

11 May 2017

Dear friends in Christ,

When we meet for the Special Session of the Synod in a few weeks' time, we will have farewelled our Bishop, something that we never expected to be doing in 2017. Bishop Greg is greatly missed in the Diocese. He has received some very moving expressions of gratitude and encouragement. Our prayers remain with him, Kerry and their family in this time of transition.

Since the Synod last met, the Diocesan Council has been working hard on the significant matters facing us. I want to share with you some of those important matters for your consideration and prayer.

FACING THE PAST AND SHAPING A HEALTHY FUTURE

At Synod we will have the opportunity once again to renew our commitment to facing the past and shaping a healthy future for this part of God's Church. Just under two years ago Bishop Greg spoke to us about the reality of abuse of children, youth and vulnerable people within our Diocese and the culture which permitted this to happen. He invited us to shape a healthy future in which we address the hurt of the past and become what God has called us to be as the church in this region.

We are faced with the responsibility of making some important decisions right now; decisions that will shape who we are and how we are seen. It is our responsibility to continue do all that we can to express our commitment to be a safe and valuable contributor to the communities that we serve in order that we can properly witness to God's way of mercy, justice and love.

People of faith have gathered to deliberate on important things for millennia. We can be inspired as we gather by the story of Joshua. He gathered the tribes of Israel together and, speaking to the leaders and the people, he narrates the story of God's blessing and covenant with them. He then challenges them by asking them to indicate who they will serve. Will they serve God who has blessed them or will they follow different paths and different gods? We witness a tough exchange in which Joshua tests the resolve of the people to follow through on their promises. The people say to Joshua, "The Lord our God we will serve, and him we will obey."

When we gather as the Synod we are being asked to make some very significant decisions. Joshua, was upfront with the people when they gathered at Shechem. He challenged them to 'revere the Lord, and serve him in sincerity and in faithfulness'. He led them from the beginning, proclaiming, 'as for me and my household, we will serve the Lord'.

Our call at the forthcoming session of Synod is to begin and end with confidence that we are honouring and serving God in this Diocese at this time.

FACING THE PAST

Responding to the Royal Commission

Our work is rightly still influenced by the evidence during the Royal Commission hearing into events in our Diocese (case study 42) and the hearings examining the Anglican Church nationally (case study 52). I know that people have been deeply upset by the accounts of the harm done to people and the failure of the church to properly respond. We heard clearly that we must address the culture of the Diocese. The Commissioners have not set a date when their formal report into the case study will be released.

I have attached a copy of a recent article by Anne Manne in *the Monthly*. She reflects on the evidence tendered in case study 42 and provides some independent commentary about its implications. I encourage special care as you consider the article. There is material in it that may trigger people who have experienced abuse who read it.

Our commitment to redress

The Royal Commission has reported publicly that in the period to 31 December 2016, the Diocese had made 27 payments totalling \$4.57million with an average payment of \$183,000. Our budget for 2017 and 2018 factors in possible redress in the order of \$1.5million.

It is vital that we understand that the 2017 and 2018 budget figures are based on estimates in relation to redress funding for 2017 and 2018. There is material before us that suggests that our estimates may be too low. With the evidence before the Royal Commission, and changes in NSW law, some survivors are rightly seeking to revisit their past redress. Other survivors are also coming forward.

We fully support the establishment of a best practice Commonwealth Redress Scheme for abuse survivors and will do all that we can to enable the Diocese to exercise the option to “opt in” into the scheme. We welcome the fact that the scheme will be independent of the Church and will assist survivors access the support and counselling they seek.

Our commitment as a Diocese is to an open trauma-informed approach aimed at providing a prompt, pastoral and appropriate response to people seeking redress.

Understanding the complexities of Diocesan Governance

Late last year, the Diocese commissioned KPMG to undertake a review of the governance of the Diocese. We wanted to ensure best-practice decision-making and ensure a high standard of accountability and transparency to the church and wider community. In March, the Diocesan Council received a report from the KPMG lead partner on the review, Mr Mark Jones AM.

KPMG observed

The Diocese is built on a rich tapestry of people who breathe life into the Diocese on a day-to-day basis. There are many dedicated individuals who have contributed enormously to the wellbeing of the Diocese and its people, in many cases, volunteering their time, experience, as well as contributing financially, to the Diocese.

If adopted, this Review would result in changes to various roles and responsibilities of individuals who currently hold positions in the governance bodies of the Diocese. Any changes in no way diminish the very substantial contributions that have been made, and the Diocese is extremely grateful for the dedication of many people. The purpose of the recommendations, taken as a whole, is to strengthen the governance arrangements of the Diocese and to help prepare the Diocese for a sustainable, resilient and healthy future.

Recognising that our governance structures and processes had evolved over decades, KPMG considered our governance against contemporary governance principles. Recognising the complexities facing the church as a voluntary association with charitable status and understanding that we are driven by a call to Christian mission, as expressed in the five marks of mission of the Anglican Communion, they proposed 5 key areas of concern.

Their report identifies their key concerns as:

- **Unclear accountabilities, interrelationships and reporting lines**
 - There is lack of clarity in the relationships and hierarchical structures between entities, boards and committees across the Diocese.
 - There are ill-defined reporting lines, roles, responsibilities and accountabilities, which presents major governance challenges and increases the risk that governance arrangements may fail to meet the needs of the Diocese.
- **Lack of clear business advice**
 - There is a merging of the oversight of the religious aspects of the Diocese and the corporate/business affairs of the Diocese, which results in individuals who are well placed to participate in religious oversight of the Diocese potentially presiding over financial or business matters, which may not be aligned with their skills and experience.
- **Representative rather than skills-based governance**
 - Typically, individuals appointed to governance structures (Council, boards, committees) have been selected on a representative basis. This practice is not aligned with good governance, which emphasises a skills-based approach for the composition of governance structures.
 - Individuals may fulfil multiple roles across the existing governance groups, introducing the potential for conflicts of interest within the governance structure.
- **Nomination process not defined and constrained**
 - There is no robust nomination process, which means that members of the governance boards and committees are typically nominated/selected from the Anglican community on the basis of who is available and interested at the time, with the relevant skills being a secondary consideration.
 - A selection criteria/requirement for nomination to a Diocese Board or Committee is whether a person is a practicing Anglican. Whilst there are exceptions to this rule, such as on the Anglican Care Board, it acts as a “filter” to potentially constrain the number of potential candidates who could be nominated for board and/or committee roles.
- **Onerous demands on the episcopate**
 - The governance structure of the Diocese bestows significant power on the elected Bishop. The Bishop fulfils multiple roles within the overall governance structure, including being the President of the Synod, Chairperson of the Diocesan Council, as well as being a chair or member on a number of the other boards and committees across the Diocese. The Bishop also leads the Diocesan Office. This number of roles, together with leading the religious aspects of the Diocese, may be too onerous for one individual to perform effectively.

Their report is available on the Diocesan website (<http://newcastleanglican.org.au/synod2017/>).

Our commitment to best practice child protection

In late 2016, the Diocese also commissioned a review of its professional standards and redress processes by Ms Helen Deas. Helen is a former Detective Superintendent with NSW Police with vast experience in child protection.

This review examined our current practices against the model resources established by the Professional Standards Commission of the Anglican Church and key papers developed by the Royal Commission. The aim of the review was to ensure that the Diocese can be satisfied that its culture and practices are positioned to ensure continuous improvement in the work of child protection, professional standards and redress.

Helen Deas recognised the diligent work of volunteers and staff working with the Professional Standards Board, the Professional Standards Committee and, in the Professional Standard and Diocesan offices. She affirmed that we have made strong progress in embedding professional practices and policies within the church. She recognised that the Diocese was now focussed on the needs of survivors.

The Executive Summary of the Professional Standards Review is available on the Diocesan website (<http://newcastleanglican.org.au/synod2017/>).

Understanding the Financial Situation facing the whole Diocese

For a number of years the Diocese has been managing its financial situation carefully to ensure we would fulfil our redress obligations, meet costs associated with the Royal Commission and other legal costs. We have observed tight budget constraints, drawn on land sale trusts and borrowed money.

We began 2016 with the understanding that the Trustees of Church Property had been able to make a grant from unallocated funds to the Diocesan Council. The Diocesan Council used that grant to ensure we continued to meet our obligations for redress.

However, late in 2016 it became clear that the accounting treatment for some historic assets needed correction. It has been necessary to review various minutes and business papers in some cases back to the 1930s. The outcome included a change in the calculation of unallocated funds.

The draft audited financial statements for the Trustees of Church Property include the following statement:

Over the course of preparing the 2017 budget for the Trustees of Church Property (TCP), some of the accounting policies and treatments adopted in the 2015 financial statements were reconsidered.

A key area of focus addressed the accounting for property assets, and specifically the accounting treatment for the Bishopscourt property and distribution to the See Fund and the site leased by Newcastle Grammar School.

The Trustees have previously determined that the endowments they hold on behalf of other entities such as the parish and diocese would be recorded as liabilities. On examining the financial statements further, Diocesan management identified that the trust liabilities did not reflect the trusts associated with either Bishopscourt, or the land on which Newcastle Grammar School (NGS site) is located.

In November 2015, an amount of discretionary funds was distributed from Trustees of Church Property reserves. The amount of \$4,887,564 was distributed to the Anglican Diocese of Newcastle General Fund and Budget Account.

This matter was addressed at the Third Session of the Fifty First Synod in December 2016.

Of the \$4,887,564 that was distributed, \$1,468,971 was a grant from unallocated funds and the balance (\$3,418,594) became a low-interest (bank bill + 2%). The loan was interest only for two years after which it must be repaid over a 15 year term. By the end of 2017, with two years of interest, the loan will have increased to around \$3.7million.

While low interest rates are positive in terms of the loan they have had a significant impact on revenue from endowments to the Diocesan General Fund and Budget Account. The Diocesan budget is under

considerable pressure and the Diocesan Council has been revising its financial strategy to ensure The Diocese meets all of its obligations in a timely way.

SHAPING A HEALTHY FUTURE



Reforming Diocesan Governance

KPMG advised the Diocese to establish a new entity, to oversee the temporal, financial, business and administrative affairs of the Diocese. KPMG advised that the new entity should have a skills-based Board based on good governance principles, be limited to 7-9 members (plus the Bishop and Assistant Bishop) and be supported by a Committee structure (for example an Audit and Risk Committee). This entity would direct and oversee the work of the Diocesan office. The Diocesan Council is well advanced in implementing this recommendation.

KPMG acknowledged that the creation of a new entity would change the way the Diocesan Council exercised oversight of the business affairs of the Diocese. This new entity will be required to report to the Diocesan Council and will provide expert oversight and guidance on these complex financial and administrative matters. The Diocesan Council will continue to be the standing committee of the Synod when the Synod is in recess, and continue to be a Council of advice to the Bishop. The Synod is being asked to restructure the Diocesan Council, in line with those recommendations.

KPMG proposed that the Newcastle Anglican Schools Corporation, Samaritans and Anglican Care, whilst retaining their existing governance structure, should formally report to the new Board. They recommended that these bodies should maintain a degree of autonomy to set their respective strategies and continue to deliver on their mission. This work should be set and reviewed within the broader governance, risk management and financial framework of the Diocese.

The Diocesan Council recognised that the approach suggested by KPMG would mean that people who support the ethos of our work as a Christian Church but who may not be committed Christians can be invited to join some of our boards and committees. We are being encouraged to invite others, who wish to see the church flourish, to contribute their skills in law, finance, property and the like. In balancing the different perspectives, the proposal before the Synod is that all of the members of the Diocesan Council must be communicant Anglicans. The Diocesan Council has established a means by which the majority of members of other boards must be practising Christians and normally practising Anglicans.

KPMG recommended that the current Board of the Anglican Savings and Development Fund be disbanded and that the new entity Board oversee the work of the ASDF. The current board of the Trustees of Church Property would also be replaced by the new entity Board.

KPMG did not look at the governance of diocesan ministries. The Diocesan Council recognised that some of the KPMG observations could also be made of this area of Diocesan work. The Diocesan Council formed the view that it would be wise to draw together the governance of mission and ministry planning for the whole of the diocese and the work of all-age education, formation, and evangelism. It resolved to establish a Diocesan Ministry Council.

In response to the KPMG review, the Diocesan Council has resolved to:

1. implement the first wave of the KPMG recommendations,
2. establish the Newcastle Anglican Church Corporation;
3. establish a Diocesan Ministry Council;
4. bring to Synod legislation which would reduce the size of the Diocesan Council, focus its work as the Standing Committee of the Synod and Council of Advice to the Bishop, and modernise its processes;
5. recruit a Diocesan Chief Executive (in place of a Diocesan Business Manager) to lead the work of the Newcastle Anglican Church Corporation being supported by and accountable to its Board; and
6. modernise the constitutions for Samaritans and Anglican Care noting that the Schools Corporation Ordinance was updated in 2016.

The ordinances passed by the Diocesan Council can be reviewed on the Diocesan website. It will take a number of months for the new governance structure and processes to be fully operational.

Ensuring best practice professional standards processes

In her review of child protection, professional standards and redress, Helen Deas identified both gaps and opportunities for improvement and made 115 recommendations. *We have been strongly encouraged to change our conversation away from speaking about the burden and the problems that compliance creates to embracing child protection, professional standards and redress processes as strong statements about what is important to us as the church. We were reminded in this review of the importance of accepting responsibility, being accountable, working together and having open communication.*

In response to the Royal Commission hearing and the Professional Standards Review, the Diocesan Council

1. has amended the Professional Standards Ordinance 2012 to remove any doubt about the transparency of the Diocese's processes;
2. confirmed the Diocese's ongoing commitment to meet counselling costs for survivors;
3. ensured that its redress processes are trauma-informed and not focussed on adherence to legal process;
4. established a consistent process for people seeking a review of past redress;
5. committed the Diocese to implement the recommendations of the professional standard review; and

6. continued to review the Diocese's financial plans to ensure the Diocese meets its redress obligations

Our commitment is implement all of the recommendations of the review and continue to ensure we adopt best practice approaches to our professional standards responsibilities. We want the church to be seen as a safe and valuable contributor to the communities we serve.

Clear diocesan financial strategy for 2017 and 2018

The Synod recognised that in 2017, with the need to fund redress and meet other costs, the Diocese would incur a further deficit of around \$2million. The Synod was advised that the Diocesan Council would access the proceeds of a major trust fund to meet this cost. That decision has already been implemented.

There are some indicators emerging that our budget estimates for redress may be too low. Additionally, many of the financial claims being dealt with by the Diocese relate to events for which there is no insurance cover or where the insurer has denied claims due to the failure of diocesan processes. This is an important consideration in all of budgetary decisions.

We have begun the work of preparing the 2018 budget. I have attached the latest summary of the draft budget. It is clear that the decision to require the parishes and entities to use the Anglican Savings and Development Fund is having a very helpful impact. However, the draft budget while incorporating an increase in parish contribution indicates that if continue to operate the Diocesan Office and Diocesan Ministry in the same way as we have in recent years, and if we implement the increased staffing options identified in the external reviews, and if we meet our loan and redress obligations, then the Diocese would need to find \$948,445 in additional funding. The Diocesan Council knows that this is unsustainable. It does not believe that doubling parish contributions to meet such a shortfall is an appropriate way forward.

The Diocesan Council is looking at a strategy in which the Trustee loan is repaid by withdrawing \$3.7 million of capital from diocesan and parish trusts. This might include, for example, seeking support from parishes which have new permanent trusts arising from substantial returns from recent property sales. This would have a net effect around \$350,000.

There is a critical component to the Diocesan Budget in which the Bishop indicates aspirations and options for the future. In exercising this responsibility I can see there are possibilities for saving up to \$400,000. I am still thinking them through. I am waiting to hear how the Synod responds to the central measures in the financial strategy discussion. I am conscious that people are affected by each decision and that each choice has an impact on the service and ministry provided at a diocesan level.

The Synod is being asked to recognise the responsibility facing the Diocesan Council on behalf of the whole Diocese.

Improved Bishop election processes

In 2013, the Diocesan Council established a group to review the bishop election processes recognising that they were largely the same processes that had been in place for nearly a century. The group reported to the Synod in 2014 and sought guidance from the Synod on its preferred election model. In keeping with the request of that Synod, the review group has presented the draft ordinance to the Diocesan Council so that the revised procedures can come before the Synod for consideration.

The clear aim of the proposed process is to allow the Diocese and the candidates to engage in a deep process of discernment which is led on our behalf by the Bishop Nomination Board. If adopted, the Synod, when it meets to elect a Bishop, will have before it up to 4 candidates who have been through a careful process of enquiry aimed at seeking the will of God and responding to the mind and needs of the church for

the years ahead. The proposed process draws on the experience of other dioceses and aspects of contemporary human resource practice.

I have consulted with the current Bishop Nomination Board and the Diocesan Council about having an intentional consultation process aimed at helping us identify what we are seeking in the 14th Bishop of Newcastle before calling for nominations. With their support, I have invited the Reverend Sandy Jones from the Diocese of Melbourne to lead this work. Sandy has extensive experience in senior level recruitment and assisted the Dioceses of Adelaide and Tasmania in their recent election processes. Sandy will also be available to assist the Bishop Nomination Board in its work. I have invited her to be at the Special Synod session on May 27th.

Being the Anglican Diocese of Newcastle

One of the real joys of my ministry as a bishop amongst you is to be in parishes on Sundays, and to be at events held at Samaritans, Anglican Care and in our schools. In each of these communities I see Anglican Christians loving God and loving our neighbours. I see clergy and people expressing the *Five Marks of Mission of the Anglican Communion* in practice. The *Encounter* and our regular Electronic News tells a hopeful and encouraging story in words and pictures.

Many people had a vivid sense of this when we gathered before Easter for the renewal of our commitment to ministry and the blessing of holy oils at the Cathedral; three of our clergy spoke with passion, humour and insight about their work.

I shared with the clergy my view that, as we embrace the big questions of ensuring that the church is seen as a safe and valuable contributor to the communities we serve within a society that continues to change its relationship with religion and with institutions, we need to focus on some of the basics of our church work – *heartfelt worship, creative teaching, loving service, genuine care and faith-filled outreach*. We exercise this vocation as companions together knowing the companionship of God.

It is encouraging to know that a significant number of clergy have already completed training in ensuring a trauma informed response provided by the Blueknot Foundation, and that others making arrangements to do so.

Appreciation and prayers

This is a demanding time for the Diocesan leadership and long days have become quite normal in recent months. There is some light at the end of the tunnel. I am grateful for your love, care and prayers.

I appreciate the untiring commitment of Ms Linda Wilson as the Acting Diocesan Business Manager and of Archdeacons Sonia Roulston and Arthur Copeman who work very closely with me. Mr Michael Elliott and Ms Cathy Rose work diligently in their roles as well as in responding to the Royal Commission and Professional Standards Review. We look forward to Jenny Chung, our Finance Manager, returning from personal leave at the beginning of June. All the Diocesan Staff have worked tirelessly. They have appreciated greatly the messages of care and support that regularly come in.

I am delighted that two highly talented people in Ms Jenny Cappellacci and the Reverend Scott Dulley have agreed to chair the Samaritans and the Newcastle Anglican Schools Corporation respectively. Mr John Kilpatrick and Mr Geoff Spring have both signalled to me the need for succession in their roles as Chair of Anglican Care and Chair of the Professional Standards Committee. We can be very grateful for their service. Each continues to provide great leadership in their areas of work.

Over the last few months we have great support from a range of professional advisors who often remind us that they are encouraged by the work they have seen the Diocese doing over the last few years.

At Shechem, the people of God called to mind all God done for them and their gratitude to him. They entered again into their covenant relationship with God; promising to revere and serve him. One of the expressions of our covenant relationship with God is to face our past and shape a healthy future.

I commend all of these matters to you for your prayerful consideration as you prepare for the Synod. We can have great confidence that guided by the Holy Spirit we will, as Synod, discern what God is seeking of us and together find the courage to do all that He needs us to do.

Yours sincerely in Christ,

A handwritten signature in black ink that reads "Peter Stuart". The signature is written in a cursive style with a horizontal line extending from the end of the name.

Bishop Peter Stuart
President of the Synod



*we are facing the past and
shaping a healthy future*

ANNE MANNE ON SEX ABUSE IN THE ANGLICAN CHURCH - SALLY McMANUS - A NEW LEADER EMERGES

Shane Danielsen · Maria Tumarkin · Don Watson · Josephine Rowe · Richard Denniss

THE MONTHLY

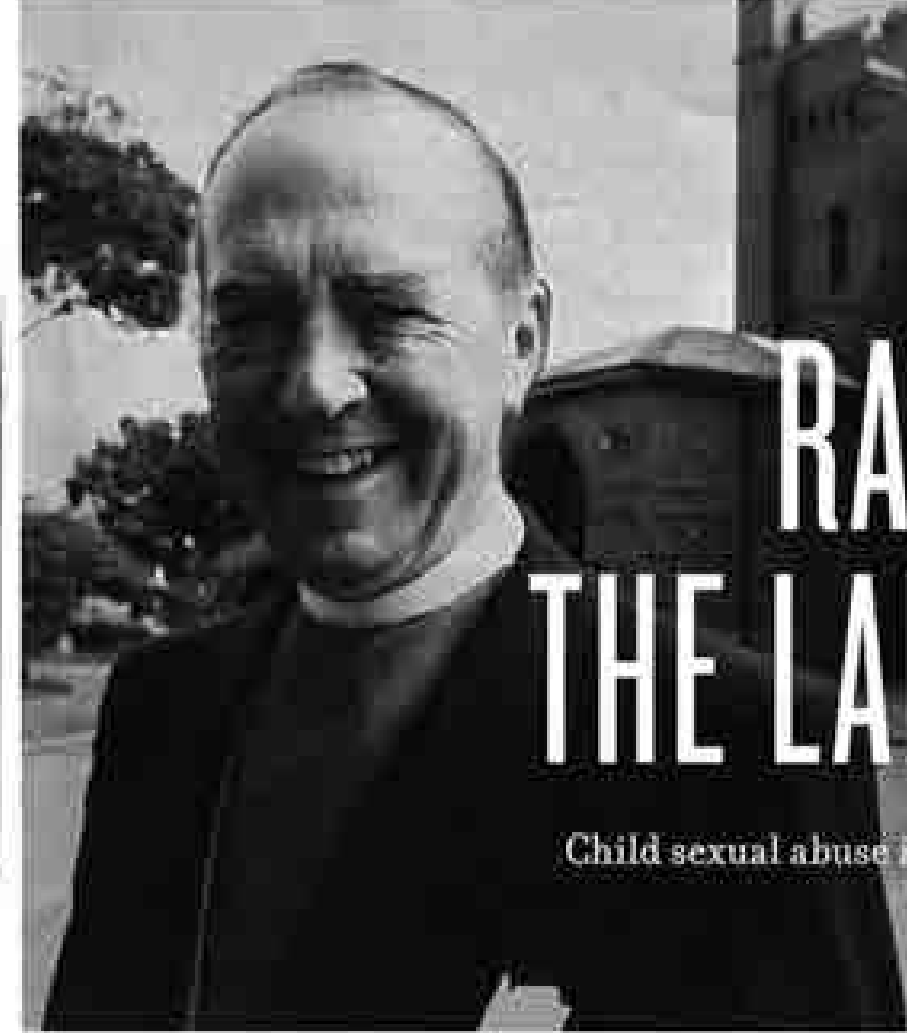


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RAPE AMONG THE LAMINGTONS

Child sexual abuse in the Newcastle Anglican Church

BY ANNE MANNE

A survivor, Paul Gray, takes the stand. He has a gentle, sad face and a soft voice. As he reads his statement his head is down, his shoulders hunched. He speaks hesitantly, and at times his voice breaks, or he exhales in a sigh.

It is August 2016, and we are assembled in the Newcastle Courthouse to hear the 48th Case Study of the Royal Commission into Institutional Responses to Child Sexual Abuse. Paul Gray grew up during the 1970s in Cessnock, a coalmining town in New South Wales' Hunter Valley. There he attended the Anglican church and Sunday school. He became an altar boy and a member of the Church of England Boys' Society, which held outdoor camps. His parish priest was Father Peter Rushton, a flamboyant and charismatic preacher with a domineering personality and a sharp tongue. Rushton became Gray's godfather, visiting his house regularly.

Gray testifies that, when he was ten years old, he was anally raped by Rushton in the bedroom of the rectory. Until he was 14, he was raped on a weekly or fortnightly basis by Rushton, often after he had delivered a church service.

"Father Peter would cut my back with a small knife and smear my blood on my back — that was actually symbolic

of the blood of Christ — as he continued to anally rape me. After the sexual intercourse, he would clean my wound with white towels."

On other occasions Rushton would demand oral sex be performed while he was in church, dressed in his clerical robes. Once, Gray testified, a woman entered the vestry, "saw us and left immediately ... she sat in the congregation and stared at me during the church service". This woman did not report the matter to the church or police. It was Gray she stared at; not Rushton, the abusing priest.

One day, Gray was taken to Rushton's house where he was raped. Then he was taken to a camp south of Newcastle called Youdlaia where there were at least five men and another boy. At this point in his testimony, Gray gasps and pauses, tears beginning to flow. The camp had been sold to parents as being about boys hunting wildlife with torches, all jolly and innocent fun. In reality, the predators were the priests. And the boys were their prey.

"I recall the men saying, 'We are going to get you.' From my previous experience I knew this meant that they were going to sexually abuse me. I was chased by two men to the edge of a cliff and I hid in the bushes. After I was dragged from the bushes, I was raped by the two men. While I was being raped I could hear another boy screaming."

Gray is now sobbing openly. A support person next to him ministers to him tenderly, giving him water, sitting close, reaching out. The chief commissioner, Justice Peter McClellan, leans over and gently asks if Gray wants a recess or someone else to read his statement.

GRAY: No, I need to read it.

MCCLELLAN: You want to read it.

GRAY: No, I need to read it.

MCCLELLAN: Very well.

GRAY: It's important to me.

MCCLELLAN: Yes, I understand.

So Gray keeps reading, his sobs growing louder, his chest heaving, tears streaming down his cheeks. He is entirely lucid through all this. It is a keening, a grief-filled lament flowing out into the world. Sometimes he pauses, gathers strength and then reads on.

The worst thing, Gray says, was when Rushton took him to the Anglican orphanage, St Albans Boys' Home. He begged Rushton, "Don't leave me here." Rushton left him. He was led by three men to "what they called 'the fucking room' where they took turns to rape me". Rushton took Gray to St Albans repeatedly over the next 18 months.

"Sometimes two or three men would visit me at the same time on the same day ... [One of the caretakers] would keep me quiet before and after the abuse by beating me, if I ever made any noise at all ... on one occasion there were between six and eight men present. These men made me and five other boys lay facedown on beds ... each of the men picked a boy and each of the boys were taken into different rooms and abused."

Gray is still sobbing.

"Could I have a drink of water, please? I need five minutes. Could I have five minutes?"

After the short break, Gray relays how when Rushton's paedophilia became public in 2009 it acted as a trigger and he began suffering flashbacks. "Since then, memories of sexual abuse experiences have continued to flood back to me." Gray suffered a complete breakdown. He was admitted to psychiatric hospitals on a number of occasions, and has struggled with the trauma ever since.

Gray's story has been corroborated by other men abused on the Yondalo camp and at St Albans. In 2009, the Anglican Church offered a public apology by the then bishop, Brian Farran. Rushton was a serial paedophile, and part of a network in the Hunter Valley. He was the worst of the worst, psychopathic in his cruelty.

When Gray finishes his testimony, he is done with his open, brave weeping. He asks if people would "abide" for

a moment of silence for all those who "could no longer face the struggle of carrying the scars of their child abuse another day and chose to end their suffering by taking their own lives". McClellan agrees.

The courtroom falls silent.

The Royal Commission into Institutional Responses to Child Sexual Abuse is unique. Established by Julia Gillard in 2013, by the time it delivers its final report on 15 December this year, it will have been the longest-running, and most thorough, investigation of its kind anywhere. There is tremendous interest in it worldwide. There have been other inquiries, in the United Kingdom, Ireland, Canada, New Zealand and the United States, but none has been so comprehensive, detailed and remorselessly forensic in its investigations. The royal commission has examined allegations that the sexual abuse of children occurred at more than 4000 institutions across Australia. There have been 1500 private sessions with people who came forward about their abuse, with 2000 more remaining to be heard. By December, the royal commission will have sat for 440 days of public hearings, and heard evidence from more than 1200 witnesses. The advantage of a royal commission lies not only in its scope but also in its ability to compulsorily summons individuals, and to cross-examine witnesses under oath. By December, it will have examined more than 1.2 million subpoenaed documents.

The royal commission is remarkable in another way. It is both reflective of and a powerful contributor to a cultural revolution that has ushered in a new sensibility about child sexual abuse. The old pro-perpetrator regime in religious organisations - the covering up, the protecting of the churches' hierarchy and reputation, the turning of a blind eye to abusers while sending them to new parishes (and fresh victims) - has been under intense and damning scrutiny. Perpetrators and their protectors are being called to account. The shameful record of disbelieving and silencing victims, and of putting the churches' wealth into discrediting them in court, has been exposed. The national mood has shifted decisively in favour of believing, listening to and respecting the suffering of survivors.

In his 2013 opening address, Justice McClellan said that bearing witness to survivors would be a large part of the commission's role. That was evidenced by how respectfully Gray's pain was received by those listening. By the time of the final hearing on 27 March this year, many survivors paid tribute to McClellan. He has been an outstanding chair. Fair-minded and prodigiously hardworking, McClellan is a plain-speaking man who does not genuflect towards powerful, high-status clergy. He has acute moral judgement, and is quick to pounce on the dissembling, the self-deception,

the obfuscation, the fudging with euphemism, and the plain old-fashioned lying. The philosopher Raimond Gaita has written of the need for wrongdoers to be drawn to "a serious, lucid responsiveness to the moral significance" of what they have done. McClellan repeatedly did this by presenting the perpetrator or protector with their actions in simple, stark terms.

Most important, however, in an investigation with so much raw human suffering, has been the kindness and empathy that McClellan displayed to survivors. According to Leonie Sheedy from the Care Leavers Australasia Network (CLAN), McClellan "gets it". She is sceptical of anyone wearing the mantle of authority and was suspicious of McClellan at first, yet when he came to a CLAN meeting held in a garage, sat down and asked everyone to call him Peter, and then listened attentively all afternoon to survivors, Sheedy was impressed. She became more hopeful. She gave him a cushion that she found in an op shop, emblazoned with the logo of his beloved Melbourne Football Club. At one of the hearings Sheedy realised McClellan was sitting on it. He takes it to every hearing.

For good reason, a great deal of the royal commission's focus has been on the largest denomination in Australia, the Catholic Church (representing 46% of churchgoers). It had more than 2000 alleged abusers (more than any other institution) and 4444 allegations of child sexual abuse. The Anglican Church is the third-largest denomination (11% of churchgoers) yet has faced more than 1000 complaints of child sexual abuse. Between 1980 and 2015, the Catholic Church paid out \$280 million to survivors. During the same period the Anglicans paid just over \$34 million. All but one of the Anglican dioceses across Australia had complaints in the past 35 years. One of the very worst was Newcastle.

The royal commission had come to Newcastle to ask: who knew about the abuse, when did they know it, and what did they do?

In his probing study *Stains of Denial: Knowing about direction and Suffering*, Stanley Cohen writes about the kinds of denial that allow both perpetrators and their protectors to evade truthful recognition of what has occurred and to avoid taking action. The first form, literal denial, is very direct. It simply says "It did not happen" or "The person is lying" or "I have no recollection" or (a frequent way of justifying inaction) "I didn't know; I wasn't told". This type was seen so often in Newcastle.

There were plenty of red flags about Father Rushton. Alfred Holland, Newcastle's bishop from 1978 to 1999, had seven warnings about Rushton's offending in just two years. In 1979 a parishioner, Susan Aslin, warned Professor David Frost, her academic teacher and a member of Newcastle's

Anglican synod, that Rushton and his lover, lay preacher Jim Brown, were going on a sex tour of Europe. Brown, who was later convicted and imprisoned for 50 years for serious crimes of child sexual abuse, had groomed one of her sons. Aslin asked Frost to tell Holland. Frost told the royal commission that he contacted Holland, who asked him "to leave the matter quietly with me". According to Aslin's evidence, Holland rang her some time later and pronounced himself "appalled" by what she had told Frost. But Holland did nothing.

In another instance, in 1980, an assistant priest's son, aged four or five, told his mother that Rushton had masturbated in front of him. The mother testified that Holland did not believe the family's accusation, and was "dismissive". Rushton came to the door of the family's home "in a rage" and "threatened to sue". After the complaint to Holland, the assistant priest's wife felt a subtle but decisive shift in the attitude towards them, that somehow they had been sidelined. Holland later told the assistant priest that "there was no room for him in the diocese". His wife received a letter from the diocese's law firm, demanding that she stop talking about the abuse.

Several other witnesses gave evidence to the royal commission confirming this account. A parishioner, Pamela Wilson, was told by the assistant priest's wife that "she had found her little boy, lying in a ball in his bed crying ... he told her whatever he could that Rushton had done to him". Rushton threatened Wilson with defamation, frightening her off telling the bishop. Three other parishioners gave corroborating evidence that they were told about the abuse. Two of them attended a meeting with Holland. Holland did nothing. Instead, in 1983, he gave Rushton a promotion.

Holland, now in his 90s, gave evidence to the royal commission via video link, with his head bowed. After hearing Gray's testimony it was painful to listen when Holland praised Rushton as a very popular priest: busy, well-organised and well-respected. He claimed he was not aware that Rushton fostered boys. He was not aware of any allegations about Rushton, nor aware of boys living with him. Holland said he had "no recollection" of ever being told of any child sexual abuse during his time at Newcastle. Had he been told, he would have acted decisively, bringing the parties together. This showed how confused he was. Child sexual abuse is never a conciliation matter but a crime for which the police must be notified. Holland denied ever being told about the assistant priest's son being abused by Rushton. He said he had "no recollection" of meeting with or talking to David Frost, Susan Aslin, the assistant priest and his wife, or the other parishioners. "Is it your testimony," counsel assisting Naomi Sharp asked in her dulcet tones, that it was "a figment of Ms Aslin's imagination? ... Bishop Holland, are you telling me the truth in answer to my questions?"

"Yes I am," he replied.

McClellan intervened. "You were CEO of the diocese and licensed [Rushton] to do his criminal activities. Do you acknowledge any responsibility?"

Holland said no.

McClellan asked Holland, "Do you accept any responsibility in having failed to exercise your management responsibilities effectively?"

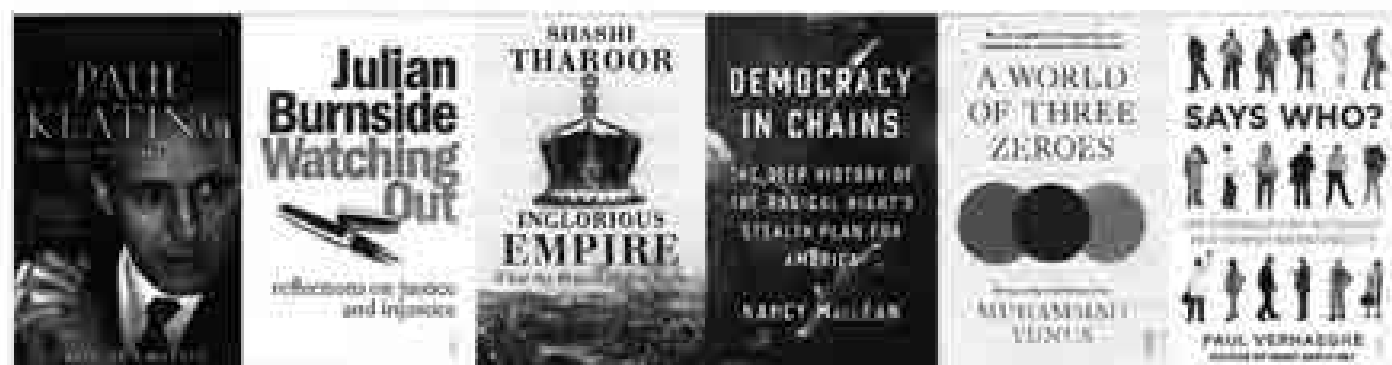
Holland replied, "I don't acknowledge responsibility, because I didn't know any allegations had been made against Rushton."

Holland admitted there was no formal structure to deal with child sexual abuse complaints during his episcopacy. They were dealt with on an ad hoc basis. In relation to Rushton and Brown fostering boys, Holland said he would have "assumed they were making - doing an act of mercy, to look after homeless boys ... I trusted the priests to do their work because of the promises that they made to God." He said he now accepts that Rushton's prolific abuse did happen, but "only because I've watched some of the media and the media says that these things happened".

As it is a crime not to report child sexual abuse, it is open to the royal commission to recommend "adverse findings" be made against a person and for the matter to be presented to the Director of Public Prosecutions. Before that, the royal

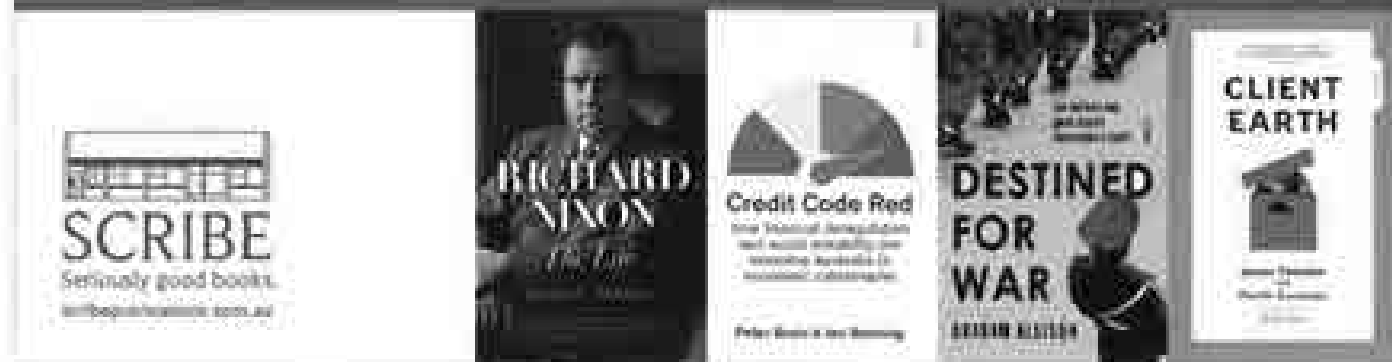
commission makes an "available finding", which witnesses and their lawyers have a chance to answer. In her written submission, released on 6 April, counsel assisting Sharp made a number of damning available findings against Holland regarding the veracity of his testimony, claiming that "His evidence should not be accepted." Sharp found that Holland had been informed in 1980, by the assistant priest and his wife, "that Rushton had sexually abused their young son. Bishop Holland failed to take any action to report, risk manage or discipline Rushton once he was made aware of the allegations ... [his] failure to act on the allegations between 1979 and 1980 was a lost opportunity to prevent further abuse being perpetrated by Rushton who the diocese has now acknowledged to be a prolific offender".

Holland's assistant bishop, Richard Appleby, also maintained he had no recollection of any child sexual abuse in the Newcastle diocese during his time there. At this point in the hearing, I concluded that a capacity for selective amnesia was a prerequisite for high office in the Anglican Church in Newcastle. According to Appleby, "The thing that I probably regret more than anything else is that I was not told back in those years of this abusive behaviour, in that had I been told, I would have been in a position to do something about it and I would have acted decisively, but I was not aware of it in those years."



The times are terrible. The politics are bad.

The books are better



But Sharp pointed out that several people claim they did tell Appleby at different meetings with him. According to one former altar boy, Rushton's abuse was an open secret among altar boys. They had a chant: "Arise against the wall, Rushton's on the crawl." Sharp makes a damning available finding about Holland and Appleby: "When able to ignore disclosures of allegations of sexual abuse, [they] chose to do so ... When they were unable to ignore allegations [they] responded in a manner to protect the reputation of the diocese ... By their acts and omissions, [they] enabled alleged or convicted perpetrators to continue working with access to children and without alerting other members of the clergy to the disclosed allegations."

When Holland's successor, Roger Herft, was bishop of Newcastle (1993-2003) there were many more chances to stop Rushton. On 25 November 1998, removalists shifting Rushton's belongings from Maitland found child pornography in his possession along with a huge quantity of adult male pornography. Horrified, they refused to do any more of the job. The removalist company contacted the then Upper Hunter archdeacon, Colvin Ford, and he told Herft. Ford stated to the royal commission that there was enough porn to fill several wheelie bins. Another priest, David Simpson, chopped up the videos and burned them in large drums. Herft decided that Greg Hansen, Rushton's solicitor and friend, should be dispatched to ask him whether any of it was child porn. Rushton denied it and threatened the diocese with legal action.

Herft accepted Rushton's word. In regard to the stash of adult porn, Herft suggested that Rushton "consider a 30-day retreat in early 1999 ... with a spiritual director ... in reflecting on the deeper issues and shadows that enabled and encouraged the particular situation". Rushton's consideration of his "deeper issues and shadows" lasted all of one night. He returned to the parish and his paedophile activities continued unchecked. "I was deeply fooled," Herft admitted to the royal commission.

Despite multiple complaints from 2002 to 2003, including one allegation that Rushton "had his own group of boys", Herft did nothing to further investigate Rushton. Counsel assisting Sharp made the available finding that Herft accepted advice given in 1998 from the then deputy chancellor of the diocese, Paul Rosser QC, "to avoid receiving disclosures of child sexual abuse in order to avoid putting himself in a situation where he was obliged to report the alleged conduct to the police". Effectively, this meant "that Bishop Herft should remain wilfully blind to allegations of child sexual abuse".

Sharp was savage about Herft in her submission: "His response was weak, ineffectual and showed no regard for the need to protect children from the risk that they would be preyed upon. It was a failure of leadership."

Perpetrators need protectors, and in the Newcastle case such protection not only came from the higher echelons of the clergy. Some among the laity also provided support and protection, and in their behaviour one can see another, crucially important, kind of denial that Stanley Cohen calls "interpretive denial". This form doesn't dispute the facts but re-describes and re-interprets them so that they are normalised, minimised and rendered seemingly harmless.

Early in the morning on 12 February 1990, Assistant Bishop Appleby received an urgent phone call from Bishop Holland. There was a commotion at the rectory at Wyong, south of Newcastle. Holland wanted Appleby to demand the resignation of the Wyong priest, Father Stephen Hatley Gray. Appleby hot-footed it to Wyong and found holes punched through the walls. He demanded that Hatley Gray resign on the spot. He agreed.

Later that day, Hatley Gray was arrested for raping a 15-year-old boy between midnight and 4 am. A witness, who was a friend of the victim, alleged in his statement to police that he came into the church hall and saw the victim bent over with Hatley Gray anally penetrating him. The boy was begging, "It hurts, Father Gray, please stop." Hatley Gray continued despite the boy's repeated pleas. According to the witness, Hatley Gray had then let the victim go. The boy collapsed onto the floor, saying, "I feel sick." He went to Gosford Hospital and was provided with a rape kit.

What happened in the aftermath of this crime, revealed at the royal commission, is extremely instructive about the role of the laity in the cover-ups in Newcastle. Among the exhibits presented to the royal commission were some explosive file notes written by John Cleary, the diocese's business manager from 2007 to March 2015. Cleary is a recipient of the Lake Macquarie Citizen of the Year Award, for his work exposing child sexual abuse. The file notes are handwritten records of meetings that Cleary attended with diocesan council member and solicitor Keith Allen, which took place from 2013 to 2015. The records reveal moments of candour about clergy and child sexual abuse, which occurred well before Cleary's time. Allen was one of the most powerful members of the laity, and was portrayed by Herft at the commission as a general church busybody with his finger in many church pies. Allen also had the ear of Appleby, and successive bishops Holland and Herft.

Allen was at the very centre of an "old guard", a self-appointed group of protectors from the professional class in Newcastle's civil society - lawyers, accountants, business people and politicians who seemed to gain social status and a sense of importance from their closeness to the diocese's clergy. According to Cleary, Allen boasted at a meeting on 26 March 2015 that he had "big church connections". Allen had also allegedly bragged that he "saved three priests from a fate worse than death" and that he made "no apologies for

this" because he "protected his bishop and the diocese by doing this".

There were even more startling revelations in a file note from 5 March 2013, when Allen purportedly told the meeting about all the other times Hatley Gray was known to have committed child sexual abuse. There was the occasion when he had sex with an underage boy on a rectory table full of lamingtons. Cleary reports "Mr Allen thought it was amusing to bring some lamingtons along to a meeting" about the matter. The same file note tells of how Hatley Gray met with underage boys under the railway bridge at Wyong, plied them with cigarettes and alcohol, and "things went on". Cleary alleges that Allen mentioned five other clergy who knew of Hatley Gray's behaviour, including Holland and Appleby. In other file notes, Allen is reported as mentioning other clergy who were believed to abuse children yet were never reported. There was the "hanky panky" group at Wallsend (Rushton's parish at the time). Two priests were "Shevill's boys". This meant, Cleary took it, that the bishop of Newcastle from 1973 to 1977, Ian Shevill, had had a sexual relationship with them in the past.

In "interpretative denial", language that minimises the gravity of an offence removes any imperative to take action. In Cleary's file notes, one can see how Allen persistently used phrases from "boys will be boys" locker-room banter. The sexual abuse of a child is not a serious crime that requires immediate reporting to the police, but is "hanky panky"; priests abused by Shevill who now were abusers themselves, were merely "Shevill's boys"; a paedophile priest is merely described as "a worry" because he had "too many little boys around him"; rather than call out a paedophile ring working together to commit child rape, according to Cleary's account, Allen talked about "the Geisnock crew". Such redescriptions, which are at the heart of interpretive denial, allow the refusal of empathy. The moral horror of what has happened to the victim is not registered. A grotesquely discordant response becomes possible. Thus it is not child rape but merely funny, having sex with a boy on a table of lamingtons. So Allen brings lamingtons to the meeting.

This sightlessness makes it unsurprising that covering up is regarded as fine. According to Cleary's file note of 11 February 2013, "Allen spoke of Appleby as a 'good operator'." Cleary understood this "to mean that Appleby was good at covering up matters". The protectors did not only reinterpret events to protect the church. As recorded in one of Cleary's file notes, Keith Allen said he had falsified Hatley Gray's resignation.

In a sensational day of evidence before the royal commission, Allen came under fierce cross-examination regarding the file notes, and admitted that he had "ripped up" Hatley Gray's original resignation letter. Allen then got him to write another one, dated 11 February, the day before the

crime. This meant Hatley Gray was still "in good standing" with his bishop at the time of his resignation and could go to another diocese.

MCCLELLAN: But the document on its face is false and will allow a false representation to be made, wouldn't it?

ALLEN: Yes.

MCCLELLAN: You were party to the circumstances in which the false document was created, weren't you?

ALLEN: Yes, I certainly destroyed the first resignation.

MCCLELLAN: ... It looks like a fraud, doesn't it? It is a false representation as to his status?

ALLEN: It could be described as that.

Counsel assisting Sharp described this as a "ruse" to protect Hatley Gray despite knowing he was "a dangerous sexual predator". When Hatley Gray went before the District Court to answer the charge of rape, Allen defended him. Hatley Gray pleaded guilty and was given a three-year good behaviour bond and a \$500 fine. As Sharp argued, this was a "very generous" result for raping a 15-year-old boy. Hatley Gray was then employed by the Willochra diocese in South Australia as a youth worker.



During Allen's grilling in the witness box at the royal commission over his role in the cover-up of child sexual abuse, McClellan put it to him that "what you sought to defend was, do you accept now, indefensible?"

ALLEN: Probably indefensible.

MCCLELLAN: That was because it was a do-nothing and a cover-up and protect-the-church approach, wasn't it?

ALLEN: That was a factor, sir.

MCCLELLAN: And you were part of that practice, weren't you?

ALLEN: Yes.

The testimony of a Newcastle man (who gave evidence to the royal commission under the pseudonym CKA) goes to the heart of another kind of injustice done to survivors. In her investigation into knowledge and power, philosopher Miranda Fricker writes of what she calls "testimonial injustice". This is where a wrong is done by undermining someone specifically in their capacity as a knower. "Prejudice causes a hearer to give a deflated level of credibility to a speaker's word, as in the case where the police do not believe someone because he is black." Or, as I will apply it here, where the testimony of a priest is preferred over that of a survivor. The priest is seen as a holy man. The lustre of power and the tincture of assumed virtue give him credibility. By contrast, the credibility of an adult survivor suffers precisely because their life has spiralled out of control as a result of the abuse, with substance abuse or family breakdown or psychological difficulties, or all of those things. In turn, the diminished credibility of the low-status survivor who threatens the hallowed priest's reputation means they are able to be dismissed as a liar.

And so it was with CKA and Father George Parker. CKA was the son of a tradesman who helped with church maintenance and a devout mother who played the organ. He became an altar boy to please his mother. In his statement to the royal commission, CKA described Parker, then aged about 30, as a charismatic, guitar-strumming man with a good singing voice. Parker became a family friend, a frequent and honoured guest at their house for Sunday lunch. Sometimes Parker would be accompanied by Peter Rushton, the abuser of Paul Gray. Rushton often brought along with him an orphan boy from St Albans Boys' Home.

CKA testified that his mother put Parker on a pedestal. "It was like she was as close to being with God as she could get." When Parker began singling out CKA, she thought her boy seemed special, distinguished by all the attention Parker showed him. What she didn't know was that, from the age of 10 to 14, over five years between 1971 and early 1975,

her boy was sexually abused by this "model of goodness". The abuse took place on a weekly or fortnightly basis, and escalated over time. It "consisted of groping, fondling, oral sex, digital and penile penetration". CKA said that during the abuse Parker would whisper, "This is our special secret - remember how good a friend Father George is."

Parker was bold. He often took CKA out of class on the pretext of needing an altar boy at a funeral service, abusing him on the trips. Rushton frequently accompanied them. At the Anglican church at The Entrance, south of Newcastle, another priest looked at CKA and laughed, saying to Parker, "It is not like you to share." He thought it hilarious. CKA always remembered his laughter.

CKA testified that he felt unable to disclose the abuse at the time, because he knew that no one would believe his word against a revered priest's. To a child such as CKA, the church seemed all-powerful. "I don't expect laypeople to understand the power of the church and the fear this instilled in me about speaking out against its clergy." When, in early 1975, Parker left the district to go to another parish, CKA felt utter relief. Parker was finally out of his life. But no, Parker requested that CKA and his younger brother serve as altar boys in the new parish. At the rectory, in separate incidents, Parker sexually abused both boys, unbeknown to each other, and attempted to rape CKA. Parker warned him not to tell anyone.

On the way home, CKA told his mother about the most recent abuse. His mother was horrified and believed him. CKA's older brother testified at the royal commission that, soon after, his mother asked him to drive her to a handsome sandstone building, which he believed was the residence of the then bishop of Newcastle, Ian Shevill. She told him that "she had to see the bishop about something very important" and that she would "tell the bishop off". A lowly, powerless housewife is well down the parish hierarchy, unlikely to have had the testimonial authority to impress a bishop. CKA's mother came out of the meeting sobbing, hysterical, and unable to speak. CKA's older brother concluded that Shevill had not believed her or had dismissed what she said. (We now know that Shevill was himself an abuser.) After this visit, Shevill took no action. Two years later, in 1977, CKA's mother died suddenly. Despite her complaint, the Anglican Church arranged for Parker to give the eulogy. CKA was a pallbearer. He was so distressed by Parker's presence he feared he would drop his mother's coffin.

At the royal commission, CKA testified that in August 1984 he told the then assistant bishop, Richard Appleby, about being sexually abused by Parker. Appleby claimed to the commission he had "absolutely no recollection whatsoever" of this meeting. He had checked his diary "with great care". There was "absolutely no entry showing CKA came to see him". Later in the hearing, however, Appleby was recalled

to explain himself. The royal commission had summoned him to produce the diaries. They showed that CKA was right: there was an entry on 13 August 1984 with his name. Appleby professed himself to be "intensely embarrassed" by having missed it "among the thousand-odd small pages of entries".

Tormented by the abuse, CKA's life began to spiral. He had a breakdown at 20. In 1996, during Herft's episcopacy, CKA made further complaints to what he thought was the Anglican helpline for child sexual abuse. He spoke to the dean of Newcastle's diocese, Graeme Lawrence. CKA did not turn up to a proposed meeting, however, as he had been warned that Lawrence was "one of the bad ones". In 1999, CKA's marriage had broken down and he "needed help putting my life back together". He phoned and once again encountered Lawrence, who coldly described CKA's demeanour in the conversation that followed as "somewhat emotional". Lawrence suggested another meeting with Herft and himself. CKA did not attend as he had lost trust in the church.

No action was undertaken by either Herft or Lawrence to investigate Parker or report this allegation to police. Lawrence wrote a letter to CKA on 22 January 1999 representing the diocese in response to his appeals. Herft admitted before the royal commission that this letter was "formal and legalistic, and lacked compassion". No pastoral care was offered to CKA or his family. Counsel assisting Sharp's "available finding" was that throughout this period Lawrence was "deliberately obstructive".

In February 2000, CKA and his younger brother reported their abuse to the police. When the police made inquiries about Parker, Lawrence did not disclose Parker's whereabouts. CKA was too traumatised and embarrassed to disclose the full extent of his abuse at the hands of Parker. He hoped that giving just one instance of abuse would be enough to convict Parker. So he told police only of the last time, when he attended the new parish on an overnight stay with Parker. At first CKA and his brother thought that abuse occurred in 1974, and said so at the committal hearing. Later they realised it was

actually around the Easter of 1975. Given the crimes had taken place 26 years before, this was hardly surprising.

What happened at the trial of Parker in August 2001 is a telling example of how testimonial injustice can undermine the credibility of the survivor. The case was before Judge Ralph Coolahan, who had previously appeared as a lawyer on behalf of the Anglican Diocese of Newcastle on another matter. When Coolahan learned about the date of the indictment being changed to 1975, he exploded at the Crown prosecutor: "These allegations are 26 years old. The fact that a fresh indictment is presented today is nothing short of a complete disgrace ... The fact that someone is brought to trial, 26 years after an alleged offence, is in itself a disgrace, but to present [a different date] ... makes it even more a disgrace. It makes the whole thing a real farce."

When told the complainants' ages - in their late 30s - Coolahan exploded once more. "So, they have waited 20 years since they attained their majority ... well, that is just ridiculous. It is truly ridiculous." Coolahan thought the amount of time passed undermined their credibility. (It is not "ridiculous" or a "disgrace" nor a "farce" for victims to take a long time to come forward. The average time Anglican survivors have taken to come forward is 29 years.) After fulminating on the survivors' "disgrace", Coolahan turned his attention to the accused priest. "There's one person who seems to be forgotten during the whole of your argument and that's the accused who sits here presumed to be innocent and has allegations made against him that are 26 years old and dates have been changed on the morning of the trial."

Parker, however, had been anything but forgotten. Despite obvious conflicts of interest, he was defended by Keith Allen, the diocese's solicitor, and Paul Rosser QC, then the diocese's deputy chancellor. According to CKA, Parker was also supported at the trial by Graeme Lawrence, the man who received CKA's confidential phone call. Peter Mitchell, the then diocesan registrar and a close friend of Parker (he was godfather to Mitchell's children), provided a character reference.

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As a senior diocesan official, Allen had a duty of protective care to vulnerable parishioners, such as complainants in a child sexual abuse case. As a lawyer, however, he had an obligation to use whatever legal means possible to defend his client. This is exactly what he did. Allen used his inside knowledge of how parishes work to obtain access to a register of priestly attendances at the parish. It emerged during cross-examination at the royal commission that Allen was left alone with this register for about 10 to 15 minutes. When it was produced during Parker's trial without warning, it seemed to provide Parker with an alibi. The Crown's case collapsed. Parker's case was "no billed", meaning it was withdrawn. But this is not an acquittal. A retrial is possible if sufficient evidence emerges. At the royal commission, evidence was presented showing that the registry had been altered on the dates when Parker's abuse of CKA was alleged to have taken place, but on very few other pages. Mitchell also had unsupervised access to the registry. At the royal commission Allen and Mitchell both denied tampering with the register. In Sharp's recent submission she concluded that ultimately there was insufficient evidence to make a finding on this matter.

At Parker's trial, the transcribed confidential conversations between CKA and Lawrence revealing his mental health problems were used in evidence by Parker's defence team. CKA wrote angrily to Herft, "the breach of confidentiality completed the betrayal and abandonment of myself by the church". The story of betrayal, however, does not end here. Bishop Herft released a media statement wrongly claiming that Parker had been acquitted. Mitchell published an article in the 2001 October edition of *Anglican Exchange*, the church magazine, called 'Confusion over False Action'. He wrote that:

[The] Crown did not have a case against George Parker and was heavily criticised by the judge ... Parker is a free man, with no criminal record and many years of dedicated service to the church and the community behind him. While he cannot comprehend the actions of the complainants, he bears them no ill will.

From 1975 through to that trial in 2001, CKA faced the full might of the Anglican Church, undermining his credibility. CKA gave evidence that when the trial collapsed, he felt "exhausted and hopeless ... my life was worth nothing to the church". He found dealing with the church "as abusive as the sexual abuse itself". At the royal commission, McClellan said to Allen, "What is being put to you is the perception, given you were a leading figure in the church, was that the church was prepared to say to people who come forward, 'You're lying'. Do you understand?"

ALLEN: Yes, I didn't see it that way, but I can understand what counsel is saying.

MCCLELLAN: Can you see it that way today?

ALLEN: Today is a different world than 2000-2001 ... Indeed it is.

There was a final twist in the tale of CKA. In 2010, Lawrence, the person CKA had approached for help, was himself defrocked as a child abuser. As CKA's solicitor, Peter O'Brien, colourfully put it at the royal commission, Lawrence was "the fox guarding the hen house". Lawrence faced allegations that from 1981 to 1985 he had sexually abused a teenage boy who was given the pseudonym CKH. CKH's statement to the royal commission alleged that in 1980, Reverend Andrew Duncan performed oral sex on him. He was 14 years old. Duncan told CKH that Lawrence was "part of the family". Duncan's sexual abuse continued for six years. Lawrence admitted to the royal commission that he suspected what Duncan was doing, but did not report the matter to the bishop or police. Instead, according to CKH, when he was aged 16, Lawrence visited him at his family home, and placed CKH's hand on his erect penis, telling him "you can have this at any time". CKH's testimony was that by the time he was 17, Lawrence abused him in group-sex sessions with his partner, Greg Goyette. Andrew Duncan was also defrocked, as was Bruce Hoare who had also participated in group sex with CKH. Reverend Graeme Sturt, who had watched, was suspended for five years. Goyette was permanently banned from teaching. Lawrence and Sturt mounted a Supreme Court challenge to the decision. By 2011, it had failed.

Despite a sullen, angry Lawrence stonewalling for two days at the royal commission, denying any sexual relationship ever occurred with CKH, the evidence was damning. Counsel assisting Sharp presented a number of sexually explicit letters and cards with pictures of naked men, and depicting sex acts, that either Lawrence or Goyette had sent to CKH. One card from Lawrence had a photo of a young man touching his erect penis. It had the caption, "Thank heavens for little BOYS! For LITTLE BOYS GET BIGGER EVERY DAY ...". In Lawrence's handwriting there is a message, "Now isn't that true? Enjoy the card. Thank Heavens! Much love G." In another, Goyette thanks CKH for coming to visit them both and says, "In the meantime don't forget to buy some KY & Lubifax & think of me relaxing into (P) a similar position!! Love and Prayer G xx." Lawrence maintained it was all light-hearted, innocent fun, and not evidence of an ongoing sexual relationship. Sharp's "available findings" asserted that the evidence showed Lawrence and Goyette did have a sexual relationship with CKH. Lawrence's evidence was not credible, while CKH's was.

The royal commission learned that the Lawrence case caused a great scandal in the diocese, which split it into two camps. A charismatic, socially dominant man, Lawrence was at the centre "of a significant power bloc" in Newcastle, with powerful friends in high places. The Lawrence brigade of supporters continued to believe him to be innocent and that his 2000 defrocking was an outrage. They wanted the then bishop of Newcastle, Brian Farran, who defrocked Lawrence, sacked. They complained to the Anglican Church's Episcopal Standards Commission about Farran. Their complaint was not upheld. Then they helped fund Lawrence's Supreme Court challenge to the defrocking. Newcastle's current assistant bishop, Peter Stuart, described the group as "virulent... really harsh... I have never had to work with a group that is as difficult and as intractable and as hurtful as this group of people."

Emotions find reasons. Throughout the royal commission, the survivors' testimony unsettled an illusion-filled reality about a charismatic priest. Simply by telling the truth, the victims were perceived as radical disrupters of a sacred order, hackers of meaning, vandals in the House of God. Many worshippers clung to their belief in the priest and the church, which had given meaning to their world. They chose the stability of lies over the instability of truth.

During this struggle a new power bloc emerged, a pro-survivor group led by the then bishop of Newcastle, Greg

Thompson. In 2015 he revealed his own sexual abuse as a youth at the hands of Bishop Ian Shevill. Thompson told the *Newcastle Herald* in July, just prior to the hearing, of priests having a "sense of self-entitlement" as if sex with children "was part of the role". At the royal commission, on 24 November he revealed that the then canon, Eric Barker, had also abused him. He told the ABC's *7.59*, "What's particularly distinctive about the story of abuse in this diocese is the habituated protection of perpetrators and the undermining of survivors as they came forward. It was like a religious protection racket."

Thompson was motivated by "the indifference, the disbelief, the arrogance of people that diminish survivors, discount their story, and turn away from them; that triggers deep anger". He went on a six-month listening tour in 2014 around the diocese. "I came away feeling there had been these crimes against children, and there was empathy for the perpetrators, but there was no empathy for the survivors." That a bishop had a direct understanding of what survivors had experienced was something new, typifying the cultural revolution that was by now moving through the diocese. Having an authoritative, high-status bishop speak openly about his own sexual abuse validated the testimony of survivors. The language changed. Silenced "liars" became listened-to survivors. The do-nothing era was over. Bishops Farran and Thompson spent as much time apologising to

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victims as Holland, Appleby and Herft had previously spent covering up abuse.

This caused an ugly backlash. In outing Shevill as an abuser, Thompson had "beamed" a former great. Backs were literally turned on him at the cathedral. What McClellan described as "co-ordinated opposition" was led by diocesan solicitor Robert Caddies, former lord mayor John McNaughton and his son Chris McNaughton, and other prominent by people. In a letter dated 13 April 2006, sent to both the archbishop of Sydney, Glenn Davies, and to the royal commission, they described themselves as "senior professionals", in other words people to be taken notice of. They complained that Thompson was unfit to be bishop. They cast doubt on his claims of being abused. They demanded to know why he had taken so long to disclose the abuse, and accused him of placing others at risk by taking so long to come forward.

By now, however, Thompson was operating under a new national church framework established by the Professional Standards Ordinance of 2005, a dull-sounding name for a radically new process. It established an automatic process of reporting child sexual abuse to police, and a clear code of conduct for clergy, which defined "examinable conduct". It gave a Professional Standards Board, which was independent of the bishop, the power to investigate. It could make recommendations that the bishop remove a clergyman from Holy Orders. The new system was called "information based", ensuring that clergy could not hide behind the need for a written complaint as a way of avoiding investigation.

Michael Elliott, the former policeman appointed in 2009 as director of the Newcastle diocese's Professional Standards Board, was at the centre of the maelstrom. Elliott is a down-blows man. This belies his compassionate imagination for the survivor. He looks, thinks, speaks and investigates like a policeman. He is not in any moral confusion over the nature of child abuse: those who perpetrate it are criminals who do untold harms; the fact that they wear a priest's robe is irrelevant.

The way Elliott was seen by the old guard is caught in an email from Chris McNaughton to Bishop Farran, where he described the actions of the Professional Standards Board as "evil". Elliott told the royal commission that unknown church supporters had engaged in a campaign of intimidation and vandalism against him; threatening phone calls and texts, and screws put in his car tyres. His dog disappeared, never to return. He was forced to move three times. But Elliott was undaunted and continued his investigations while building up unparalleled relations of trust with survivors.

Elliott met CKA in 2009. He was one of the first people to genuinely listen to and believe him. From that point on CKA found him "extremely supportive". In 2010, Elliott recommended to the then bishop, Farran, that he meet CKA

and give him an apology. Farran told the royal commission that he was "deeply moved" by this meeting. "I felt commiserated; that I was a bishop ... that this man and his family had been treated in such a terrible way ... he had been so wronged." In a December 2010 *Anglican Encounter* article and in media interviews, Farran said that CKA's experience had been trivialised and his mistreatment needed to be acknowledged.

I wish to extend a sincere and public apology to him and his family for their situation and the trauma they have experienced ... [CKA and his family] were treated inappropriately over an extended period of time by members of the Anglican church after he had reported he had been sexually abused as a child by a member of the church.

Last year, Herft, who was then the archbishop of Perth, also admitted at the royal commission that he and the church had "failed miserably in our response to CKA, in not providing pastoral care ... I've become aware that the sacred trust that the people of this region placed upon me, I have let them down ... I let them down badly."

Shortly after the hearing, Herft resigned as archbishop of Perth.

On 25 December 2006, Newcastle Police reinstated the no-billed charges against Parker. There were no fresh charges of extensive, multiple and very serious sexual assaults against CKA and his brother, from when they were ten and eight, between 1971 and 1975. Parker died just three weeks later.

CKA told the ABC how disappointed he was that, after his epic battle against the Anglican Church, Parker had never been called to account. "I feel really cheated, I guess ... You spend all that time and effort and heartache and it just ends like this ... All I really expected was that I would get him charged for the vindication. For the Crown to recognise that what happened in 2001 was wrong and it needed to be addressed."

Yet CKA was vindicated, by the royal commission. Philosopher Miranda Fricker talks about the importance in a democracy of being alert to instances of testimonial injustice and overturning them. On 6 April, counsel assisting Sharp in her available findings accepted CKA's testimony over that of former bishops Holland and Herft, former assistant bishop Appleby, and the former dean of the cathedral, Lawrence, and over the 19 jury involved in his case, including Keith Allen and Peter Mitchell.

CKA had battled for recognition of the wrongs he had suffered for more than 40 years. "If something is wrong, it's wrong. You have just got to go on fighting." His advice to other survivors was "Don't ever give up."

For support, call *Lighthouse* 13 11 14.

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Identifying the Budget Strategy Moving Forward from 2017 - 2018

Global Ideas Version 5 - May 2017 Our 2017 Budget

Budget Deficit 2017				-	\$	2,150,064
Late last year we estimated redress for 2017 and interest on our loan for redress to amount to	\$	1,451,273				
We estimated Royal Commission legal costs for 2017 to be	\$	145,000				
We engaged 2 major reviews costing	\$	200,000				
				\$		1,796,273
Our we anticipated our underlying operational difference to be				-	\$	353,791
<i>What made the difference between 2016 and 2017?</i>						
We had to change the way we process the rent from the Newcastle Grammar School Lease	\$	208,232				
We increased Professional Standards Staffing	\$	58,445				
The decline in interest rates hit us hard	\$	267,188	\$			533,865
If 2017 had been the same as 2016				\$		180,074

To meet the cash shortfall the Diocesan Council has withdrawn a Permanent Endowment valued at around \$1.8 million

Identifying the Budget Strategy Moving Forward from 2017 - 2018

Global Ideas Version 5 - May 2017 Our 2018 Budget

Budget Deficit 2018	-\$	723,445
Surplus required to ensure cash for loan repayment	-\$	225,000
Funding needs	-\$	948,445

As we try to understand our situation

If we kept operating in 2018 like 2016 - underlying deficit	\$	353,791
but we add new Redress and include 2018 Redress Loan Interest	\$	431,273
We are advised to Increase professional standards expenses for survivor support and set a formal PS budget	\$	99,191
Following on reviews and HR salary advice	\$	203,657
Provision for Board Member Fees (NACC & PSC)	\$	26,000
Professional Standards no longer shared with Grafton	\$	30,000
We have factored in a 2% clergy stipend rise but adjusted for actual level of Uni Chaplaincy staffing	-\$	22,062
The DC has varied trust relating to the Newcastle Grammar School rent to allow for payment for episcopal expenses	-\$	170,000
But we have also increased the base assessment by \$1000 per parish.	-\$	66,000
And we have imagined that interest might improve by 0.5% in 2018	-\$	122,406
And we wondered if Samaritans might take responsibility for funding chaplaincy ministry	-\$	40,000
	\$	723,445
Surplus required to ensure cash for loan repayment	\$	225,000
	\$	948,445

Identifying the Budget Strategy Moving Forward from 2017 - 2018

Global Ideas Version 5 - May 2017

The problem

We need to find	-\$	948,445
Doubling parish assessment based on 2017 would provide	\$	712,000
but that would mean a minimum assessment per parish of \$10,000/		

Your Diocesan Council doesn't see this as a solution

One of our best strategies is to pay off the loan by using trusts and assets

If we remove \$2 million from the Diocesan Trusts	<i>the net effect is</i>	-\$	172,580
If we sequester \$1.7million from parish assets such as windfall gains from land sales	<i>the net effect is</i>	-\$	172,882
Not proceeding with all new staff and cost reductions		-\$	402,661
These strategies would produce		-\$	748,124
Impact		-\$	200,321
As part of the external review we have been advised that organisations providing security or guarantees on loans would charge a security fee if the Trustees did this the budget impact would be (not included)		-\$	80,000
Deficit		-\$	120,321

Does not take into account impact of redress exceeding estimates for 2017 or 2018