -- that tells you that St John's College,
4 Morpeth, has a number of 45 alleged perpetrators attending
5 that college.

6

7 PROFESSOR PARKINSON: Yes.

8

9 MS FURNESS: How do you interpret that data, particularly
10 in light of the work you have done?

11

12 PROFESSOR PARKINSON: Well, it reinforces very strongly
13 that we were right to be concerned about Morpeth. We had
14 limited data, back in 2009, but this is pretty
15 comprehensive data. It shows that St John's College,
16 Morpeth, has had many, many more accused than most of the
17 other theological colleges, the next one being of course
18 St Francis College, Brisbane. I did some calculations this
19 morning. If you take the 10 theological colleges which are
20 named in that table - and for those who are looking on the
21 screen, you may have to scroll down to the next page -
22 there are 55 "unknown", 22 "other", there is 25 "overseas".
23 But there is around 156 or so who are in those 10 colleges.
24 Of that, Morpeth accounts for 29 per cent of all those
25 Australian theological colleges for which we know the data.

26

27 St Francis Theological College is about 18.6 per cent.
28 Between the two of them, they account for 48 per cent of
29 all the clergy for whom the theological college in
30 Australia is known.

31

32 MS FURNESS: Perhaps if we can then turn to page 50, and
33 at paragraph 137, table 52, that shows the number of
34 alleged perpetrators by religious status group for each
35 diocese. You will see that the three at the top are
36 Brisbane, Adelaide and Melbourne. They have the total
37 numbers set out there - 208 for Brisbane, 86 for Adelaide
38 and 80 for Melbourne. Now, in terms of that data, are
39 there any thoughts you have on what that means?

40

41 PROFESSOR PARKINSON: Yes. As the report, in its
42 entirety, does make clear, the data is hard to interpret
43 because some dioceses, and certainly Brisbane, had included
44 all its schools data in the mix, and you were not sure what
45 had been returned and what hadn't. But I would draw
46 attention to the figures for "ordained", which would be in
47 almost all cases those in parish ministry or administrative

1 roles, I guess, there may be a few school chaplains in
2 there somewhere, but essentially that is ordained. I have
3 to say, when I looked at the figures --

4
5 MS FURNESS: So you are looking at the number of 62 for
6 Brisbane, 30 for Adelaide and 38 for Melbourne.

7
8 PROFESSOR PARKINSON: Yes, and when I saw that, I did find
9 those figures rather striking - 62 for Brisbane, which is
10 not quite double any other, but it is getting close; 38 for
11 Melbourne is the next; Adelaide, 30, is the next; and then
12 there are smaller numbers for all the other dioceses. Now,
13 obviously larger dioceses will have more, but I do find the
14 comparison troubling, and I think it requires some
15 explanation.

16
17 MS FURNESS: What explanation have you come up with?

18
19 PROFESSOR PARKINSON: I fear saying something
20 controversial, but it's not the first time I have ever done
21 so. If you look at the issues in the Anglican Church,
22 there are three dioceses which stand out. They are
23 Brisbane, they are Adelaide, and Newcastle. And then there
24 is the CEBS data, which is a separate set of issues,
25 I think, with particularly high figures in Tasmania and in
26 Adelaide.

27
28 Now, that is quite a clear pattern, and it raises
29 issues as to whether there are patterns in
30 Anglo-Catholicism which are in some ways similar to the
31 patterns in Catholicism.

32
33 It must be remembered that the Church of England was
34 not, in some ways, a break from the church of Rome. It was
35 in terms of governance, but the Church of England continued
36 the traditions and ways of governance of the church prior
37 to the reformation, but for some significant areas in which
38 reform theology came in. So, for example, the theology of
39 the mass or holy communion is different in the Anglican
40 Church, and there are other differences. But, essentially,
41 the Church of England was a continuation of Catholicism
42 within the boundaries of the British Isles, and the
43 Anglo-Catholic tradition in the church has continued that
44 parallelism.

45
46 So I draw attention to that because I do think that we
47 see in these figures a disparate picture of child sexual

1 abuse by clergy in the Anglican Church of Australia.

2

3 MS FURNESS: Perhaps you can make that a bit clearer for
4 us. You have referred to there being a pattern. What is
5 the "pattern" in respect of those first three dioceses?

6

7 PROFESSOR PARKINSON: Others may be better able to comment
8 but, essentially, one would think of Brisbane and Adelaide
9 as being largely Anglo-Catholic in their orientation, their
10 churchmanship, as we say; Melbourne, rather mixed; Sydney,
11 rather solidly evangelical; Newcastle, again,
12 Anglo-Catholic; Tasmania, mixed, but has had a history,
13 I think, of a strong Anglo-Catholic tradition - that's
14 changing. The others I can't comment.

15

16 It's an issue. It's an issue.

17

18 MS FURNESS: What does that tell us about the work that
19 needs to be done in terms of prevention?

20

21 PROFESSOR PARKINSON: I think that when you start drawing
22 attention to the parallels with the Catholic Church -
23 obviously, celibacy is not an issue in the Anglican Church,
24 but clericalism is, and the work I have done on this area
25 does suggest to me that certainly in Adelaide, where there
26 is a big inquiry, to some extent in Brisbane where we have
27 the benefit of an inquiry about 12 years ago, that one sees
28 similar patterns of clericalism or protection of clergy in
29 those dioceses. I'm not saying it hasn't happened
30 elsewhere, I'm sure it has. But I see some parallels.

31

32 MS FURNESS: There has been a deal of evidence about
33 clericalism in the various Catholic hearings, but just for
34 the purpose of this hearing, can you define what you mean
35 by "clericalism"?

36

37 PROFESSOR PARKINSON: Different people give different
38 definitions, but what I'm drawing attention to is
39 a theological belief system that the clergy are different
40 from the laity; the clergy are in some sense brothers, in a
41 male sense, have responsibilities to each other, and there
42 is a distinction between the clergy and the laity.

43

44 So what is the church? In one sense, it is all
45 believers. But for those with a Catholic or Anglo-Catholic
46 tradition, I think there is sometimes a sense that the
47 church is the clergy and the bishops together, who have

1 a role in pastoring the flock, who are the laity.

2

3 In a more evangelical tradition of faith, the theology
4 is one of a priesthood of all believers. There is no sense
5 that the minister is somehow specially consecrated by God,
6 more than that he or she has any additional gifts. So
7 there are quite different theologies of what "church"
8 means.

9

10 MS FURNESS: The clericalism, as you have described it,
11 what effect or relationship did that have in respect of the
12 occurrence of abuse and the response of the Anglican Church
13 to that abuse?

14

15 PROFESSOR PARKINSON: The response in different dioceses
16 and over generations has taken many different forms. But
17 one of the observable features of the reports which have
18 been done - and I particularly focused on Adelaide and
19 Brisbane because we have reports of what had happened in
20 those dioceses going back some years - what one sees in
21 that is a very strong culture of protection of the clergy.
22 In Adelaide, those who challenged the issues, those who
23 tried to raise the issues above the parapet were attacked
24 for doing so. I think we have heard from Bishop Thompson
25 some very similar patterns in Newcastle.

26

27 That culture of protection of the clergy, that culture
28 of dealing with things internally in a way that makes
29 people discouraged from going to the police - that
30 self-facilitates abuse, because somebody who has a tendency
31 or an orientation towards the abuse of children is going to
32 make a risk calculation. What happens if it is disclosed?
33 If the risk of consequences is low, one is much more
34 encouraged to do that than if the risk of consequences is
35 high. So the culture of the church, in terms of how it
36 will deal with these issues, if it comes out, is itself
37 causative, or at least facilitative, of some sexual abuse
38 in church communities.

39

40 MS FURNESS: Thank you, professor. Dr Kaye, do you have
41 comments you wish to make on the issue of clericalism as
42 a causal factor?

43

44 REVEREND DR KAYE: Yes, thank you. I think of clericalism
45 as a pattern, really, between classes of people about
46 power, and in that sense the Roman Catholic model is
47 clearly in the open. The priests are ordained to

1 a particular role and are given certain kinds of authority.
2 In Anglicanism, that pattern is different in terms of the
3 ordinations. But the actual practice of Anglicanism still
4 retains a clericalism which is somehow I think almost
5 invisible but underlines a lot of what happens in the
6 church. Despite the extensive lay representation on
7 governance bodies, when you get down to the parish, the
8 priest or the rector has, by virtue of the way in which it
9 operates, significant power in relation to what happens and
10 how people relate to them.

11
12 That, I think, has increased in recent years because
13 of the departure of professional types of people who engage
14 with the life of the church parish. I have in mind the
15 women who, in large measure, have moved out - have found
16 careers elsewhere and previously would have found activity
17 in the church which used their professional educational
18 standards. So powerful people have dropped out a little
19 bit. And that clericalism, that power imbalance, I think
20 is still there and is present in Anglicanism, and it is
21 more difficult - it is slightly differently construed from
22 the Catholics, and is harder, actually, to deal with,
23 because in the Roman Catholic tradition, it's there, it's
24 obvious, it's all up there, in front. But in Anglicanism,
25 there is a real power differential that develops for
26 practical reasons in parishes, and often in dioceses, in
27 terms of the relationships between clergy and laypeople.

28
29 MS FURNESS: Do you have any suggestions to make to the
30 Royal Commissioners about how that, as you describe it,
31 invisible clericalism can be dealt with so as to reduce the
32 likelihood of children being abused in circumstances where
33 there is that power differential?

34
35 REVEREND DR KAYE: I think the Anglican Church should not
36 be thought of as being without that kind of power
37 differential as, in a sense, in contrast to the Roman
38 Catholic model and, therefore, one needs to have ways of
39 auditing the way in which protocols are effectively
40 followed in the parishes where those power differentials
41 enable them not to be followed. It seems to me that kind
42 of clericalism, that kind of power differential requires
43 external auditing and public description of that.

44
45 MS FURNESS: Thank you. Dr Porter, in relation to the
46 comment of Dr Kaye that women, as they have had more
47 professional work outside the church, have made

1 a difference to the church - made a lesser difference, if
2 you like - by leaving, is that something you want to
3 comment on?
4

5 DR PORTER: Yes, except in those dioceses where women have
6 been accepted as priests and now bishops, there has been
7 a huge culture change, and wherever women are in a
8 significant number, then clericalism is very quickly
9 breaking down. In fact, in a diocese such as Melbourne,
10 where the women now are quite a large percentage -
11 20 per cent at least, of the ordained are women, a third of
12 the synod, a third of the Diocesan Council - where they
13 have just passed, in the Diocesan Council, a rule that
14 50 per cent of committees must be populated by women, that
15 is seeing a huge difference, to the point that I actually
16 see laity as assuming much more power than the clergy in
17 many of the parishes. I would say across Melbourne, and in
18 other dioceses where there is the same level of women
19 growing up, that we are seeing a very different situation
20 with clericalism.

21
22 MS FURNESS: What has actually happened in those areas
23 that you can observe to say clericalism is being broken
24 down or, indeed, dissolved?
25

26 DR PORTER: Well, it's hard to give you actual evidence as
27 such, and it can only be my observation, but I do notice
28 that where women are in these significant numbers, there
29 are women who are archdeacons, bishops, parish priests, and
30 that influence goes into the other parishes where women are
31 not in the exact same position, that that level of clerical
32 power dominance, certainly from my observation, has been
33 very much reduced.

34
35 MS FURNESS: What are women doing differently, to your
36 observation?
37

38 DR PORTER: Well, like women in every facet of our
39 society, from the law, to medicine, and everywhere else,
40 there is a very noticeable difference in the culture that
41 develops. I can speak my observation on, say, the Standing
42 Committee of General Synod, where I have been for the last
43 28 years - when I was elected, I was the only woman. There
44 are now 30 per cent of women there. The whole culture in
45 the way that that meeting exists and happens - there is
46 nothing like the formality that once addressed the Primate
47 as "Your Grace", bishops as "My Lord", priests as "Father",

1 or "Mister". We call each other by our Christian names,
2 and there is a very discernible difference in the culture
3 and the way in which we behave towards each other. That
4 translates into parishes where women are parish priests,
5 even just a curate there. It has made a very great
6 difference across the board.

7
8 MS FURNESS: Thank you. Dr Kaye, you wished to say
9 something?

10
11 REVEREND DR KAYE: Thank you, yes. If I could just add
12 a gloss to my remark about clericalism. It seems to me
13 that clericalism, when construed in terms of power
14 differences, does not belong necessarily only to one
15 tradition of theology. The difference is the authoritarian
16 character of the theology or the tradition, and that can be
17 Anglo-Catholic, or it can be evangelical. So I'm just
18 saying - yes.

19
20 MS FURNESS: Thank you. In addition to clericalism, are
21 there any other causal factors that you wish to comment on?
22

23 REVEREND DR KAYE: Well, I think the issue of opportunity
24 is extreme in this question, and in the way in which
25 parishes operate, if they are run by one rector, one
26 priest, or whatever, then the opportunities for that person
27 are multiplied than if they have colleagues.
28

29 In the case of lay perpetrators, the degree to which
30 there are dispersed activities outside the general purview
31 of the parish as a whole increases those as well. So there
32 might be an institutional case for saying that these things
33 ought to be made more open and public, in the way in which
34 they deal with that question. Opportunity, in the Anglican
35 Church, is considerable, in my view.
36

37 MS FURNESS: What do you do when you have small parishes
38 where economics mean that there are small numbers, if only
39 one, perhaps, rector present?
40

41 REVEREND DR KAYE: I think traditionally in Anglicanism it
42 is the bishop's role to oversight that situation, but of
43 course we have turned our bishops into managers, and that's
44 not quite available to us at the moment. So other steps
45 have to be taken.
46

47 MS FURNESS: Thank you. Dr Porter?

1
2 DR PORTER: Yes, the opportunity certainly is a concern,
3 but it's my experience and observation that we are now very
4 carefully governed in those regards in parish life, almost
5 to the extent that everyone is governed very carefully and
6 closely, and I don't see anything like that same
7 opportunity existing in the way parish life is conducted,
8 particularly in regards to youth work. There are not so
9 many youth groups in many parishes any more; there aren't
10 so many young people in churches. But where they are, the
11 regime that we have put in place, so far, has been very,
12 very careful, and very thorough, in my experience, to the
13 point now that, in my own situation, all members of the
14 Parish Council have to have police checks; anyone working
15 with young people has to go through a rigorous process of
16 checking.

17
18 So I believe the opportunity that was once there,
19 certainly in the past, in the time that Professor Parkinson
20 was doing his research, et cetera, is simply not the case
21 any more. The opportunity would be very hard to find, in
22 my experience, now.

23
24 MS FURNESS: Does the church still have youth activities
25 which involve overnight camps?

26
27 DR PORTER: I couldn't answer on that, I don't know.

28
29 MS FURNESS: Bishop Robinson, can you help us with that?

30
31 BISHOP ROBINSON: Not in Rockhampton Diocese. I wouldn't
32 want to speak for what is happening in other dioceses
33 around Australia.

34
35 MS FURNESS: Is there a reason it doesn't happen in
36 Rockhampton?

37
38 BISHOP ROBINSON: Simply we don't have the parishes with
39 youth groups. We don't have a youth organisation in the
40 diocese. It has happened in the past, but those groups no
41 longer exist.

42
43 MS FURNESS: Do they not exist because there aren't
44 sufficient youths who want to join one?

45
46 BISHOP ROBINSON: It would be a mix of insufficient youths
47 and the general ageing of congregations and young people

1 not attending church.

2

3 MS FURNESS: What do you consider the biggest risk area
4 for you to be concerned about in Rockhampton about access
5 to children?

6

7 BISHOP ROBINSON: That would be through Sunday school
8 activities. I think that would be the main area of
9 concern, where families are bringing children along to
10 church and there is a Sunday school activity.

11

12 There are one - I think one parish, maybe two, that
13 run things called - things like Mainly Music, which are
14 groups of mums and young people coming together, and Messy
15 Church, but again, they would have parents and children in
16 the space together.

17

18 MS FURNESS: Bishop Thompson, from your time in Newcastle,
19 have there been youth activities which have been an issue
20 in terms of access to children?

21

22 BISHOP THOMPSON: In the past I think the CEBS and other
23 youth occasions, overnight occasions, have also been - we
24 have known the story of offending. It's less so - those
25 activities are less, and where they do take place, there is
26 usually multiple teams of men and women involved in leading
27 it. So it enables a greater degree of transparency about
28 what is happening in the activity. Parents are often
29 involved. So we don't have clergy taking young people away
30 by themselves, and we also have that training and screening
31 of youth leaders and volunteers.

32

33 So the Safe Ministry training that has been put in
34 place has ratcheted up that vigilance and awareness; where
35 there may be suspicion, that people are reporting those
36 matters; and, also, parish clergy are now recognising the
37 need for teams and not individuals running these programs.

38

39 THE CHAIR: Can I go back a step? Bishop Thompson, you
40 were, of course, trained in Morpeth?

41

42 BISHOP THOMPSON: No, I was trained in Ridley.

43

44 THE CHAIR: But you came from --

45

46 BISHOP THOMPSON: Look, I was in an environment in
47 Newcastle Diocese, as a university student, 18, 19, and

1 cultivated by senior clergy, and as people have heard, the
2 invitation to be groomed and abused by these senior men in
3 order that I'd be promised a future in the church. And
4 I think a part of the clericalism is the mentoring which
5 has been a history of, you know, apprentices - you are
6 supported and learn from an older priest. Of course, where
7 there is a predator, then they use that mentoring, that
8 traditional nurture of the young man or the young boy, as
9 a way of, you know, grooming them and then introducing them
10 to a culture of offending.

11
12 So I think what we have seen in the Diocese of
13 Newcastle is this developed mentoring where predators have
14 exercised authority over a lot of young men, in particular,
15 young boys and, as we have also heard, some have gone on to
16 become offenders themselves. So we have a generational
17 nurturing of offending in our diocese.

18
19 That is broken now, and part of the change is women.
20 I think extraordinarily, the diocese supported the
21 ordination of women. It was a watershed moment for the
22 diocese having a new perspective, a new way of thinking
23 about ministry, but also it broke the power of older men
24 mentoring younger boys.

25
26 THE CHAIR: I'm sorry I mixed up which college you went
27 to.

28
29 BISHOP THOMPSON: That's all right.

30
31 THE CHAIR: But just so that everyone understands, your
32 experience in the church was initially in the Newcastle
33 Diocese.

34
35 BISHOP THOMPSON: It was, yes.

36
37 THE CHAIR: Where you had some real problems --

38
39 BISHOP THOMPSON: Yes.

40
41 THE CHAIR: -- as a young man looking to pursue the
42 ministry.

43
44 BISHOP THOMPSON: Yes.

45
46 THE CHAIR: Then, going to Morpeth, are you saying to us
47 that the culture that you interfaced, as it were, you came

1 into contact with, was the culture of Morpeth, as you said?

2

3 BISHOP THOMPSON: I think it's a culture of the diocese
4 which had allowed Morpeth to be a place where older
5 offending clergy could nurture young emerging ordinands.

6

7 THE CHAIR: And I take it, then, the numbers that have
8 emerged from Morpeth don't surprise you.

9

10 BISHOP THOMPSON: They don't surprise me, no, not because
11 I went to college there, but my experience at 18 and 19 and
12 the promises that were made to me to go to college, I would
13 be looked after, tells me that this was perhaps a regular
14 pattern, so that people were recruited through these
15 sexualised relationships, and not just within Newcastle,
16 but from other dioceses.

17

18 So the high proportion of perpetrators being
19 recognised at St John's may reflect on the selection
20 process or the lack of selection process from other
21 dioceses to go there and the climate of mentoring which was
22 afforded the students, sometimes by priests outside the
23 college.

24

25 THE CHAIR: The discussion has been about clericalism.
26 The impression I have from you, and you and I have talked
27 about this on other occasions, is that what you are saying
28 is that there was gathered together a group of older
29 ordained men who were seeking out younger men.

30

31 BISHOP THOMPSON: Mmm.

32

33 THE CHAIR: And brought them into an environment where
34 they could be seduced, and then that pattern goes repeating
35 down a few generations; is that right?

36

37 BISHOP THOMPSON: That's my reading of some of the
38 relationships, yes.

39

40 THE CHAIR: Now, do you see that as clericalism in the way
41 that we've been talking about, or is it a different
42 phenomenon?

43

44 BISHOP THOMPSON: It is an abuse of power, of course, so
45 it aligns with the comments so far about clericalism as an
46 expression of power, but this is even further distortion of
47 power - that is, people are compromised early on in their

1 ministry by older men, and are groomed to accept this as
2 the normal rights or the entitlements of a priest.

3
4 THE CHAIR: I have reflected again on the adolescent or
5 older adolescent and the spiritual component to their
6 development and the relationship that that can generate
7 between the individual and the priest. Is that to be
8 understood as a component of what you are talking about?

9
10 BISHOP THOMPSON: Yes, it is, and I think it's powerful.
11 It's very powerful, because it's often associated with
12 ritual - you are serving at the altar, you are putting on
13 robes, you are identifying with the offender as the leader
14 of the community, who has a ritual, a ceremonial role, and
15 you are part of that if you are wanting to be nurtured in
16 the life of serving in the church. So the spiritual abuse
17 comes into play. It's - they are like God.

18
19 THE CHAIR: And does that explain at all a preponderance
20 in the Anglican data of the Anglo-Catholic tradition
21 emerging?

22
23 BISHOP THOMPSON: I believe when predators move into those
24 significant roles of supervision and mentoring and the
25 nurture of children in the life, the ritual life, there is
26 indeed opportunity. It is less so these days. It is much
27 less so, because we have women, we have much stronger lay
28 participation than ever before, more questions are asked of
29 the priest than ever before. But I think the environment
30 of the '70s, '80s, perhaps before then, was the heroic
31 worship of clergy, that they had some spiritual strength
32 and grace which protected them from the questions that
33 parishioners ought to have asked.

34
35 MS FURNESS: Professor Parkinson is saying that was more
36 likely to emerge in the Anglo-Catholic tradition in the
37 Anglican church; is that right?

38
39 BISHOP THOMPSON: I think in Newcastle, yes, but I think
40 the abuse of power can happen in any tradition where people
41 are not allowed to ask questions and when there is not
42 proper supervision. And I think the change in Newcastle is
43 this movement towards a supervisory model where priests are
44 expected to account for how they are going and what is
45 happening to them, and that has been hard to introduce
46 because priests, who have been regarded as self-determining
47 on many matters, question the idea that they need

1 supervision. But I think supervision, in a professional
2 way, with people who are able to discern and work with
3 clergy, will allow clergy to recognise and become self
4 aware of their own boundary breaches, their own sense of
5 they need further work and understanding of their own
6 needs.

7
8 Because it's this predatory culture which is secret,
9 which binds people to a sexual relationship, and
10 a spiritual relationship, which has no other people
11 supervising. So the bishop is removed from that, the
12 congregation is removed from it.

13
14 I think we've broken that, but I think abuse of power
15 in all the traditions can take place. I think
16 authoritarianism, where people can become unaccountable for
17 the way they treat parishioners - and that can happen in
18 every tradition - and children can be captured in that.

19
20 THE CHAIR: Sorry, Ms Furness, I diverted the
21 conversation.

22
23 MS FURNESS: That's all right. I will redivert it,
24 your Honour. Archbishop, you have heard what your
25 colleagues have said in relation to the role of
26 clericalism. Is that also your view?

27
28 ARCHBISHOP ASPINALL: Yes, I would agree I think with
29 everything Bishop Greg has just said. I think there is
30 another element in relation to St John's Morpeth and
31 St Francis, Brisbane. They are colleges - or were - firmly
32 in the Anglo-Catholic tradition. So they tended to be
33 monastic, closed communities, and they had many of the kind
34 of characteristics that the Commission has identified in
35 its report on institutional culture. The report refers to
36 them as "total" institutions, and I think those two
37 colleges would come closest to that kind of description,
38 and perpetrators have been allowed to grow in that
39 environment, I think.

40
41 MS FURNESS: Morpeth has closed down, hasn't it?

42
43 ARCHBISHOP ASPINALL: Yes, it has.

44
45 MS FURNESS: What about Brisbane?

46
47 ARCHBISHOP ASPINALL: Brisbane is still running - a very

1 different model now. Back in the '50s, '60s, '70s, most of
2 the students were single, so very male environment, very
3 closed, controlled environment, very strict rules about
4 living on campus in a monastic-style community. That has
5 very much changed from the 1980s on. Many more married
6 students, children are present in the college. It is
7 a much more family-oriented community. Many students are
8 living off campus, so they come and go to classes and so
9 on. So that whole old monastic culture is no longer there.

10
11 MS FURNESS: Leaving aside the colleges, you accept that
12 clericalism, as it has been described, was in existence
13 within parish life and diocesan life over the '70s and
14 '80s?

15
16 ARCHBISHOP ASPINALL: Yes, and I think it goes on, and it
17 can take an Anglo-Catholic form, where the priest is seen
18 as having some kind of changed status and, therefore, to be
19 revered and deferred to. In the evangelical tradition, it
20 takes a different form, where the priest is seen as the
21 qualified teacher, the one with the specialist knowledge,
22 and is therefore to be deferred to and can exercise power
23 out of that base, and abuse power in the same kinds of ways
24 but from a different perspective.

25
26 I think this whole question which Bishop Greg raised
27 about the unchallenged inherent power of clergy is a key in
28 this whole area. And that leads to both parents and
29 children over-trusting clergy and not questioning them when
30 they should. And I think church leaders, too -
31 historically, church leaders have trusted clergy too much
32 and not challenged them when they should have been
33 challenged. So there has been a tendency to believe
34 denials made by clergy rather than to thoroughly
35 investigate. And so perpetrators have been allowed to
36 continue because thorough investigations, when suspicions
37 arose, have not been carried out.

38
39 MS FURNESS: Has that clericalism broken down over the
40 last years or decade or so?

41
42 ARCHBISHOP ASPINALL: Oh, yes, yes. Very much. I mean,
43 the realities with which this Commission has been dealing
44 have opened people's eyes completely. We've heard
45 testimony in the various case studies from bishops who've
46 said, "Yes, I trusted the clergy. I believed this priest
47 when he was challenged", and so on. And believing clergy

1 is no substitute for conducting thorough investigations.

2

3 MS FURNESS: Leaving aside the investigation side and the
4 post-abuse, if I can refer to it in that way, to the
5 circumstances that gave rise to access and opportunity -
6 has that form of clericalism changed?

7

8 ARCHBISHOP ASPINALL: Yes, it has. I think that the
9 changes in culture, the introduction of policies and
10 procedures, the culture of vigilance and awareness, is much
11 stronger now than it was previously, for the reasons
12 Bishop Greg outlined.

13

14 Safe Ministry practices have taken root and I think
15 are much better understood. You know, the business about
16 leaders not being alone with children is much more
17 thoroughly enforced. The whole question of training of
18 people about how abuse occurs, where it occurs, to be awake
19 to it, the signs of abuse - that's all done much more
20 thoroughly now than in the past.

21

22 MS FURNESS: Has the increase in the involvement of women
23 in positions of power in the church accelerated the
24 breakdown of clericalism?

25

26 ARCHBISHOP ASPINALL: Well, I hear what Dr Porter says,
27 and I'm not in any position to challenge that. I think
28 that certainly the increased involvement of women in
29 leadership at all sorts of levels has gone hand in hand
30 with changes in culture to make the church safer. Whether
31 it's a cause - I think it probably is.

32

33 COMMISSIONER MURRAY: I wonder if I could just intercede.
34 Just taking you back to what you said just a while back,
35 you said the whole question of training of people about how
36 abuse occurs - and you were referring to child sexual
37 abuse - where it occurs, to be awake to the signs of abuse,
38 what is interesting me about this discussion is that form
39 of training needs to apply to the abuse of power as well,
40 doesn't it, because preventive education surely means that
41 you have to train people to understand when power is being
42 abused and what forms it will take and to guard against
43 that and to resist it. Would you agree with that
44 observation?

45

46 ARCHBISHOP ASPINALL: Yes, Commissioner, I would. So now,
47 in training our candidates for ordination, they do a course

1 each year on professional boundaries, how not to put
2 yourself in a position to transgress professional
3 boundaries; the ways in which transgression of professional
4 boundaries constitutes abuse of power. So it is done at
5 that level with people going into professional leadership
6 positions.

7
8 But, also, in the general child safety awareness
9 training that goes on in parishes, people are trained to
10 look out for those things. So if a leader is observed
11 trying to spend time alone with a child, that would raise
12 red flags immediately.

13
14 COMMISSIONER MURRAY: I'm going a little further than
15 that. I'm thinking of training young men and women who are
16 going to be priests, to be able to challenge the abuse of
17 power, if I understand you, Bishop Thompson, correctly.
18 You weren't equipped in that way when you were a young
19 priest.

20
21 BISHOP THOMPSON: It's just such a different world. In
22 the 1970s, the structure and institution of the church
23 seemed inaccessible, apart from going through individuals
24 who had influence, and even to diagnose what they were
25 doing, it was very difficult to even have a language for
26 it. I don't believe we had the language to talk about
27 sexual abuse of children, even in the 1970s, or even the
28 abuse of power. We just assumed people had authority to do
29 this. And it has been some years later to reflect on what
30 happened in the 1970s, and I'm still reflecting on it,
31 about how I allowed myself - I didn't challenge it.

32
33 MS FURNESS: Dr Kaye, the Synods have been described in
34 positive terms as providing more collective decision-making
35 and opportunity for discussion. Is that your view of the
36 way in which Synods can benefit, the way in which the
37 church responds to abuse?

38
39 REVEREND DR KAYE: Yes, I do think that's the case. But
40 that depends on how the synod is run. Synods can be run in
41 a variety of ways. They can be run by people who have
42 a ready access to the language and the presence to be able
43 to speak to a large audience, if it is a large audience,
44 and people who don't have those skills or background just
45 simply are silent. It's probably likely that clergy will
46 be more used to doing that sort of thing than laypeople.

47

1 But our governance structure and the preponderance of
2 laypeople is designed, actually, to give them power, that
3 the church ought to be governed by the church, not by the
4 officers, and it seems to me that a synod that is run in a
5 way that is capturing, that it is there as accountable to
6 and existing for that whole church, then you have more
7 chance of having issues confronted, that need to be
8 confronted. That's a real cultural issue in our kind of
9 society.

10
11 Assemblies of people making decisions in our kind of
12 society don't tend to operate that way. We descend quickly
13 into politics and sections of opinions and parties of one
14 kind or another, and the issue then becomes one of
15 interplay between power bases that are developing. So it
16 is very hard, actually, I think, in our current culture, to
17 manage a synod that operates in the way in which,
18 theoretically, it is envisaged to do. But if it can be, if
19 you can do that, then I think it is a real powerhouse for
20 the whole church, of whom the laity, in most Synods, are
21 a majority.

22
23 MS FURNESS: From your experience, does the laity have
24 a role to play in managing synods?

25
26 REVEREND DR KAYE: Yes.

27
28 MS FURNESS: They do now?

29
30 REVEREND DR KAYE: Well, I've been out of it for a little
31 while now. I haven't been responsible for anything to do
32 with a synod for 12 years. But in the General Synod, which
33 was the area where I served, apart from the Primate who
34 presided, the essential arrangements for the synod were
35 mostly with laypeople - the chairmen of committees were
36 laypeople, and so forth. I think we had things in the
37 General Synod which enabled people to overcome their
38 hesitancy to speak in a large group. The General Synod is
39 a little different also from a Parish Council or a Diocesan
40 Synod, because the people who get elected to the General
41 Synod are usually people who have been elected to the
42 Diocesan Synod, who have usually been people on Parish
43 Council, so they are what you might call kind of
44 experienced politicians, in a way, who get there. That, in
45 a certain sense, is a challenge for the culture of the
46 place.

1 MS FURNESS: Dr Porter, have you had the experience that
2 Dr Kaye has described?

3

4 DR PORTER: Well, I've been on synods for a long time,
5 still on General Synod, and the laity do exercise quite
6 a considerable role, some in more ways than others
7 depending on the Diocesan Synod. The registrar of the
8 diocese - that's the business manager - normally is
9 a layperson, who would have an enormous role in organising
10 how that synod would progress, but fundamentally, it's the
11 bishop who has the position of the spiritual leadership and
12 can really influence the way that synod operates to a very
13 great degree. And in my experience, the bishops and the
14 Primates that I've worked with have always exercised that
15 in a very reasonable, encouraging way to encourage others
16 to be involved. But if you had someone who wanted to be
17 authoritarian, then I imagine they could exercise that.
18 But that has not been my experience.

19

20 MS FURNESS: Thank you. Archbishop, do you have any
21 comment to make on the way in which synods are operated so
22 as to encourage proper decision-making and discussion among
23 the laity as well as the clergy?

24

25 ARCHBISHOP ASPINALL: Certainly nowadays at both diocesan
26 level and at the national level of the General Synod, the
27 carriage of major initiatives is very often in the hands of
28 laypeople, not in the hands of clergy. So things,
29 proposals that come to the General Synod, will be worked up
30 by task groups or working groups or so on beforehand.
31 Laypeople often lead those. All of them would have
32 laypeople active in them, and it is out of those
33 preparatory groups that come major proposals, and the
34 people who have worked them up, who have consulted broadly
35 in the church, usually have carriage of them on the floor
36 of the synod. So the involvement of laypeople, men and
37 women, is extensive.

38

39 MS FURNESS: Is it your experience that, as Dr Porter has
40 said, if a bishop was inclined to be authoritarian, that
41 bishop could prevent there being a proper discussion about
42 issues of importance such as responding to child sexual
43 abuse matters?

44

45 ARCHBISHOP ASPINALL: Yes, I think that's true. There
46 is - and this goes back to the question that
47 Commissioner Murray asked earlier - still, I think,

1 a significant degree of deference both to bishops and to
2 clergy. So for a young ordained person in a parish, who
3 was being treated unfairly by their supervising priest, it
4 is quite a difficult thing for that young ordained person
5 to raise that issue. Similarly, if someone believes they
6 are being treated unfairly by their bishop in an
7 authoritarian kind of context, it can be a very difficult
8 thing for that to be raised.

9
10 In a climate where the bishop works more
11 consultatively and has good relationships with the Diocesan
12 Council and with the synod, then people feel free to raise
13 issues. So where the trust level is higher, issues are
14 more likely to be raised.

15
16 MS FURNESS: As Primate, did you have a role in
17 encouraging, persuading or influencing those bishops who
18 were more inclined towards an authoritarian style?

19
20 ARCHBISHOP ASPINALL: I have been involved in a number of
21 attempts to persuade bishops to take a different approach,
22 and I must say pretty largely without success.

23
24 MS FURNESS: In the event you were not successful as
25 Primate, is there any other place to go to persuade or
26 otherwise require a bishop to act differently?

27
28 ARCHBISHOP ASPINALL: As Primate, I occasionally had
29 discussions with other archbishops, usually the
30 metropolitan archbishop of the bishop who was in focus. So
31 there are other channels you can use to approach a bishop,
32 to try to persuade them to act differently. Sometimes,
33 their colleagues - you know, networks of friends among the
34 bishops themselves - can be used. Sometimes, conversations
35 can go on at the national bishops' meeting where people can
36 come alongside another and suggest other ways of working
37 with things. But they are all kind of informal mechanisms.
38 They are not processes of formal accountability. There is
39 a kind of informal collegial accountability, but as I say,
40 it's far from successful all the time, if I can put it that
41 way. In my experience, often unsuccessful. And when it
42 gets to the point where a bishop is really needing, or
43 I felt moved as Primate to give quite clear advice to
44 a bishop, often relationships within the diocese have
45 deteriorated to the point where people are in corners and
46 the bishop has boxed himself into a corner and really has
47 nowhere to go. And in a number of cases, what happened,

1 despite my interventions, was the bishop's resignation.

2

3 MS FURNESS: What would a formal accountability system
4 look like, to your mind?

5

6 ARCHBISHOP ASPINALL: Well, we've had several attempts,
7 two or three attempts in my time as Primate, to put in
8 place uniform episcopal standards legislation. There do
9 need to be grievance processes or complaints processes,
10 where people in a diocese can say, "My bishop is acting
11 unfairly." The difficulty is that you then provide an
12 avenue for a whole lot of vexatious and trivial complaints,
13 and we haven't found a way yet, really, to strike that
14 balance and to get in place uniform standards.

15

16 One key issue is that - there is quite a body of
17 feeling in the church that bishops must be held accountable
18 by a body external to their own diocese; the accountability
19 has to be held that way, because most of the key people
20 within a diocese are either personally known to the bishop,
21 so there are conflicts of interest, or have been appointed
22 by the bishop, so there are conflicts of interest. So
23 there needs to be an external body.

24

25 But there are others in the church who say there is no
26 way we are going to give an external body power over our
27 bishop. So we have this impasse, really, which has
28 prevented the implementation of a uniform episcopal
29 standards regime.

30

31 MS FURNESS: You would have heard the Catholics' proposal
32 for a national professional standards company which would
33 set minimum standards and, by way of contractual
34 arrangements, bishops would be required to follow those
35 standards.

36

37 ARCHBISHOP ASPINALL: Yes.

38

39 MS FURNESS: Is that something the Anglican Church has
40 considered?

41

42 ARCHBISHOP ASPINALL: Not in terms of a separate body.
43 There are various ideas being kicked around even now -
44 revisions of former models, and so on, to try and get some
45 uniformity. But I think it's true to say we've not
46 considered a model along the same lines as the Catholic
47 model.

1
2 MS FURNESS: I think it was you who mentioned earlier the
3 Irish model?
4
5 ARCHBISHOP ASPINALL: Yes.
6
7 MS FURNESS: That is not dissimilar, although it provides
8 more powers to the oversighting body.
9
10 ARCHBISHOP ASPINALL: Yes.
11
12 MS FURNESS: Are you considering that?
13
14 ARCHBISHOP ASPINALL: Not in those terms, Ms Furness.
15 I think there's merit in that, but I still think the
16 Anglican Church of Australia - I really hate to say it, but
17 I think we might need an external push --
18
19 MS FURNESS: Such as a Royal Commission recommendation.
20
21 ARCHBISHOP ASPINALL: -- over the line, yes, or some kind
22 of requirement that certain standards be observed.
23 Because, if you look at our experience, our national
24 Professional Standards Commission I think has done
25 magnificent work with very limited resources over more than
26 a decade. It has done international research and produced
27 best practice models which have been proposed to the
28 dioceses for acceptance. And the result of that is a great
29 deal of diversity across the dioceses. So we need - it
30 seems, I hate to say it, but it seems that at a practical
31 level, we are incapable of putting it in place ourselves.
32
33 MS FURNESS: Thank you. Just finally, if I can go to you,
34 Dr Porter, is there anything else you wish to say about
35 causal factors for the abuse of children within the
36 Anglican Church and its response to it?
37
38 DR PORTER: I don't think I can add anything to the causal
39 factors that have already been discussed. I think our
40 response - I've been on the General Synod and on the
41 standing committee as we've worked through all these
42 processes that you have spoken about earlier, from 2001
43 onwards, and I believe we really have been trying
44 exceptionally hard to get this right. I think we have
45 looked at all sorts of areas. We have put in place
46 everything we could think of. There's never a meeting of
47 the standing committee, let alone the General Synod, where

1 a major item has not been this very issue: how can we do
2 better? What else do we need to do? How much further do
3 we have to go?
4

5 My only concern with that would be that because we've
6 tried to be so broad, so all-encompassing, we have perhaps
7 not focused so entirely on child protection as we should
8 have, whereas child protection is the issue that is
9 absolutely crucial, and I believe across the national
10 church is the area where there is a very strong level of
11 agreement. People know that this is the area we do have to
12 be focusing on.
13

14 I think we do need to get back to focusing on that
15 much more clearly, perhaps, and not being so concerned with
16 every other tiny area that perhaps we have wanted to do for
17 the very best of reasons. But if you sometimes put too
18 much into something, as we've said earlier about the
19 detail, it can divert us. But it has certainly not been
20 for want of trying and very, very real concern.
21

22 MS FURNESS: If you were to focus primarily on child
23 protection, do you think that there would be agreement
24 among the dioceses as to what should be put in place?
25

26 DR PORTER: At the broad level, yes, I believe there
27 would. But it has been said earlier from others, the devil
28 will be in the detail. But if we can come up with
29 a common, basic principled process, I know there would be
30 agreement across the diocese. Our bishops have already
31 said that recently in their Bishops Conference -
32 a commitment to go down this path.
33

34 It's simply a matter of getting the words right,
35 putting it in place. That's what we have to do. But the
36 devil is always in the detail.
37

38 PROFESSOR PARKINSON: I would just say, from my experience
39 across churches, it's not getting the words right which is
40 the issue; it is getting the implementation right. And
41 where there is a gulf between the words and the
42 implementation, then you have continuing problems. Those
43 words would be meaningless.
44

45 I think my limited involvement with the Anglican
46 Church suggests there is a problem of implementation. It
47 is patchy. Some dioceses have done an extraordinary

1 amount, but others haven't, and I think this is the
2 challenge.

3
4 ARCHBISHOP ASPINALL: I would agree. I think it is both.
5 I think it is the detail and it is implementation. There
6 is no question that implementation around the church has
7 been patchy. But to give one example, one of the
8 differences between diocesan Professional Standards
9 Ordinances is the definition of "abuse". Some take a very
10 broad definition, and they will include emotional and
11 psychological abuse and bullying and so on. Others take
12 a limited view and say "No, abuse means sexual abuse and
13 that's all we're trying to address here." Brisbane is one
14 who began with a broad view and then narrowed it, because
15 we found the professional standards regime was being
16 invoked, for example, by parents of a student in one of our
17 schools who had been suspended by the headmaster for
18 misconduct, and the parents then claimed that the child had
19 been emotionally and psychologically damaged by that action
20 of the headmaster. And, you know, it cost \$100,000 to run
21 this process through our professional standards regime. So
22 there are differences like that in detail which would mean
23 that a diocese might not adopt a General Synod canon, if
24 the definition of "abuse" was too broad, for example.
25 I think Brisbane would be in that position.

26
27 MS FURNESS: But isn't it the case then that you adopt
28 a definition which is sufficiently narrow to gain
29 agreement, for example, in relation to this work, child
30 sexual abuse, and provide a standard in relation to that
31 definition?

32
33 ARCHBISHOP ASPINALL: Yes, and that's what I said
34 earlier - what I intended to communicate, Ms Furness: if
35 we went for a well-targeted, narrow-scoped measure at the
36 General Synod that addressed child sexual abuse and didn't
37 try to go more broadly, I think that would improve the
38 chances of uniform agreement.

39
40 MS FURNESS: But you say "if we went for". Archbishop,
41 why haven't you gone for that?

42
43 ARCHBISHOP ASPINALL: Because the professional standards
44 models recommended by the Professional Standards Commission
45 have tried to address more than child sexual abuse, until
46 now, and I think what is emerging in the bishops' meeting
47 just a fortnight ago and from the most recent meeting of

1 the standing committee, to narrow things down to the
2 absolute bare minimum - because there is commitment across
3 the whole church to protect children, and it ought to be
4 possible to put that measure in place, if it's very well
5 defined in scope.

6

7 MS FURNESS: I don't think anyone would disagree,
8 archbishop, that it ought to be possible. The question is
9 why hasn't that relatively simple focus, that is, on
10 something that one can define and understand and share
11 a commitment to, happened yet?

12

13 ARCHBISHOP ASPINALL: I think because we've been trying to
14 do too much. Our professional standards canon has been too
15 broad in scope. Our episcopal standards attempts have been
16 too broad in scope. If we narrow it down to child sexual
17 abuse, we might get agreement.

18

19 MS FURNESS: When has it come to your thinking that such
20 a narrowing is necessary?

21

22 ARCHBISHOP ASPINALL: I think relatively recently. When
23 we've been pondering and really wrestling with the fact
24 that it is not acceptable to this Commission and it is not
25 acceptable to the broader Australian community, that we
26 cannot, as a church, put in place uniform child protection
27 regimes and uniform episcopal standards measures, how will
28 we do that? The emerging thinking is narrow it to child
29 sexual abuse in order that everybody can get on board.

30

31 MS FURNESS: Dr Kaye?

32

33 REVEREND DR KAYE: Thank you. If I may come back to
34 something that Archbishop Aspinall referred to, namely, an
35 external impulse. It seems to me the problem that we face
36 in the Anglican Church is an inability to, with certainty,
37 secure compliance to a set of standards and practices for
38 the reasons which have been expanded. If one looks to an
39 external impulse to try to make a change in that, it seems
40 to me that as a first instance, that is likely to be like
41 pushing a balloon that does not have much air in it. It
42 would be very difficult to overcome the problems.

43

44 Whereas if you were thinking of an external impulse
45 into the life of this church which operated from something
46 nearer the ground, like things to do with mandatory
47 reporting and the auditing of reporting and sanctions that

1 might apply to that sort of process - I mean, I'm not
2 a lawyer, but I imagine that that kind of thing and the
3 compliance with agreed standards are susceptible to some
4 kind of legal intervention in the operation of a big
5 institution that is a kind of public body in this church.
6 That, I think, as a first stage, may prove more successful
7 in changing the culture here that is proving to be so
8 resilient.

9
10 COMMISSIONER FITZGERALD: Can I just ask a question: it
11 would seem to the outside world - outside of your church
12 and Catholic churches - that an impetus is still needed,
13 notwithstanding the acceptance by the church of its failure
14 in relation to child protection. The numbers of victims,
15 the numbers of perpetrators, the story of cover-up is
16 compelling.

17
18 The Australian people surely would be rather concerned
19 or frustrated that such an august institution requires
20 further impetus to actually deal with something that it
21 itself recognises as a profound failure. So why is it that
22 the culture is winning out over the needs of children and
23 victims? How could it possibly be that a church that
24 acknowledges the damage that has been done is resistant to
25 achieving the most modest of requirements and standards?
26 That would be a very hard thing for Australians to accept,
27 given the evidence that has been available to this
28 Commission. So why is it that culture, factionalism and
29 politics is overriding the needs of children and survivors?
30

31 REVEREND DR KAYE: Thank you. I agree entirely with the
32 point that you are making, but I suppose I am trying to
33 address in my mind the question how practically can we make
34 some kinds of changes and begin to shift the thing. It
35 seems to me pushing the whole cart, I agree that it ought
36 to be possible to do it and it is a great failure on the
37 part of the church, but, quite frankly, at this level the
38 constitution is non-functional, and chipping away and
39 making beachheads into that culture is more likely to shift
40 it than otherwise. I'm entirely sympathetic to your
41 comment, I'm just trying to be practical.

42
43 COMMISSIONER MURRAY: That implies that the external
44 impulse would have to be the state saying, "You either get
45 your act together or we're going to make you", doesn't it?
46

47 REVEREND DR KAYE: Well, if I may speak as an Australian

1 citizen, I don't think there is anything wrong with it.

2

3 THE CHAIR: The state could intervene by changing the
4 money regime in relation to the church, couldn't it? The
5 church is the beneficiary in a variety of ways of financial
6 concessions. The state could intervene by saying, "You
7 don't get those unless you get your house in order". Would
8 that work?

9

10 REVEREND DR KAYE: I think I said I'm not a lawyer.

11

12 THE CHAIR: I didn't ask for a legal opinion, but would it
13 have the effect of moving people's minds?

14

15 REVEREND DR KAYE: I would hope so, but I'm not - I mean,
16 I think that is one thing which ought to be considered.
17 I do. I think this is a serious problem which the church
18 has not been able to properly grapple with.

19

20 THE CHAIR: As you know, we have described what we have
21 now seen as a whole-of-community failure, not just the
22 Anglican Church, it's many other institutions as well, to
23 which maybe there needs to be a whole-of-community
24 response, and maybe one needs to think that unless
25 institutions do perform and put their house in order, then
26 the community needs to respond for them.

27

28 REVEREND DR KAYE: As a citizen, I couldn't agree more.

29

30 MS FURNESS: Can I just turn to you, Bishop Robinson.
31 Again, being in a smaller diocese and having heard the
32 evidence that has been given about the difficulty in moving
33 forward, what can you tell us of your experience?

34

35 BISHOP ROBINSON: Well, in the last two and a half years,
36 we have adopted or taken on board pretty much everything
37 that the General Synod guidelines have suggested in terms
38 of child protection. We have introduced a training program
39 for all people who are working in parishes, working with
40 children, all parish councillors. We've instituted that
41 and we take that around the diocese as a roadshow. So for
42 those people in more isolated communities, they can receive
43 training that meets the General Synod guidelines for
44 training for Safe Ministry.

45

46 We've initiated a series of questionnaires where we
47 now ask people to declare whether or not they've ever been

1 charged with an offence, whether or not they have issues
2 with alcohol - all these kinds of basic risk questionnaire,
3 which they now have to sign. They sign a statutory
4 declaration that says they have not been involved in any of
5 these things, they have never been involved in any issues
6 with child abuse. We run Blue Card checks on all of our
7 people working with children, all parish councillors. What
8 else are we doing? Police checks are conducted, and have
9 been conducted, on all existing clergy, everyone who is in
10 a parish in the diocese already, where they hadn't a police
11 check done.

12
13 MS FURNESS: Just let me interrupt you there, bishop. You
14 will hear that the evidence has been that the devil is in
15 the detail, that's what is stopping a nationally uniform
16 approach is the difference in the detail. Do you have any
17 difference in detail that stops you conforming with, let's
18 say, the Archdiocese of Brisbane?

19
20 BISHOP ROBINSON: The Diocese of Brisbane, no, none at
21 all. In fact, we are working together provincially to do
22 this. We met just a couple of weeks ago and we have set in
23 process a plan for a provincial professional standards
24 canon and we are working increasingly in ways of dealing
25 with this. As the archbishop has said, the devil is in the
26 detail, and when you start to get a bigger group of
27 dioceses together, there can be some differences of
28 opinion.

29
30 My personal take on this is that there is no
31 theological difference that is so great that we should not
32 address this issue, and if it's not being addressed,
33 I would suggest it's probably got more to do with power and
34 authority than it has to do with any other factor.

35
36 MS FURNESS: Well, power and authority was where we
37 started this discussion.

38
39 BISHOP ROBINSON: And it's where we'll end up, yes.

40
41 MS FURNESS: Bishop Thompson?

42
43 BISHOP THOMPSON: If it is in relation to causal factors,
44 would you like me to respond to that?

45
46 MS FURNESS: Certainly.

47

1 BISHOP THOMPSON: I think there has been a generation that
2 has been totally ignorant of the trauma of child abuse, as
3 they have been ignorant of domestic violence, and have not
4 had the language to talk about it, and that includes the
5 church. I think a part of the challenge that we face is
6 people understanding the nature of trauma in child abuse.
7 We have set about, over the last 18 months, to have parish
8 recovery teams which enable a parish to come to terms with
9 the idea that their former priest, deceased or still alive,
10 has been an offender, and to have the capacity to help that
11 congregation to understand the impact of trauma in that
12 community - not only the trauma upon the survivor, but also
13 their family and the wider community. And a part of
14 I think a bottom-up change is helping communities
15 understand the long-term, lived trauma of those who have
16 experienced child abuse, and the reasons why they take 20,
17 30 years, or more, to come forward.

18
19 I think it is in the proximity of those stories of
20 survivors that there is a capacity for transformation and
21 a shift on the washing machine cycle of never getting
22 a national response. We need a clarity around how we will
23 work together as a national church and how we will
24 collaborate. I think we have not been good at
25 collaborating on many things in the national church. In
26 fact, we have undermined a national response at many levels
27 because we've had vested interests in our dioceses and our
28 diocesan agendas.

29
30 But I think to help hearts and minds shift, the
31 balloon needs to be filled with the oxygen of change, and
32 hearts and minds I think can be changed when they are in a
33 position to understand the trauma that abuse has happened
34 and how people can find a way forward if they are
35 supported, and that there are consequences for the
36 community if they don't deal with the trauma past.

37
38 I'm wrestling with people who still don't believe the
39 trauma of child abuse, and still believe that those coming
40 forward are simply after financial return, and that those
41 who they loved and revered as their priests are still
42 innocent of all those - all the necessary information that
43 has come forward. It is as if their devotion to priests
44 and to the church comes before the genuine understanding of
45 the suffering that many families and individuals continue
46 to go through. So there needs to be a heart and mind
47 process, as well as a legislative national response.

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MS FURNESS: Thank you. I have nothing further, your Honour.

THE CHAIR: Anything from the Commissioners?

JUSTICE COATE: Just one matter, perhaps. Can I just come back to you, Archbishop Aspinall, and bearing in mind what Bishop Thompson has just said about the hearts and minds aspect of that barrier to national consistency and uniformity, you have identified one matter for us, which was about what appears to be a disagreement inside professional standards as to the broadness of the definition of the child protection issue, but can you assist us with what other barriers, in your observation, exist to that achievement of national consistency or uniformity, and acknowledging, of course, what Bishop Thompson has just said about the lack of awareness that in his observation exists?

ARCHBISHOP ASPINALL: I think Bishop Thompson is correct, that there are large parts of our church that are still to be properly seized of the suffering that is caused by child sexual abuse. Those who have not sat with the victims, those who have not had direct experience, those who are disbelieving that their clergy could possibly engage in this sort of behaviour and, therefore, engage in denial - all of that, that cultural change affecting hearts and minds still has a long way to run.

I think the bishops have got it, but I think there are a lot of people in the church, on the ground, who still have not understood. So there is an educational thing there.

But I think at root, what impedes our capacity to collaborate is a fundamental lack of trust between the dioceses, to the point where there is a lack of will or even desire to cooperate on a whole range of issues. And I think child sexual abuse, there probably is the greatest degree of will to collaborate.

But when we talk about theological differences in the church, they are not theological differences about child sexual abuse, there are much deeper underlying issues about how to interpret and apply the scriptures which give rise to differences about the ordination of women, which prayer

1 books should be authorised to be used, differences about
2 human sexuality.

3
4 So we have one part of the church who looks at another
5 part of the church and says, "We do not believe you are
6 understanding and applying the scriptures in a proper,
7 truthful way. We actually have doubts about what you
8 believe. We suspect" - this would never be said, but it's
9 what's there, beneath the surface - "We suspect that you
10 may not really be truly Christian. Therefore, we do not
11 want to associate with you too closely, institutionally,
12 lest we be contaminated with those errors that you are
13 making".

14
15 Now, this undermines a desire to collaborate
16 nationally, and pushes people back into their own dioceses
17 where they live with the true and pure, like-mindedness.
18 That's the fundamental issue, I think, the Anglican Church
19 of Australia has to grapple with.

20
21 JUSTICE COATE: I can see a couple of other people on the
22 panel nodding. I wonder if anyone on the panel actually
23 holds a different view to what has just been expressed.
24 No?

25
26 THE CHAIR: The answer is no. Does anyone else have any
27 questions, then?

28
29 COMMISSIONER MURRAY: Just one. I don't personally think
30 it's much of an issue, but now and again it's raised with
31 us, that the Royal Commission has no part in looking at
32 faith-based organisations because of separation of church
33 and state. My view is that this is a matter of the safety
34 of children and it's not about faith. And I assume - and
35 I just want confirmation - that is the basis on which each
36 of you, as I understand it, accept that it is perfectly
37 appropriate for there to be what has been described as an
38 external impulse, because it is about safety, it is not
39 really about faith?

40
41 REVEREND DR KAYE: Absolutely.

42
43 DR PORTER: Certainly.

44
45 COMMISSIONER MURRAY: Does anybody disagree with that?

46
47 ARCHBISHOP ASPINALL: No, I think that's right. I think

1 the Australian community as a whole is looking to the
2 Royal Commission to make recommendations that will protect
3 children in institutions, and that includes faith-based
4 institutions.

5
6 COMMISSIONER MURRAY: Yes.

7
8 THE CHAIR: Now, on the Bar table, does anyone have any
9 questions?

10
11 MS ENGLAND: No.

12
13 MR CRANNY: No.

14
15 THE CHAIR: Ms Furness?

16
17 MS FURNESS: I have nothing further, your Honour.

18
19 THE CHAIR: May all these good people be excused?

20
21 MS FURNESS: Yes, your Honour.

22
23 THE CHAIR: I don't know what is behind the hesitation,
24 but can I thank each of you for your individual
25 contributions. Some of you, of course, have been to talk
26 to us on multiple occasions and we are grateful for what
27 you have been able to give to us. We hope that in
28 considering what you have said, we are able to give back to
29 you recommendations that will prove effective going
30 forward. But today, we thank you, and you are now all
31 excused.

32
33 <THE WITNESSES WITHDREW

34
35 MS FURNESS: 10 o'clock Monday morning.

36
37 THE CHAIR: We will adjourn until then

38
39 **AT 3.15 PM THE COMMISSION WAS ADJOURNED UNTIL**
40 **MONDAY, 20 MARCH 2017, AT 10AM**

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