Anglican Diocese of Adelaide

Royal Commission into Institutional Responses to Child Sexual Abuse

Response of the Archbishop of the Anglican Diocese of Adelaide

20 January 2016

Introduction and Narrative Summary

1. In response to your letter of 2 November 2015, I have prepared a statement addressing questions included in the attached Schedule A. Some of the detailed material related to questions in the schedule has already been lodged with the Commission. Where this is the case it will be indicated. Further material is included in a series of appendices.

2. I was elected Archbishop on 21 May 2005, and installed as Archbishop of Adelaide on 21 October 2005, so material relating to the period before this time is almost entirely drawn from diocesan records supplemented by my impressions of that time formed by more than a decade of service in the Diocese. When I accepted appointment to Adelaide, I was Bishop of Gippsland. After my election as Archbishop, I sought to familiarise myself with the issues that the Diocese of Adelaide was facing and was regularly briefed in the lead up to my installation.

3. The Anglican Church of Australia and the Diocese of Adelaide, has welcomed the announcement of the Royal Commission of Inquiry. We are anxious to support the Commission's work, particularly, for the sake of the many survivors of abuse, who we hope will now feel a sense of being heard and recognised by the Australian community.

4. The issue of child sexual abuse within the Diocese of Adelaide began to assume some prominence during the 1990s. Prior to 1992, either the Archbishop or an Archdeacon usually dealt with claims of sexual abuse. In 1992, serious complaints were made in relation to a priest and this led to a number of initiatives being taken, including the establishment of a 'Critical Incidents Task Force' that had the role of developing guidelines for dealing with allegations of inappropriate sexual behaviour made against the clergy. As the result of the work of this group, a protocol for dealing with allegations of inappropriate sexual activity was passed by Synod in 1996.

5. A Diocesan Response Group was established in 1994. It had the role of making an initial evaluation of complaints against clergy and advising the Archbishop what further steps, if any, needed to be taken.

6. Between 1995 and 1999 a number of allegations were made suggesting that a prominent Church of England Boys Society leader, Robert Brandenburg, may have been involved in a number of cases of abuse. Brandenburg committed suicide in 1999 after being charged by Police with a number of offences. In the annual session of Diocesan Synod in 2000, Archbishop Ian George referred to the Brandenburg matters. He condemned the abuse that had occurred, expressing his deep sorrow at its occurrence. He encouraged those who had been victims to contact a helpline that had been established.

7. An interim Professional Standards Director was appointed in 2003, working from the Diocesan Office and an interim Professional Standards Protocol was put in place. Nevertheless, what was regarded as an insufficiently proactive response to the Brandenburg revelations

continued to be criticised, particularly by two prominent members of the clergy who eventually (2003) conducted a press conference and called for a public inquiry.

8. A Board of Inquiry was established in 2003 by the Diocese and conducted by The Hon. Trevor Olsson and Dr Donna Chung**.** The Report of the Board of Inquiry [ANG.0044.001.0068] noted the steps that were taken through the 1990s, but also observed a tendency to adopt a defensive approach in the handling of claims of sexual abuse.

9. Further reflecting on the diocesan response over previous years, the Board of Inquiry referred to 'a professed lack of knowledge' about child sexual abuse amongst parishes and Church organisations suggesting that this had a number of negative impacts:

- Complaints and concerns were treated as single, one-off incidents, and not considered as possibly being part of a broader pattern that might involve more than one victim.
- When there was an admission of inappropriate sexual behaviour, the alleged perpetrator's promise that such behaviours would not continue was often considered adequate intervention.
- There was disbelief by Church workers about the prevalence of child sexual abuse in society and in their communities of interest.
- The tactics commonly used by child sexual abuse perpetrators to gain the victim's trust and the trust of the victim's family to help maintain the victim's silence were not recognised, thereby enabling abuse to continue.

10. The Report of the Board of Inquiry was tabled in State Parliament on 31 May 2004, with the Archbishop and Diocese being widely criticised for the handling of matters relating to child sexual abuse. The Archbishop's handling of another incident about the same time, involving a school chaplain, was the subject of further criticism. On 11 June 2004, Archbishop Ian George resigned after a lack of confidence in his position was expressed by the Professional Standards Committee and the Diocesan Council.

11. Following the resignation of the Archbishop, a resumed session of the 2004 Synod agreed to adopt and implement all of the recommendations of the Board of Inquiry. The Synod also passed a motion of 'unreserved apology' (*Synod 2004 Apology to Victims* [ANG.9610.01001.0337]) to those who had been harmed by people holding positions of power and trust in the Church. Synod also agreed to review the composition of the Professional Standards Committee in light of the findings of the Board of Inquiry.

12. In another response to the Board of Inquiry, the Diocese put in place its *Healing Steps* process in August 2004. In developing *Healing Steps*, the Diocese sought the assistance of an independent advisor with years of experience working in social welfare and dispute resolution, Ms Fay Marles AM (previously Victoria's first Commissioner for Equal Opportunity, then Chancellor of the University of Melbourne).

13. *Healing Steps* was never seen as rigid process, with fixed 'steps' to be followed inflexibly by those who chose to use it. Rather, as the name infers, it recognised that there were important 'guiding principles' of alternative dispute resolution that the Diocese needed to embrace as it sought to respond to those who had been abused by those in a position of sacred trust. The 2004 *Healing Steps* booklet [ANG.0048.001.3352 & IND.R-003252.PS.0472] describes the process as 'an option which approaches claims from a pastoral perspective toward a resolution appropriate to the circumstances of each individual'. It was made clear that 'this alternative is neither part of, nor a substitute for pursuing claims through a legal process'. *Healing Steps* was intended to be:

- **Independent** – the Church coordinates the process, but ensures that key elements are undertaken by individuals and bodies independent of the Church. From the beginning, mediations were conducted by an independent facilitator in premises other than Church property.
- **Optional** – the process is one option available and its use does not preclude a survivor seeking redress through other means. People considering pursuing claims against the Diocese are encouraged to seek legal advice in order to consider all the options available to them.
- **Supported**—at any time during the process those seeking redress from the Diocese were encouraged to access additional support and advice from sources independent of the Church. As the process was developed, the Professional Standards Director was given a standing capacity to make available at an early stage a package of counselling to support people as they came forward and considered how they might develop their claims.
- **Transforming**—the key objective was to enable survivors of abuse to 'move on in life in a positive way'. The mediation process recognised that the journey of each individual is different as are the steps towards greater healing for those who have been abused or traumatised.

14. The adoption of *Healing Steps* in 2004 represented a major shift in the nature of the Diocese of Adelaide's response to claims related to abuse. Previously, the response of the Diocese had been characterised by a significant emphasis on liability. As the Commission will understand, given the nature of sexual abuse, liability is often hard to establish. *Healing Steps* did not set aside the need for appropriate investigation of critical incidents, but it did establish an important 'default' towards believing those who came forward with claims. Survivors have repeatedly made it clear that 'being believed' was a key element in their journey towards some resolution.

15. Prompted by resolutions of the 2004 Synod, a report by Dr Zoe Morrison (February 2005) was entitled *Reporting the Abuse of Children and Young People and responding to Adult Sexual Assault: A study into attitudes and behaviours of clergy and Church workers in the Anglican Diocese of Adelaide when dealing with the abuse of children and sexual assault of adults* [ANG.0044.001.0001]. The report demonstrated an increased awareness by clergy of matters relating to child protection and affirmed educational measures that had been put in place. It

revealed that there continued to be an 'under-reporting' of child abuse by clergy, particularly to the appropriate government authorities. Concern was expressed by some clergy about a perceived lack of independence of the diocesan Professional Standards Office and questions were raised as to whether 'old, male-dominated hierarchical power structures' were related to a lack of accountability around dealing with child abuse.

16. A diocesan working group produced a report called *For the Sake of the Gospel: A review of the Professional Standards Policy, Protocols and Practices of the Diocese of Adelaide*. [ANG.9610.01001.0211] in August 2005. It took into account the findings of the Morrison Report (*Reporting the Abuse of Children and Young People and responding to Adult Sexual Assault: A study into attitudes and behaviours of clergy and Church workers in the Anglican Diocese of Adelaide when dealing with the abuse of children and sexual assault of adults* [ANG.0044.001.0001]) as it reviewed the diocesan professional standards policies, procedures and practices. A significant part of this report focused on the question of 'culture'. The report stated that there appeared to be a 'widespread view that a struggle exists between moving from the old culture to the new culture outlined by Synod ... The 'old' culture is seen to endorse a defensive and somewhat adversarial approach'.

17. The working group affirmed that for cultural change to be effective within the Church it needed to be 'grounded theologically'. While a developed theological position was not possible within the limitations of the report, it did provide a theological reference point in a vision of the Church based on the (non-hierarchical) mutuality of God, the Holy Trinity and 'the love revealed in Jesus the Redeemer'. *For the Sake of the Gospel: A review of the Professional Standards Policy, Protocols and Practices of the Diocese of Adelaide*. [ANG.9610.01001.0211] also included a raft of practical recommendations, touching on issues such as clergy selection and training, the composition of professional standards structures, the job description, location and autonomy of the Professional Standards Director, and the relationship of professional standards to Church office.

18. The General Synod of 2004 passed a number of key child protection and professional standards measures that have since been taken up widely across the Dioceses. A *Model Professional Standards Ordinance* was passed and recommended to the Dioceses for adoption. This model Ordinance provided for the adoption of a *Professional Standards Protocol* and a *Code of Conduct for Church workers* [ANG.0181.001.0148]. The General Synod of 2004 also passed legislation providing for the development of a National Register to provide information about the disciplinary actions against clergy and lay workers. An updated version of this was passed by General Synod in 2007. As envisaged by the *Model Professional Standards Ordinance* [ANG.9310.01001.0303] a code of conduct for clergy and Church workers, *Faithfulness in Service* [ANG.0006.001.0225], was passed and commended to dioceses for adoption.

19. Under *The Constitution of the Anglican Diocese of Adelaide* [ANG.9610.01001.0014] legislation cannot be passed by the diocesan Synod without a diocesan Bishop in place. This delayed the adoption of some of the General Synod measures of 2004 until after the installation of a new

diocesan Bishop (October 2005). Measures put in place in the interim intentionally reflected developments at a national level.

20. The 2005 Synod (absent the new Bishop) did proceed with some matters not requiring the passing of legislation. Synod considered a motion that 'generous pastoral and financial responses are made to all victims of sexual abuse in our Church'. Before this motion was put to the vote, one of the survivors of abuse by Robert Brandenburg was invited to address Synod, without the usual time restrictions. The Synod began to consider the financial impact of redress upon the Diocese and gave in-principle support to the sale of the Bishop's residence, Bishops Court, on the understanding that while funds from the sale were subject to trust restrictions and could not be used directly to fund Professional Standards redress, the sale could release funds to assist the overall financial strategy. As it happened, other financial measures were put in place in October 2005 to fully fund the payment of claims (see below).

21. Following the installation of the present Archbishop a set of immediate priorities were established in consultation with the Diocesan Council. They included:

- Continued development of Professional Standards structures in line, where possible, with emerging national models and recommendations.
- Responding to the survivors of abuse through *Healing Steps* or other processes as elected by survivors.
- Development of a diocesan financial strategy to facilitate Synod's commitment to a generous pastoral and financial response to survivors of sexual abuse.

22. The adoption of a Professional Standards Ordinance, based on the National 'model' Ordinance, required the development of an accompanying protocol. A working group had the task of preparing both these instruments to be considered by the annual session of Synod in 2006. In May 2006 a special session of Synod considered some of the financial measures necessary to fund the provision of pastoral and financial support to the survivors of abuse. It also passed an Ordinance adopting the General Synod *Holy Orders, Relinquishment and Deposition Canon 2004* [ANG.0173.001.0076] (providing for simplified and more accountable disciplinary outcomes against clergy).

23. A financial strategy enabling the Synod's response to those who had been abused was developed in the course of 2006. It had a number of components:

- Borrowing to fund payments ($8 million).
- The liquidation of some capital assets (the Synod actually had few).
- Reductions of expenditure, including the conclusion or reassignment of some staffing positions.
- An additional assessment levy on all parishes.

24. Within the reorganisation of staffing, a position was created for a part-time Safer Ministry Educator.

25. Mediation processes with the survivors of abuse were progressed, often using the *Healing Steps* model. This model provided for a meeting and personal apology from the Archbishop on behalf of the Church. They were facilitated by an independent mediator and occurred at a 'neutral' venue. Thirty-six settlements for redress were reached in 2006. A number of survivors of abuse availed themselves of the opportunity of an interview with me as Archbishop and to receive an apology on behalf of the Church. My sense was that these times of being heard were of great importance to a number of survivors and that some of the legal counsel for survivors who may have had some cause for initial cynicism about this provision came to be more accepting of its value. These encounters were costly for all involved, yet were sometimes marked by remarkable grace on the part of those who had experienced much pain.

26. The annual session of Synod was held in October 2006 (*Resolutions passed by Synod in October 2006* [ANG.01001.0.125]). This session of Synod adopted the *National Register Canon 2004* [ANG.0050.003.2766] and a *Professional Standards Ordinance* that was substantially the same as the National model Ordinance (differences included a wider definition of abuse). The General Synod Code of Conduct, *Faithfulness in Service* [ANG.0006.001.0225] was adopted by resolution.

27. The Synod affirmed the expectation that by June 2008 all clergy, ordination candidates, authorised lay readers and lay preachers would have completed mandatory notification training and 'Power and Trust', 'Recognise and Respond' and 'Safety and Screening' seminars. All 'lay assistants' were subject to the same expectation with the exception of the unit 'Recognise and Respond'.

28. Following the adoption of the *Professional Standards Ordinance 2006* [ANG.0173.001.0136] by Synod, Diocesan Council endorsed an associated protocol, as provided for under the Ordinance. Late in 2006, the interim Professional Standards Director resigned. The person who had been in the role since 2003 had a long association with the governance of the Diocese. She was succeeded by a Director who, deliberately, had no association with the leadership of the Diocese (and, in fact, was not an Anglican). Subsequently, the Professional Standards Office was moved away from the Diocesan office to premises that had no association with a Church.

29. One of the questions that arose at this time was in regard to the relationship of Anglicare SA to certain redress claims. Robert Brandenburg had been an employee of Anglicare SA and its predecessor entities for a period during the 1990s and the campsites, where some of the abuse had occurred, were under Anglicare SA control. At this stage, Anglicare SA was an entity governed by a Council established under an Ordinance of Synod. Anglicare SA became an incorporated association in 2000.

30. With the emergence of claims relating to Brandenburg, Anglicare SA was provided advice that claims relating to matters before incorporation were entirely the responsibility of the Synod. The Synod accepted that it had ultimate responsibility for events that happened within

Anglicare before its separate incorporation. At the same time, it received advice that incorporation did not necessarily extinguish all liability on behalf of Anglicare SA. The Diocesan Chancellor had also offered the view that it would be consistent with the Constitution of Anglicare SA to make a contribution towards assisting those who had been abused within entities that had become Anglicare SA.

31. This matter was the subject of some debate and negotiation over several years. In 2011 the Board of Anglicare SA agreed to 'to walk side-by-side with The Synod of the Anglican Diocese of Adelaide and to provide pastoral support for victims of abuse'. A *Memorandum of Understanding with Anglicare SA* [ANG.0178.001.0108] was subsequently entered into in early 2013.

32. The commitment of the Diocese to respond in a timely way to the claims of the survivors of abuse also raised issues and questions as to insurance cover. The Diocese had been advised that in many of the cases where we went on to provide some form of financial settlement, it would have been unlikely that any liability could have been established and that, therefore, no insurance cover was available. Furthermore, it was clear that in seeking to pursue a settlement involving the diocesan insurers, survivors would be placed in a much more adversarial position. The Diocese chose not to do that and, although we have subsequently sought to negotiate a settlement with the insurers, we have at this point received no assistance from them.

33. In late 2006, the Diocese began to look at issues surrounding the presence in congregations of persons with histories of child sexual abuse, mostly having had legal convictions or having been charged and awaiting further legal proceedings. The Professional Standards Committee spent considerable time developing a *Memorandum of Understanding* in line with national Church proposals that impose a high level of constraint and supervision around attendance. Around this time, the Diocese contributed to a nationwide research project looking at the history of child sexual abuse in the Anglican Church. This report *Child Sexual Abuse in the Anglican Church* by Parkinson and Oates was published in 2009.

34. The 14th General Synod met in October 2007 and passed the *National Register Canon 2007* [ASQ.261.005.0182] and the four protocols made under its provisions. It also passed an *Episcopal Standards Canon 2007* [ANG.0048.002.3200].

35. Although the *National Register Canon 2004* [ANG.0050.003.2766] was adopted by the Diocesan Synod on 27 October 2006, it was some time before this web based facility went 'live'. When it did, it proved difficult to access and use. Adelaide's Professional Standards Director, with the support of the PSC, expressed concern about the workability of this facility. It was not until 2012 that, from Adelaide's perspective, this facility became genuinely workable.

36. The annual session of Diocesan Synod, meeting in October 2008, adopted the *Episcopal Standards Canon* [ANG.0048.002.3200] as passed in 2007 by General Synod. The Synod also

passed General Synod amendments to the *Professional Standards Ordinance*. During 2008, the Diocesan *Guidelines for Protecting Children* [ANG.961.01001.0322] were revised.

37. During 2008 the South Australian Government's *Commission of Inquiry into the Abuse of Children in State Care* released its report ('The Mullighan Report') [ANG.0044.001.0170]. The report carried 54 recommendations, including a call for a more uniform approach to redress. Following the release of the report, as Archbishop, I joined with the Premier and other Church leaders in once again expressing an apology to those who were abused while in care. About a year later I felt the need to express concern to the Attorney General about the slowness of the State Government's response to survivors. The 2009 annual session of Synod passed a resolution calling on the State Government to expedite the provision of support services and adequate redress for victims of abuse in State care. In response (October 2009), the Attorney-General, The Hon Michael Atkinson, advised that Cabinet had approved a 'new approach for dealing with these claims to ensure a compassionate but appropriate Government response'. The response was based around legislative provisions for the victims of crime.

38. In 2008 the Diocese of The Murray signed a Memorandum of Understanding with the Diocese of Adelaide to enable Adelaide's Professional Standards Director to serve both Dioceses, with substantially common supporting legislation and structures, facilitating uniformity in approach across the two Dioceses.

39. The 2009 Synod also passed amendments to the Professional Standards legislation in line with developments at a national level. The Synod also passed a resolution expressing concern at 'the increased tendency in Australian society towards the premature sexualisation of children'. During 2009 the Diocesan Council established a working group to review the *Professional Standards Ordinance 2006* [ANG.0173.001.0136]. This working group also included representatives of the Diocese of The Murray. Among various matters considered were:

    - The nature of the review provision and its effect on the overall process.
    - Considerations around provisions for suspension.
    - The possibility of an agreed outcome based on a respondent's acceptance of a recommendation by the Professional Standards Committee to the Board should it proceed (this measure was intended to reduce the time a process might take in some instances, particularly where there was substantial agreement around facts).

40. In 2010 the Professional Standards Committee conducted a review of the *Healing Steps* process. Changes made were modest, but included a provision for the Church to seek confirmation from an independent investigation to substantiate a claim. The revision makes it more explicit that no survivor of abuse is required to make undertakings of confidentiality as part of the settlement of claims.

41. A review of Diocesan Safer Ministry education and processes was conducted early in 2013, both as an internal audit process, and with reference to *The Path to Safer Ministry - A*

'Roadmap' of National Professional Standards Resources [ANG.0134.024.0001] approved by the General Synod Standing Committee in 2011. In general terms, Adelaide Diocesan practices were found to be fully compliant with SA State and National Church expectations, but several areas emerged as requiring further attention:

- The need to move beyond a compliance culture of education, to an 'all of Church community' responsibility for safety outlook.
- The importance of moving beyond the 'after the fact' notification awareness, that is the primary focus of the Families SA mandatory reporting training curriculum, with a more proactive approach ensuring a transparent and responsible safe environment and practices culture.
- The importance of all involved in leadership and participation in ministry (including all voluntary workers) being aware of Safer Ministry responsibilities, policy and practice – not just those directly involved in child-related activities. This involved a significant widening and re-adjustment of Adelaide diocesan ministry and parish leadership accreditation and Safer Ministry education requirements (as reflected in the 2013 Safer Ministry Programme Information).
- Further exploration and awareness of special areas of vulnerability and responsibility given the higher than average representation of spiritually, socially and mentally vulnerable persons in our Church communities.

42. The Anglican Diocese of Adelaide is a member of the SA Safer Churches Network. The primary purpose of this network is to provide representatives from Christian Churches and associated agencies with the opportunity to come together to share experiences, exchange information and contribute to the development of policies and practices that lead to the development of safer Churches, particularly, in the area of child protection, the disabled, elderly and vulnerable. The Anglican Diocese of Adelaide is also a member of the National Council of Churches in Australia, and attends the NCCA run '*Safe As Churches?*' Consultations. As Archbishop, I attended as a key note presenter at one of these consultations.

43. Proposals developed by the working group, established in 2009 to review the *Professional Standards Ordinance 2006* [ANG.0173.001.0136], were the subject of a 'Synod Conference' in 2013. Further consideration of these changes by Synod was deferred in order to provide an opportunity for dialogue at a national level so as to ensure that any measures adopted in Adelaide were in line with national Church developments. As it eventuated, many of the changes proposed by the Diocese of Adelaide were incorporated in a revised Model Ordinance for professional standards and a new *Episcopal Standards Ordinance 2015*.

44. The 2011 meeting of the Bishops of the Anglican Church of Australia agreed on pastoral guidelines in regard to child abuse and use of private confession (Protocol 14). This protocol followed on from earlier work done by the Bishops' Meeting in 2006. The protocol was incorporated in the *Archbishop's Pastoral Guidelines* in Adelaide.

45. At the General Synod in 2014 a Canon was passed in regard to the confessional, making more explicit the need for certain matters to be reported, including child abuse. This Canon was adopted by Ordinance in annual session of the Synod of the Diocese of Adelaide a few weeks later, though with the Archbishop withholding assent while an accompanying protocol was developed (this had the goodwill of the Synod). The Dioceses were later advised that questions had arisen concerning the validity of this Canon and it was recommended that it not be adopted at present.

46. In 2014 negotiations were commenced with the Diocese of Willochra with the view to a Memorandum of Understanding for the provision of professional standards services within that diocese. With an agreement already in place with the Diocese of The Murray, this would mean that the same professional standards structures would serve the whole State of South Australia. That Memorandum of Understanding has now been signed.

47. In 2015 the annual session of Synod of the Diocese of Adelaide passed legislation adopting new *Professional Standards* and *Episcopal Standards Ordinances* [Both these Ordinances were based on the development of a national model.

48. In the decade ending October 2015, the Diocese of Adelaide settled 83 claims for redress. The average settlement amount was $65,080 and the median amount was $59,060. There are four claims currently before the Synod.

49. The Diocese remains committed to a proactive and generous response to historic incidents of abuse and continuous improvement in the area of child protection. My sense as Archbishop is that the attitude and values that underpin a positive and appropriate response to historic issues and current needs are increasingly imbedded in the culture of the Diocese.

+ Jeffrey Adelaide

11 December 2015