

## **Progress in responding to the Royal Commission into institutional responses to child sexual abuse**

### **Purpose**

1. To inform the Synod of progress in the response of this Diocese to the Royal Commission into Institutional Responses to Sexual Abuse (Commission).

### **Background**

2. As at the date of this Report, key matters concerning Royal Commission and its work may be summarised as follows –

- (a) The Commission has been charged with examining the sexual abuse of children in the context of institutions throughout Australia including churches and their agencies;
- (b) Other unlawful or improper treatment of children that accompanied child sexual abuse will also be considered by the Commission;
- (c) The Commission will obtain much of its evidence from the experiences of the individuals involved and will endeavour to ensure there are no obstacles to individuals giving their accounts to the Commission;
- (d) The Commission will identify where systems have failed to protect children and make recommendations on how to improve laws, policies and practices to prevent and better respond to child sexual abuse in institutions;
- (e) The Commission will last for at least 3 years (2013 to 2015) and will submit an interim report after 18 months (30 June 2014) to provide early findings and recommendations and to advise if time beyond 3 years is required;
- (f) The Commission is able to conduct hearings in different parts of the country concurrently and will run both private and public hearings;
- (g) The Commission is conducting private hearings with the aim of providing individuals the ability to confidentially provide their account to the Commission in an informal and non-threatening environment;
- (h) The Commission will not compel individuals who give accounts in private hearings to take matters further if they do not wish to do so;
- (i) In public hearings the Commission may restrict public reporting of individual matters, subject to the interests of those involved;
- (j) The Commission will use its powers to compel production of relevant records and documents including confidential agreements individuals have entered into with institutions though it will be sensitive to the possibility of placing restrictions on their publication;
- (k) The Commission will not prosecute matters or make determinations for compensation;
- (l) The Commission will investigate allegations and refer criminal matters to the appropriate authorities for prosecution where appropriate;
- (m) The Commission is undertaking research relevant to its Letters Patent to assist it in its work.

3. Six Commissioners have been appointed from a range of backgrounds from across the country: Justice Peter McClellan AM (Chair), Mr Bob Atkinson AO APM, Justice Jennifer Coate, Mr Robert Fitzgerald AM, Professor Helen Milroy and Mr Andrew Murray.

4. The Letters Patent for the Commission and draft guidelines concerning how the Commission will obtain information and conduct hearings are available on the Commission's website, [www.childabuseroyalcommission.gov.au](http://www.childabuseroyalcommission.gov.au).

5. A range of support services are available to individuals and affected family members who take part in the Commission process.

6. The first public sittings of the Royal Commission occurred on 3 April 2013. A transcript of the public sittings is available on the Commission's website.

7. The first private sessions with individuals commenced on 7 May 2013. Private hearings have now been conducted in many capital cities across Australia. Private hearings are expected to continue for the duration of the Commission.

8. The first public hearings have been announced to commence on Monday 16 September 2013 in Sydney. The hearings will run for up to a week and will look at how organisations including Scouts Australia, Hunter Aboriginal Children's Services and the then Department of Community services

responded to information and allegations concerning Steven Larkins, the former CEO of Hunter Aboriginal Children's Services.

9. The Royal Commission has served notices to produce on approximately three dozen organisations already including a number of Anglican Dioceses or organisations within those Dioceses including our own.

10. The Commission is inviting public submissions in response to issues papers on different topics. These are released regularly. To date three have been released concerning Working With Children Checks, the Catholic Church's Towards Healing program, and Child Safe Organisations. The Issues Papers are available on the Commission's website.

11. The Commission has indicated that it will conduct its work safely to look after for the wellbeing of those engaged in the Commission's work. For this reason in particular it is anticipated that the Royal Commission will require longer than 3 years to complete its task.

### **The Anglican Church of Australia's response to the Royal Commission**

12. A Royal Commission Working Group (Working Group) was established by the General Synod Standing Committee (GSSC) on 13 November 2012 to co-ordinate the Anglican Church of Australia's response to the Commission and to support and advise Dioceses and associated Anglican schools and agencies in any individual response they may be called on to make to the Commission.

13. The members of the Working Group are the Primate Archbishop Philip Aspinall, the General Secretary of the General Synod Mr Martin Drevikovsky, Mr Garth Blake SC, Ms Sue Harrington (lawyer SA), Mr Ken Spackman (Registrar Melbourne Diocese), Ms Helen Miller (Counsellor NSW).

14. In late 2012 the Working Group co-ordinated a submission to the Federal Government on behalf of the Anglican Church of Australia concerning the Terms of Reference for the Commission.

15. The Working Group has recommended a two-staged approach to responding and preparing for the Royal Commission involving –

- (a) Undertaking, as an initial priority, a comprehensive and urgent review of all past cases of child sexual abuse within the Anglican Church of Australia.
- (b) As a second priority, reviewing the policies and procedures of dioceses and their associated Anglican schools and agencies for the prevention of and response to child sexual abuse.

16. The reviewing of past cases was thought to serve at least two purposes –

- (a) to ensure dioceses and associated agencies are prepared for the Commission in case they are the subject of any investigation by the Commission or are required to give evidence before the Commission, and
- (b) to enable a complete picture to be prepared of the Anglican Church of Australia's responses to child sexual abuse in the past.

17. The Working Group has been active in co-ordinating submissions to the Royal Commission on behalf of the Anglican Church of Australia in response to Issues Papers. The Steering Committee intends to contribute to these submissions from time to time.

### **The Steering Committee**

18. The Standing Committee appointed a Steering Committee in December 2012 to oversee the response of the Diocese to the Royal Commission and to provide the Director of Professional Standards with a point of reference for undertaking this work. The Steering Committee members are Mr Lachlan Bryant, Mr Steve Lucas, the Rev Dr Andrew Ford, Mr Russell Powell, Dr Philip Selden and Dr Robert Tong AM.

19. In March 2013, the Standing Committee passed the Synod (Royal Commission) Special Application Ordinance 2013 to allocate funds for the costs and expenses of preparing for and responding to the Commission. These funds are applied at the direction of the Steering Committee. The Property Trust has also contributed an equal amount of the funds. The Steering Committee provides the Standing Committee with quarterly progress reports in relation to its work and the application of the funding.

20. The expenditure incurred by the Steering Committee to date is tracking close to budget.

21. On average the Steering Committee meets on a monthly basis.

### **Review of past cases of the Diocese held by the PSU**

22. After receiving the Working Group's advice concerning the file review a comprehensive review of all past cases concerning child sexual abuse was planned using the Case File Review form issued by the Working Group as the point of reference.

23. The Steering Committee considered whether the review project could be undertaken in-house but determined that there were insufficient in-house resources to complete the task in a reasonable timeframe.

24. The Steering Committee invited four mid-large tier firms to provide fixed-price costings to undertake the review project.

25. The Steering Committee received responses from three of the firms. One firm declined to provide a costing on the basis of a perceived conflict of interest.

26. The Steering Committee carefully considered the responses in terms of price and other factors to determine which offered the best overall value for the project.

27. The Steering Committee accepted the offer from Sparke Helmore to complete the file review and scanning of files for a fixed price. The work was overseen by Mrs Gillian Davidson, a partner at Sparke Helmore and a member of the Standing Committee.

28. The file review was completed in June 2013. Extensive work is now being conducted as a result of the review. It is expected that this work will take some months to complete. The key areas of work are –

- (a) A general review of file management practices, including for example –
  - Marrying up related files;
  - Implementing clear file management practices in order to more easily differentiate and isolate 'current' files, that is, files where further work is required, from 'inactive' files, that is, files where no further action is necessary at this time;
- (b) A further extensive review of files that require particular attention for a number of reasons such as length or notoriety, including a detailed analysis and compilation of chronologies;
- (c) Systematically attending to any outstanding matters such as making reports to police in cases where it is unclear whether this was done or making reasonable inquiries to follow up information received where this does not appear to have been done;
- (d) Referring files held on behalf of other Dioceses and organisations to the Diocese or organisation concerned for their records, further review if necessary, and further action if warranted;
- (e) Making inquiries to locate further files that may be relevant to the Royal Commission including from the Diocesan archives.

29. Further work has also been recommended including a comprehensive policy review and a review of insurance.

30. Suitably qualified personnel have been recruited to assist in completing this work and Sparke Helmore is also being retained to assist with aspects of this work.

### **Anglican Schools and organisations in the Diocese**

31. The Steering Committee is working with both the Archbishop's office and the Director of Professional Standards to inform all relevant Anglican schools and organisations in the Diocese about the processes of the Royal Commission and to recommend schools and organisations undertake their own review of files and child protection policies and procedures. The Steering Committee has provided a Review Summary Questionnaire form to schools and organisations to obtain a high level summary of the review findings. This information will assist the Steering Committee in responding to requests from the Royal Commission. The Steering Committee has also offered assistance from the Archbishop's Media Officer, Mr Russell Powell, in relation to media enquiries.

### **Providing completed review forms to the General Synod Working Group**

32. The Steering Committee has expressed concerns to the Working Group about its proposal for de-identified file review forms to be provided to the Working Group for it to make representations to the Royal Commission on behalf of the Anglican Church of Australia. A broad base of concern about the proposal has also been raised by other Dioceses. At this stage the Steering Committee does not anticipate providing completed forms to the Working Group.

### **Steering Committee meeting with the Royal Commission**

33. The Steering Committee has been in contact with the Royal Commission. A meeting was held recently between a senior officer of the Royal Commission and two members of the Steering Committee. The meeting has enabled us to understand the approach the Commission intends to take to its task so far as our Diocese is concerned and therefore prepare and assist the Commission in the best way possible.

34. In the course of the meeting, we conveyed that the Dioceses are the chief governing units of the Anglican Church. We invited the Royal Commission to make contact with our specified diocesan personnel or Sparke Helmore for assistance in obtaining information on matters concerning our Diocese.

35. It is noted that –

- (a) the Commission is most interested in cases of child sexual abuse in institutional settings where there has been a criminal conviction at this stage; and
- (b) the Commission seeks to conduct a number of public hearings by Easter 2014 (as many as 8 to 10) in time for its interim report to be provided by 30 June 2014.

36. On behalf of the Steering Committee it was confirmed that the Diocese welcomes the Royal Commission and intends to fully co-operate and participate in its processes as required.

For and on behalf of the Steering Committee

LACHLAN BRYANT

*Director Professional Standards*

29 August 2013