



Anglican Church of Australia

General Synod

26 November 2012

The Secretariat
Royal Commission into Child Sexual Abuse
P.O. Box 6555
Canberra ACT 2600

Dear Sir/Madam

Royal Commission into Institutional Responses to Child Sexual Abuse

I refer to the announcement on 12 November 2012 by the Prime Minister that she will be recommending to the Governor-General the establishment of a Royal Commission into Institutional Responses to Child Sexual Abuse in Australia and to the Consultation Paper dated 19 November 2012.

On 17 November 2012 the Standing Committee of the General Synod of the Anglican Church of Australia passed a resolution in which it welcomed the announcement of the establishment of the Royal Commission. The text of the relevant parts of the resolution is enclosed with this letter. Set out below is the submission of the Anglican Church of Australia with respect to the issues raised in the Consultation Paper. The same headings that are contained in the Consultation Paper have been used.

Scope of the Terms of Reference

We support the three broad areas of inquiry specified in the Consultation Paper and the comments describing the approach of the Commission in addressing these areas of inquiry.

The Terms of Reference should specify that those affected by child sexual abuse can give evidence at a private hearing and make submissions to the Commission on a confidential basis, or give evidence at a public hearing and make submissions to the Commission which are publicly available. It will be essential to ensure that victims who participate are supported appropriately, including having access to counselling. Where the abuse is alleged to have been perpetrated by an officeholder, employee, agent or volunteer of an institution or organisation, the affected institution or organisation should have the opportunity to adduce evidence relevant to the alleged abuse and any response it made, and to make an appropriate pastoral response to the victim where there is consent.

Where the Commission receives evidence of particular instances of child sexual abuse at a private or public hearing, it should have power to identify the institution or organisation in which the abuse took place and make findings in relation to the management, supervision

and regulation of the institution or organisation. However, the Commission should not make findings in relation to particular instances of alleged abuse that identify the person who committed the abuse unless that person has been convicted of the abuse by a court, or has admitted, or has been found to have committed, the abuse in a disciplinary process of the institution or organisation.

For the purpose of public hearings, the Commission should have power to select a representative sample of complaints or allegations of child sexual abuse made to public and private institutions and organisations, and a representative sample of cases where an institution or organisation had knowledge or a strong suspicion or reasonable concern of child sexual abuse committed by an officeholder, employee, agent or volunteer.

Care should be taken to ensure that key expressions in the terms of reference are not narrowly defined so as to exclude relevant areas of inquiry. For example, the expression "sexual abuse" should be defined in a manner that is not confined to sexual activity involving a child, but includes exposure of a child to sexual activity or pornography. The word "institution" would include a school, orphanage, hospital, a children's home or any other place where children are or were cared for other than as members of families, as well as a body which is or was responsible for the placement of children in foster care. The word "organisation" would include business ventures and community, sporting and religious organisations that provided or provide activities for children.

The question of prevention of child sexual abuse will require findings as to its causes, nature, circumstances and extent as well as the manner in which the management, supervision and regulation of institutions and organisations have contributed to its occurrence judged in the context at the time when the complaints or allegations were made. The question of what can be done by organisations and institutions when allegations of child sexual abuse are raised should include consideration of circumstances where the police and child protection authorities take no action, and circumstances where the victim is unwilling to be involved in a police investigation or in a disciplinary process of the institution or organisation.

Form of the Royal Commission

We agree with the comments in this section, and note that the Royal Commission will be conducted under the *Royal Commissions Act 1902* (Cth).

Large institutions and organisations, including religious organisations, should be allocated a specified period of time to give evidence at a public hearing in order to ensure the efficient use of the Commission's time. This arrangement would not preclude further appearances by these institutions and organisations if the Commission considers it necessary to explore certain matters further.

To ensure that the findings and recommendations of the Commission are fair and promote workable solutions, it will be important that each affected institution and organisation has a reasonable opportunity to make submissions on those findings and recommendations.

Number and qualifications of Commissioner/s

We agree it is necessary for the Commissioner/s to have a careful balance of skills, qualifications and perspectives so that stakeholders and the community can have confidence that all the relevant issues can be adequately handled and considered. It will be important that the Commissioner/s is or are familiar with the culture and practices of private institutions and organisations which engage with children, particularly religious organisations.

We are concerned that the scope of the inquiries is such that it will be impossible for one Commissioner to undertake them within a reasonable timeframe. If multiple Commissioners are appointed, particular care will need to be taken to avoid duplication of areas of inquiry and representation of institutions and organisations such as religious organisations which have a national presence involving a number of different activities involving children. This could be avoided if all the activities of an institution or organisation could be the responsibility of one Commissioner. As an alternative approach, if one Commissioner has responsibility for a particular type of institution and organisation such as schools, there should be a mechanism to ensure that the approach and outcomes for that type of institution and organisation is consistent with the Commission's overall approach and outcomes.

Appropriate background checks should be conducted on the Commissioner/s. Whether one Commissioner or multiple Commissioners is or are appointed, care will need to be taken to ensure the ongoing psychological health of the Commissioner/s and staff of the Commission who will be required to hear distressing descriptions of child sexual abuse and its consequences.

Duration and reporting arrangements for the Royal Commission

The Anglican Church of Australia agrees with the comments in this section. However, there should be a definite timeframe for the conclusion of the Royal Commission so that its anticipated beneficial outcomes can be implemented promptly.

Yours sincerely,



Martin Drevikovsky
General Secretary

Encl.



Anglican Church of Australia

General Synod

**RESOLUTION
OF
THE STANDING COMMITTEE OF THE GENERAL SYNOD
OF THE ANGLICAN CHURCH OF AUSTRALIA**

1. *The Standing Committee:*

- a. *reaffirms the commitment of the Anglican Church of Australia to the physical, emotional and spiritual safety and welfare of the children in its care;*
- b. *repeats the apology made by the Thirteenth General Synod in October 2004 to all children who have been sexually abused by clergy and church workers of the Anglican Church of Australia;*
- c. *welcomes the announcement of the establishment of a Royal Commission into child sexual abuse covering organisations including churches; and*
- d. *welcomes the opportunity the Royal Commission will bring for the Anglican Church of Australia to review its policies and procedures to protect children from harm.*

(17 November 2012 - SC2012/2/16)