



Royal Commission
into Institutional Responses
to Child Sexual Abuse

REPORT OF CASE STUDY NO. 42

The responses of the Anglican
Diocese of Newcastle to
instances and allegations
of child sexual abuse

NOVEMBER 2017

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Report of Case Study No. 42

The responses of the Anglican Diocese of Newcastle
to instances and allegations of child sexual abuse

November 2017

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Preface

The Royal Commission

The Letters Patent provided to the Royal Commission require that it ‘inquire into institutional responses to allegations and incidents of child sexual abuse and related matters’.

In carrying out this task, we are directed to focus on systemic issues but be informed by an understanding of individual cases. The Royal Commission must make findings and recommendations to better protect children against sexual abuse and alleviate the impact of abuse on children when it occurs.

For a copy of the Letters Patent, see Appendix A.

Public hearings

A Royal Commission commonly does its work through public hearings. A public hearing follows intensive investigation, research and preparation by Royal Commission staff and Counsel Assisting the Royal Commission. Although it may only occupy a limited number of days of hearing time, the preparatory work required by Royal Commission staff and by parties with an interest in the public hearing can be very significant.

The Royal Commission is aware that sexual abuse of children has occurred in many institutions, all of which could be investigated in a public hearing. However, if the Royal Commission were to attempt that task, a great many resources would need to be applied over an indeterminate, but lengthy, period of time. For this reason the Commissioners have accepted criteria by which Senior Counsel Assisting will identify appropriate matters for a public hearing and bring them forward as individual ‘case studies’.

The decision to conduct a case study will be informed by whether or not the hearing will advance an understanding of systemic issues and provide an opportunity to learn from previous mistakes, so that any findings and recommendations for future change which the Royal Commission makes will have a secure foundation. In some cases the relevance of the lessons to be learned will be confined to the institution the subject of the hearing. In other cases they will have relevance to many similar institutions in different parts of Australia.

Public hearings will also be held to assist in understanding the extent of abuse which may have occurred in particular institutions or types of institutions. This will enable the Royal Commission to understand the way in which various institutions were managed and how they responded to allegations of child sexual abuse. Where our investigations identify a significant concentration of abuse in one institution, it is likely that the matter will be brought forward to a public hearing.

Public hearings will also be held to tell the story of some individuals which will assist in a public understanding of the nature of sexual abuse, the circumstances in which it may occur and, most importantly, the devastating impact which it can have on some people's lives.

A detailed explanation of the rules and conduct of public hearings is available in the Practice Notes published on the Royal Commission's website at:

www.childabuseroyalcommission.gov.au

Public hearings are streamed live over the internet.

In reaching findings, the Royal Commission will apply the civil standard of proof which requires its 'reasonable satisfaction' as to the particular fact in question in accordance with the principles discussed by Dixon J in *Briginshaw v Briginshaw* (1938) 60 CLR 336:

it is enough that the affirmative of an allegation is made out to the reasonable satisfaction of the tribunal. But reasonable satisfaction is not a state of mind that is attained or established independently of the nature and consequence of the fact or facts to be proved. The seriousness of an allegation made, the inherent unlikelihood of an occurrence of a given description, or the gravity of the consequences flowing from a particular finding are considerations which must affect the answer to the question whether the issue has been proved to the reasonable satisfaction of the tribunal...the nature of the issue necessarily affects the process by which reasonable satisfaction is attained.

In other words, the more serious the allegation, the higher the degree of probability that is required before the Royal Commission can be reasonably satisfied as to the truth of that allegation.

Private sessions

When the Royal Commission was appointed, it was apparent to the Australian Government that many people (possibly thousands) would wish to tell us about their personal history of child sexual abuse in an institutional setting. As a result, the Commonwealth Parliament amended the Royal Commissions Act 1902 to create a process called a 'private session'.

A private session is conducted by one or two Commissioners and is an opportunity for a person to tell their story of abuse in a protected and supportive environment. As at 22 September 2017, the Royal Commission has held 7,642 private sessions and more than 472 people were waiting to attend one. Many accounts from these sessions will be recounted in later Royal Commission reports in a de-identified form.

Research program

The Royal Commission also has an extensive research program. Apart from the information we gain in public hearings and private sessions, the program will draw on research by consultants and the original work of our own staff. Significant issues will be considered in issues papers and discussed at roundtables.

This case study

The public hearing for the Royal Commission's *Case Study 42: The experiences of survivors of child sexual abuse perpetrated by clergy and lay people involved in or associated with the Anglican Diocese of Newcastle* was held in Newcastle from 2 to 12 August 2016. The case study was allocated additional sitting days in Newcastle on 29 and 30 August 2016 and then in Sydney on 16 to 18 November 2016 and 23 to 24 November 2016.

The purpose of this case study was to examine the institutional response of the Anglican Diocese of Newcastle (the Diocese) to allegations of child sexual abuse by Anglican clergy and lay people.

This was the third case study in relation to an Anglican Diocese. The first was *Case Study 3: Anglican Diocese of Grafton's response to child sexual abuse at the North Coast Children's Home*. Evidence elicited during that hearing contributed to our investigation of the Diocese. The second was *Case Study 36: The response of the Church of England Boys' Society and the Anglican Dioceses of Tasmania, Adelaide, Brisbane and Sydney to allegations of child sexual abuse*.

The Royal Commission has also held public hearings concerning independent schools in the Anglican tradition, with varying levels of involvement from the Anglican Church, including:

- *Case Study 12: The response of an independent school in Perth to concerns raised about the conduct of a teacher between 1999 and 2009*
- *Case Study 20: The response of The Hutchins School and the Anglican Diocese of Tasmania to allegations of child sexual abuse at the school*
- *Case Study 32: The experiences of former students of Geelong Grammar School, Victoria*
- *Case Study 34: The response of Brisbane Grammar School and St Paul's School to allegations of child sexual abuse.*

After the public hearing in this case study, the Royal Commission conducted a public hearing in *Case Study 52: Institutional review of Anglican Church institutions*, which examined the Anglican Church's response to past case studies and the current policies and procedures of the Anglican Church for preventing and responding to child sexual abuse.

What this case study considered

The scope and purpose of this case study was to inquire into:

- a. the past and present systems, policies and practices in place within the Anglican Diocese of Newcastle for responding to instances and allegations of child sexual abuse
- b. the experiences of survivors of child sexual abuse perpetrated by clergy and lay people involved in or associated with the Anglican Diocese of Newcastle
- c. the response of the Anglican Diocese of Newcastle and associated institutions to allegations of child sexual abuse made against clergy and lay people associated with the Anglican Diocese of Newcastle, including [REDACTED] Gregory Goyette, Andrew Duncan, Bruce Hoare, Graeme Surt, Peter Rushton, Ian Barrack, James Michael Brown and another Anglican priest
- d. the links between any institutional culture at St John's College, Morpeth, and the perpetration of child sexual abuse
- e. any matters arising related to the above

The other Anglican priest referred to in paragraph (c) is Father George Parker, who was under investigation by NSW Police at the time of the public hearing. He was subsequently charged with child sex offences in December 2016 and died in January 2017.

The Royal Commission chose to focus on the men identified in paragraph (c) in order to investigate and illustrate particular systemic issues. However, there were a number of additional alleged perpetrators identified throughout the Royal Commission's investigation of the Diocese who will be referred to in this report.

The scope of the case study extended to knowledge and management of perpetrators who may have been involved in prior incidents of abuse outside the Diocese, although not the incidents themselves.

The Royal Commission received 95 witness statements from 73 institutional, survivor and other witnesses across the Diocese. Of these witnesses, 26 gave oral evidence. Among the institutional witnesses were 10 bishops, including two archbishops.

References to individuals named in this report

When recounting past events, we have generally used the title of the individual at the relevant time, as opposed to their title today. For example, during the period that Mr Graeme Lawrence was a priest in the Diocese of Riverina, we have referred to him as 'Father Lawrence'. During the period he was dean of Christ Church Cathedral, we have referred to him as 'Dean Lawrence'. [REDACTED]

It is usual to refer to assistant bishops in the Anglican Church as 'Bishop'. However, for the sake of clarity, we have referred to those bishops as 'Assistant Bishop' in this report.

Individuals who have been convicted of child sex offences have been referred to by their surname only, without an honorific.

Aside from those individuals specifically identified in the scope and purpose of this case study, where an individual is alleged to have committed a child sex offence but has not been convicted, that person is identified by a pseudonym unless that person is deceased or has otherwise been afforded an opportunity to respond to the evidence.

Survivors who have not expressly consented to their identities being made known have been allocated a pseudonym.

Executive Summary

The Anglican Church of Australia and the Diocese of Newcastle

In Case Study 42, the Royal Commission into Institutional Responses to Child Sexual Abuse inquired into the response of the Anglican Diocese of Newcastle (the Diocese) to instances and allegations of child sexual abuse since the mid-1960s.

A significant number of clergy and others associated with the Diocese have been convicted of child sexual abuse since the mid-1960s.

The Anglican Church of Australia

The Anglican Church of Australia (the Church) comprises 23 geographic regions known as dioceses. The diocese is the main unit of organisation in the Anglican Church. Each diocese has a number of parishes, and each parish has one or more churches.

Each diocese is led by a bishop. The principle of diocesan autonomy is deeply entrenched in the Church and the national General Synod has only very limited authority over the dioceses.

Each diocesan bishop is responsible for licensing clergy and laity in his or her diocese.

The Diocese of Newcastle

At the time of this report the Diocese comprised 62 parishes. It is largely Anglo-Catholic in tradition.

The Diocese formerly operated a children's home called St Alban's Home for Boys, which closed in 1980.

Many of the Diocese's clergy trained at St John's Theological College, Morpeth (Morpeth College). It closed in 2007.

The Bishop of Newcastle exercises the primary leadership role in the Diocese. The other positions of leadership are the assistant bishop, the dean of the Christ Church Cathedral (the Cathedral) and the archdeacons.

The Diocese has a synod which functions like an annual general meeting of a corporation and which makes ordinances. There is also a diocesan council, which operates as a council of advice to the bishop and which can also make certain ordinances. The bishop receives legal advice from the chancellor.

In 2005, the Diocese adopted the Professional Standards Ordinance 2005, which was largely based upon the General Synod's model professional standards ordinance. The 2005 ordinance established a new disciplinary framework within the Diocese and created the Professional Standards Committee and Professional Standards Board, which effectively supplanted the previous diocesan tribunal process. The office of Director of Professional Standards was also created.

Perpetrators and alleged perpetrators of child sexual abuse in the Diocese

A number of priests associated with the Diocese have been convicted of child sex offending:

- Ian Barrack
- Robert Ellmore
- Stephen Hatley Gray
- Eric Griffith
- Allan Kitchingman
- Lindsay McLoughlin.

James (Jim) Brown, a youth worker and lay reader, has also been convicted of child sexual abuse.

While not convicted during his lifetime the Diocese accepts that Father Peter Rushton, who rose to the rank of archdeacon in the Diocese, was a prolific child sex offender.

Father George Parker was charged with 24 child sex offences on 23 December 2016. He died on 11 January 2017 before facing court on these charges. Father Parker was allocated the pseudonym CKC during the public hearing. The pseudonym was lifted on 16 January 2017.

██████████ and fellow priests Mr Andrew Duncan, Father Graeme Sturt and Mr Bruce Hoare were disciplined by the Diocese following allegations by CKH that they had sexually misconducted themselves with him. CKH alleged that Mr Duncan had sexually abused him since he was 14 years of age and that CKH had been in a sexual relationship with ██████████ since he was 16 years old. CKH alleged he was also in a sexual relationship with ██████████ ██████████, since CKH was 17 years old (when CKH was under the then age of consent). CKH also alleged that ██████████, Father Sturt and Mr Hoare participated in group sex with CKH in 1984, when he was 19 years old and while a 17-year-old boy was in the room. These incidents allegedly occurred in the Diocese of Riverina, but all the men – save for Mr Duncan – later came to occupy positions within the Diocese. Mr Duncan also came to live in the Diocese.

The following deceased persons have also been accused of child abuse:

- Bishop Ian Shevill
- Father Michael Cooper
- Father James Brown.

DBJ, who is still alive, has also been accused of child sexual abuse but has not been charged or disciplined.

Bishops in the Diocese

Bishops of the Diocese between 1958 and the present time are:

- Bishop James Housden (from 1958 to 1972)
- Bishop Ian Shevill (from 1973 to 1977)
- Bishop Alfred Holland (from 1978 to 1992)
- Bishop Roger Herft (from 1993 to 2005)
- Bishop Brian Farran (from 2005 to 2012)
- Bishop Gregory Thompson (from February 2014; resigned in March 2017, with effect from 31 May 2017).

From 1983 to 1992, Bishop Richard Appleby was the Assistant Bishop of Newcastle. There was then a period of time where there was no assistant bishop in the Diocese. Bishop Peter Stuart has been the assistant bishop since February 2009.

All of these bishops, save for Bishop Housden and Bishop Shevill, who are deceased, gave evidence during this case study.

Other key figures in the Diocese

Other key figures involved in the Diocese during the period reviewed in this case study are:

- Mr Graeme Lawrence was dean of the Cathedral from 1984 until 2008
- Mr Keith Allen, a solicitor, with long involvement in the governance of the Diocese in a lay capacity
- Mr Paul Rosser QC, who was the deputy chancellor from 1996 and the chancellor from 2009 until 2010
- Mr Peter Mitchell, who was the diocesan registrar from 1993 to 2002

- Mrs Jean Sanders, who was the chair of the Committee for Allegations of Sexual Misconduct (CASM) from 2001 to 2004
- Mr Robert Caddies, a solicitor, who provided legal advice to the Diocese and who was a member of CASM. He was also a member of the Cathedral's parish council from 2003 to 2011
- Mr John Cleary, who was the diocesan business manager from 2007 until early February 2017, and who was involved in providing redress to the survivors of child sexual abuse within the Diocese
- Mr Michael Elliott, who has been the Diocese's Director of Professional Standards since 2009.

Institutional response under Bishop Ian Shevill (1973–1977)

Bishop Shevill was the Bishop of Newcastle from 1973 to 1977

Disciplinary framework during Bishop Shevill's episcopate

During this period, the only disciplinary framework for dealing with allegations of clergy misconduct was that provided by the Offences Canon 1962 and the Clergy Discipline Ordinance 1966. Under this framework a charge could be laid against a licensed person for 'disgraceful conduct', which could include child sexual abuse.

Survivors

Mr Paul Gray

Father Rushton was Mr Paul Gray's parish priest. Mr Gray gave evidence that he was sexually abused by Father Rushton from around 1963, when he was 10 years old, until the mid-1960s. He said that on some occasions Father Rushton cut his back with a knife during sexual intercourse.

Mr Gray said that a number of other clergy also sexually abused him. He said that on a number of occasions Father Rushton took him to St Alban's Home for Boys and left him there. On those occasions, he was raped by other men. On another occasion, Father Rushton took Mr Gray to an overnight camp at Yondaio in New South Wales. That night, Mr Gray was chased through the bushes near a cliff by a number of men, two of whom raped him in the presence of three other men.

Mr Gray said he repressed memories of his abuse until 2010. That year, he disclosed the abuse to the Diocese. Shortly thereafter, he had a mental breakdown.

In June 2013, Mr Gray reached a financial settlement with the Diocese in relation to the abuse.

Mr Phillip D'Ammond

Mr Phillip D'Ammond was placed at St Alban's Home for Boys in 1975, when he was 13 years old. On weekends and school holidays, youth worker Brown took Mr D'Ammond to his house and sexually abused him.

In December 1977, Mr D'Ammond left St Alban's and went to live with Brown, who became his legal guardian. By this time, the sexual abuse had ceased. At the age of 17 or 18, Mr D'Ammond left to go to Sydney.

Mr D'Ammond first disclosed his abuse to police in 1996. Brown was charged, but at committal proceedings the charges were dismissed. Mr Rosser QC, then the deputy chancellor of the Diocese, represented Brown at the committal proceedings.

In 2010, Brown was convicted of multiple child sexual abuse offences, including one in relation to Mr D'Ammond.

CKA and CKB

CKA and his younger brother CKB grew up in a religious family whose lives revolved around the Church. Each boy became an altar boy at 10 years of age. Father Parker was their parish priest. He was held in high regard by their family.

CKA gave evidence that he was sexually abused by Father Parker for five years from 1971 to 1975, when he was aged between 10 and 14.

In 1975, Father Parker was transferred to the Parish of Gateshead in the Diocese. Shortly after Father Parker's transfer, CKA and CKB stayed at his rectory for the weekend in order to serve as his altar boys. Both say they were sexually abused by Father Parker that weekend.

At the end of the weekend, CKA and CKB told their mother about the abuse that had occurred that weekend. At that time CKA did not disclose that he had in fact been abused by Father Parker for many years before that.

In 2000, CKA and CKB disclosed some of their abuse to the police. Father Parker was charged and committed to stand trial. Mr Allen and Mr Rosser QC, who at that time was the deputy chancellor of the Diocese, acted for Father Parker. Ultimately the charges were withdrawn.

CKA and CKB gave evidence that they received no support from the Diocese during this period. CKA said that he found the process of dealing with the Church about the allegations as abusive as the sexual abuse itself.

CKG

When CKG was around 10 years old, in January 1968, he was transferred from St Christopher's Home for Little Children to St Alban's Home for Boys. He gave evidence that he was sexually abused on a number of occasions by Father Rushton, Father Walter Ogle and other people to whom he was fostered out on the weekends.

CKG said that, when he was around 13 years old, on a number of occasions he was taken to a priest's house at Cessnock in the Hunter region of New South Wales. He believes he was drugged and anally raped at the house. He said that both Father Rushton and Father Ogle took him to this house on at least one occasion.

CKG gave evidence that he was sexually abused by priests on a number of occasions between around 1971 and 1972. In one instance, he was filmed while being fondled by five men.

Lasting effects of sexual abuse

Mr Gray, Mr D'Ammond, CKA CKB and CKG all gave evidence of the lasting effects that the sexual abuse has had on their lives.

Alleged disclosures to Mrs Dulcie Barry and Mr Ron Barry at St Alban's Home for Boys

Mrs Dulcie Barry and Mr Ron Barry were the house parents of St Alban's Home for Boys between 1966 and 1980. They were subsequently the house parents of the St Alban's Family Group Home in Greta Street, Aberdare, until their retirement in 1984.

Mr Gray said that, before and after he was sexually abused by different men, Mr Barry would keep him quiet by beating him. CKG said that, between 1968 and 1973, he disclosed his abuse to Mrs Barry on numerous occasions. He was usually accused of lying and was punished.

Mr D'Ammond told us that his time at St Alban's Home for Boys under the care of Mr and Mrs Barry was 'good' and, while he did not disclose his abuse by Brown to Mrs Barry, he believed that she would have protected him if he had done so.

Both Mr and Mrs Barry are now deceased and cannot respond to the allegations. Their son, Mr Norman Barry, gave evidence that while he lived at St Alban's Home for Boys he never heard any hint or suggestion that his father physically or sexually abused boys at the home.

There is a conflict in the evidence between Mr Gray and CKG on the one hand and Mr Norman Barry on the other. We have no reason to doubt the truthfulness of the evidence given by Mr Gray and CKG, but, equally, they were not tested in cross-examination on this particular point. Accordingly, we make no finding as to knowledge of, or participation in, the sexual abuse by Mr Ron Barry and Mrs Dulcie Barry.

Bishop Shevill's knowledge of allegations of abuse

Disclosures of abuse concerning Canon Harold Marshall in around 1975

We received a statement from long-time East Maitland worshipper, Ms Noelle Freeman. We are satisfied on the basis of her evidence that in around the mid-1970s two sets of parents reported to Bishop Shevill that their children had been sexually abused by Canon Harold Marshall, who was the parish priest at St Peter's in East Maitland. Bishop Shevill asked them to 'keep quiet'.

Canon Marshall was required to leave the parish and retire. We are satisfied that Bishop Shevill took no formal disciplinary steps against him, as he was concerned to protect the reputation of the Church.

Allegations that Bishop Shevill was a perpetrator

Abuse of a 13-year-old girl in the 1950s

We received documents from the Diocese of Rockhampton and the Diocese of Brisbane concerning an allegation that Bishop Shevill sexually abused a 13-year-old female student at a North Queensland school where he taught in the 1950s. The Director of Professional Standards for the Province of Queensland investigated the allegations and found them to be 'very plausible'. A financial settlement was reached with the victim.

Abuse of 19-year-old Gregory Thompson

We accept the evidence of Bishop Thompson that, when he was around 19 years of age in 1976 and considering a vocation in the Church, he was befriended by Canon Eric Barker, then a senior member of the Diocese. Canon Barker made sexual advances to Mr Thompson, which he rebuffed. Canon Barker told Mr Thompson, '[i]f you want to get into the ministry, we have to have a relationship'.

Canon Barker introduced Mr Thompson to Bishop Shevill, and the three of them went to the movies one night. During the movie, both Canon Barker and Bishop Shevill groped Mr Thompson in the genital area.

Institutional response under Bishop Alfred Holland (1978–1992)

Bishop Holland was the Bishop of Newcastle from 1978 to 1992. From 1983 to 1992 his assistant bishop was Bishop Appleby.

Disciplinary framework during Bishop Holland's episcopate

While Bishop Holland was the Bishop of Newcastle, the disciplinary framework for dealing with allegations of clergy misconduct was that supplied by the Offences Canon 1962 and the Clergy Discipline Ordinance 1966. There was no specific procedure or protocol in place to deal with allegations of child sexual abuse within the Diocese.

Bishop Holland's evidence

Bishop Holland gave written and oral evidence to us. At the time of the public hearing, he was 90 years old. He presented as a capable witness in command of his mental faculties. He made no claim that he had problems with his memory.

In evidence before us were file notes made by the diocesan business manager, Mr Cleary, of conversations that he had with solicitor Mr Allen in 2015. The file notes record that Mr Allen told him that he would advise Bishop Holland that, in any evidence to the Royal Commission, he should claim he had 'no recollection' of child sexual abuse matters. Bishop Holland and Mr Allen both denied being in contact to discuss evidence before the Royal Commission. We make no finding that Mr Allen attempted to influence Bishop Holland's evidence or advised him to claim he had no memory of certain matters.

A number of new witnesses and documents came to light after Bishop Holland gave oral evidence on 3 August 2016. We are satisfied that he was afforded a proper opportunity to be heard in relation to this new evidence.

The 1990 prosecution of Stephen Hatley Gray

Knowledge of the offence

In the early hours of 12 February 1990, licensed priest Hatley Gray had anal intercourse with a 15-year-old boy at his rectory. The boy reported his assault to police later that day and Hatley Gray was charged. Following a plea of guilty, Hatley Gray was convicted and was sentenced in September 1990.

Both Bishop Holland and Bishop Appleby gave evidence that, despite acting in the matter, they were not aware at the time or during Hatley Gray's prosecution that he had sexually abused a boy. We reject this evidence.

Bishop Holland's evidence was that he became aware that Hatley Gray had hosted a 'wild' party at the rectory, there was homosexual activity and the rectory was damaged.

We accept Bishop Appleby's evidence that Bishop Holland telephoned him in the early morning to advise there had been a 'disturbance' at the rectory and instructed him to go to the rectory and obtain Hatley Gray's resignation.

Bishop Appleby attended the rectory that same day. Hatley Gray wrote a letter of resignation in front of him, and Bishop Appleby gave the letter to Bishop Holland upon his return to Newcastle.

Mr Allen acted for Hatley Gray in the criminal prosecution. In May 1990, he wrote to both Bishop Holland and Bishop Appleby requesting that they provide references for Hatley Gray. Mr Allen's evidence was that both were aware that Hatley Gray had been charged with a child sex offence.

Bishop Holland prepared a draft reference for Hatley Gray which he forwarded to Mr Allen for guidance. The draft reference asserted that the conduct 'seems totally out of character' and that it was unlikely that Hatley Gray would be licensed for priestly work. It is implausible that Bishop Holland would not have discussed the nature of the allegations with Mr Allen.

There is no evidence that Bishop Appleby prepared a reference.

A pre-sentence report dated 3 September 1990 prepared by Reverend David Williams stated that Reverend Williams had spoken with Bishop Holland on three separate occasions about Hatley Gray and that Bishop Holland did not regard 'this offence' as 'necessarily an indelible impediment to his rehabilitation to work as a priest'.

A newspaper article published shortly after the incident reported that a 47-year-old Anglican Church minister had been charged with sexually assaulting a 15-year-old boy at a rectory on the New South Wales Central Coast.

Reverend Raymond Manual, who was friends with Hatley Gray at the time, gave evidence that he visited Hatley Gray on the day of the offence and also spoke with Assistant Bishop Appleby a few days later. He said Assistant Bishop Appleby had told him that, due to the ‘sensitivity’ of the matter, it was being dealt with ‘quietly’.

Previous warnings

Two days after the offence, on 14 February 1990, Bishop John Reid of the Anglican Diocese of Sydney wrote to Bishop Holland responding to news of Hatley Gray’s resignation. Bishop Reid said that when he had previously recommended Hatley Gray to the Diocese he believed his ‘problems with his sexuality had been resolved’.

Bishop Holland did not recall receiving this letter or talking to Bishop Reid about Hatley Gray before licensing him as a priest. The language of the letter is not clear enough to warrant a finding that Bishop Holland had previously been warned of any prior sexual offending against boys on the part of Hatley Gray, although clearly Bishop Holland had notice that Hatley Gray had ‘problems with his sexuality’.

Falsification of date of Hatley Gray’s resignation

Hatley Gray’s letter of resignation bears the date ‘11 February 1990’, which was the date of the day before the offence occurred. The 1990 diocesan yearbook states that Hatley Gray resigned ‘as from 11 February 1990’. Bishop Appleby gave evidence that he witnessed Hatley Gray write a resignation letter after the offence.

Mr Allen admitted in oral evidence that he had ‘destroyed’ the original resignation. We are satisfied that Hatley Gray resigned after committing the offence. The date on the resignation letter, which suggests that the resignation took place on 11 February 1990, is false. We accept that Mr Allen played a role in the falsification since he destroyed the original resignation, but we have insufficient facts to make a finding about the precise mechanism by which the resignation letter in evidence came to bear the date ‘11 February 1990’.

One effect of the misrepresentation of the date of resignation was that it protected the Church’s reputation – it represented that Hatley Gray had resigned before the offence had occurred.

Failure of Bishop Holland to warn other dioceses about Hatley Gray's conduct

We are critical of the fact that Hatley Gray was permitted to resign and was not dealt with under the Diocese's disciplinary process. There is no evidence that Bishop Holland took any steps to warn other dioceses about Hatley Gray's conduct.

Bishop Holland submitted that, as Hatley Gray had been convicted for child sexual abuse, a police check would have disclosed this to any future employer. However, in New South Wales, until July 2000 there was no requirement for an employer to ascertain if an employee undertaking child-related employment had been convicted of a child sexual abuse offence.

There was evidence before us that in 1992 Hatley Gray presided over a memorial service for two victims of notorious serial killer Ivan Milat in another diocese of the Anglican Church.

Disclosures to the Diocese of allegations against Father Peter Rushton and Jim Brown

Disclosures by Ms Suzan Aslin concerning Father Rushton and Brown in around 1979

Father Rushton and Church youth worker Brown were close associates for much of the 1970s and 1980s. Brown said that they had a sexual relationship.

In around late 1978, Ms Suzan Aslin's then 15-year-old son told her that he believed Brown was pursuing him. Ms Aslin confronted Brown. She later discovered that both Brown and Father Rushton were fostering boys from St Alban's Home for Boys.

Ms Aslin informed Professor David Frost, a member of the diocesan synod, of her concerns.

Despite Bishop Holland's asserted lack of recollection, we are satisfied that:

- Professor Frost met with Bishop Holland at his residence and told him of Ms Aslin's concerns for her son and that there had been homosexual contact between clergy
- Bishop Holland spoke with Ms Aslin on the telephone. She told him that Brown had pursued her son, that Father Rushton and Brown were fostering boys at St Alban's and that they were going on a 'sex trip' to Europe.

Bishop Holland asked Ms Aslin to leave the matter with him. There is no evidence that Bishop Holland took any steps in relation to these revelations.

Disclosures concerning Father Rushton's alleged abuse of COE in 1980

We are satisfied that in the early 1980s Bishop Holland was informed of an allegation that Father Rushton had sexually abused COE, the young son of an assistant priest in the Wallsend parish, COA. In 1980, Father Rushton was the local parish priest at Wallsend.

We are satisfied that soon after the incident COE's parents, COA and COC, together with their friends Mr Christopher Hall and Mrs Valerie Hall, met with Bishop Holland and reported the alleged abuse to him. Bishop Holland was dismissive of them and said that without further evidence he could take no action.

We are further satisfied that, when Father Rushton learned that Ms Pamela Wilson, a parishioner and friend of COE's parents, intended to complain to Bishop Holland about the alleged abuse, he telephoned her and threatened her with legal action if she pursued the complaint.

We accept the evidence of parishioner Ms Lesley Danger that she too raised the allegation with Bishop Holland. Bishop Holland told her that there was nothing he could do and that Father Rushton had threatened legal action.

It is not plausible that so many witnesses would give the same false account of disclosing the alleged abuse of COE to Bishop Holland. We do not accept Bishop Holland's evidence that he has no recollection of this matter.

We are satisfied that Bishop Holland failed to take any action to report or risk manage Father Rushton once he was made aware of the allegations. Also, Bishop Holland did not provide appropriate support to COE and his family after the allegations were made.

Alleged disclosure of allegations concerning Brown in 1987

A witness who had been a youth worker in the Diocese in 1987 gave evidence that she developed a friendship with a young man who disclosed to her that he had been sexually abused as a child by Brown. This witness said that later that year she attended a meeting with Assistant Bishop Appleby and another man. That other man said he knew what the young man had told her about Brown. She said she was told that Brown would be moved to Maitland parish and she was asked not to discuss allegations against Brown with anyone.

Bishop Appleby denied that he was told of allegations against Brown. Bishop Appleby had no recollection of the meeting but agreed it could have occurred. We are satisfied that the meeting did occur. However, there is no evidence that at the meeting the allegations against Brown were expressly stated. Therefore, we are not able to find to the *Briginshaw* standard that Bishop Appleby knew that an allegation of child sexual abuse had been made against Brown.

Disclosures to the Diocese of allegations against Father Parker

We are satisfied that, in 1984, CKA met with Assistant Bishop Appleby at his home and disclosed to him that he had been sexually abused by Father Parker over several years as a child. Assistant Bishop Appleby told CKA he would 'look into it', but in fact he took no further steps in relation to the allegations. After this time, Father Parker remained licensed as a priest in the Diocese until 1996.

Conclusions about the treatment of child sexual abuse allegations during Bishop Holland's episcopate

There was a 'do nothing' approach in the Diocese in response to child sexual abuse allegations during Bishop Holland's episcopate.

By 1980, Ms Aslin, Professor Frost, COA, COC and Mr and Mrs Hall reported allegations of child sexual abuse against Father Rushton to Bishop Holland. Two people provided information to the Royal Commission that as children they were sexually abused by Father Rushton after 1980. Despite this, Bishop Holland promoted Father Rushton to the position of Archdeacon of Maitland in 1983.

By 1979, Ms Aslin and Professor Fros had reported allegations of child sexual abuse against Brown to Bishop Holland. In 2012, Brown was convicted of sexually abusing 20 children, 13 of whom were abused after 1979.

The failure of Bishop Holland to act in the face of the allegations made to him represented a lost opportunity to prevent further abuse being perpetrated by Father Rushton and Brown.

Institutional response under Bishop Roger Herft (May 1993 – February 2005)

Bishop Herft was the Bishop of Newcastle from May 1993 to February 2005. At the time of the public hearing, he was the Archbishop of Perth. On 15 December 2016, he announced that he would retire as Archbishop of Perth on 7 July 2017.

Throughout Bishop Herft's term in the Diocese, Mr Lawrence was dean of the Cathedral. Father Rushton was the Archdeacon of Maitland until 1998. From 2001, Father Rushton held a permission to officiate within the Diocese.

During Bishop Herft's tenure as Bishop of Newcastle, paedophilia generally, and paedophilia within the Anglican Church in particular, was a live issue.

When Bishop Herft assumed his appointment, he received no notification from Dean Lawrence or any other person of any allegations of child sexual abuse made against members of the clergy or lay people associated with the Diocese.

Disciplinary framework during Bishop Herft's episcopate

During Bishop Herft's episcopacy in the Diocese the only disciplinary framework for dealing with allegations of clergy misconduct was that provided by the Offences Canon 1962 and the Clergy Discipline Ordinance 1966.

No allegations of child sexual abuse were prosecuted before the diocesan tribunal during his episcopate. Bishop Herft said the formal process was 'very cumbersome'.

Bishop Herft sponsored the implementation of a number of initiatives that had implications for the way in which the Diocese handled allegations of child sexual abuse.

Sexual harassment framework

Introduction of Sexual Harassment Policy in 1993

In October 1993, the Diocese published a policy called 'Principles and Procedures for Dealing with Sexual Harassment by Ministers in the Diocese of Newcastle' (1993 Sexual Harassment Policy). The definition of 'sexual harassment' was wide enough to include child sexual abuse.

The process under the policy was that, first, an attempt would be made to conciliate a complaint. If the complaint could not be conciliated, it was to be referred to the bishop. If the bishop could not resolve the complaint, it was open to refer the complaint to the board of enquiry, which might refer the matter to the disciplinary tribunal.

The 1993 Sexual Harassment Policy provided that no complaint would be proceeded with unless the complainant was prepared to have his or her name and details of the complaint referred to the respondent. The policy made no reference to any reporting requirements or guidelines as to when or how such incidents should be reported to the police or the Department of Community Services (DOCS).

In March 1995, minor amendments were made to the 1993 Sexual Harassment Policy.

Diocesan Monitoring Committee – CASM

In around 1994, the Diocese established the Diocesan Monitoring Committee to Consider Issues of Sexual Harassment, which eventually became known as CASM. The purpose of CASM was to deal with allegations of sexual harassment under the 1993 Sexual Harassment Policy, as revised in 1995.

The original membership of CASM included Ms Deirdre Anderson as chair; and Mr Caddies, a solicitor with law firm Rankin and Nathan, as the committee's legal adviser. In 2001, Mrs Sanders became the chair.

Limitations of the sexual harassment framework

The 1993 Sexual Harassment Policy, as revised in 1995, was essentially directed towards adult sexual harassment and not sexual offending against children. We are satisfied that it was poorly adapted to, and unsuitable for, handling allegations of child sexual abuse.

Guidelines for Care in Working with Children and Youth in the Anglican Diocese of Newcastle 1995

In 1995, the Diocese also introduced a policy entitled 'Guidelines for Care in Working with Children and Youth in the Anglican Diocese of Newcastle' (1995 Guidelines), which was a manual for those involved in running children's and youth activities or programs in the Diocese. The 1995 Guidelines contained a section on how team members should respond in a situation where a child or another person disclosed child sexual abuse allegations; and a section on what to do if it was suspected that another team member had sexually abused a child. The 1995 Guidelines outlined certain reporting requirements.

1999 Ethics in Ministry Code

In August 1999, the 'Ethics in Ministry' Code was introduced in the Diocese (1999 Ethics in Ministry Code). This code applied to all clergy, lay employees and lay volunteers serving in the Diocese.

The 1999 Ethics in Ministry Code prescribed certain guidelines for different aspects of life, including maintaining proper relationships, sexual behaviour and working with children and youth. It provided that '[a]ny physical activity which is or may be construed as sexually stimulating for the adult or child is inappropriate and must be avoided'.

The 1999 Ethics in Ministry Code provided that '[c]ertain sexual behaviour with children constitutes a criminal offence'. The code also provided that, when sexual misconduct was suspected, the 1995 Sexual Harassment Policy should be consulted.

The 1999 Ethics in Ministry Code provided that the need for confidentiality could not override the duty of care for members of the Church and wider community and stated that, 'like all types of secrecy, confidentiality can cover up as well as protect'.

Principles and Procedures for Dealing with Allegations of Sexual Misconduct 2002

In September 2002, the Diocese published a new policy called 'Principles and Procedures for Dealing with Allegations of Sexual Misconduct' (2002 Sexual Misconduct Policy). The policy applied to 'all who work in paid or voluntary positions in the Diocese of Newcastle, both clergy and laity'.

The 2002 Sexual Misconduct Policy defined 'sexual misconduct' as including 'sexual harassment or sexual abuse or any other behaviour of a sexual nature that is inconsistent with ethical pastoral care'. The policy provided that child sexual abuse was to be reported to the authorities.

It is clear that by September 2002 the Diocese had in place a specific child protection policy.

Obligations at law for notifying the authorities of child sexual abuse allegations

Until November 1990, a common law offence existed in New South Wales known as 'misprision of a felony'. This offence consisted of knowing that a felony had been committed and failing to disclose that knowledge to the authorities within a reasonable time, having had a reasonable opportunity to do so. In November 1990, this common law offence was abolished and replaced with a statutory offence under section 316 of the *Crimes Act 1900* (NSW).

Under section 316 of the Crimes Act, it is an offence for any person who 'knows or believes' that a 'serious indictable offence' has been committed, and has information which might be of material assistance in apprehending or prosecuting the offender, to fail to bring that information to the attention of the police or appropriate authority. A 'serious indictable offence' is an indictable offence that is punishable by imprisonment for life or for five or more years.

The Diocese's 1999 Ethics in Ministry Code made specific reference to section 316 of the Crimes Act. Bishop Herft accepted that by 1999 he was aware of the legal obligation under section 316.

However, it is most probable that he was aware of the provision earlier than that, because it was the subject of a written address that Mr Caddies gave to CASM on about 10 June 1995.

Mandatory reporting was first introduced in New South Wales in 1977. Initially, only medical practitioners were required to report ‘reasonable grounds to suspect that a child [had] been assaulted, ill-treated or exposed’. A decade later, mandatory reporting obligations were extended to teachers and other school staff under the *Children (Care and Protection) Act 1987* (NSW) (1987 Act).

On 18 December 2000, the *Children and Young Persons (Care and Protection) Act 1998* (NSW) (1998 Act) commenced. The 1998 Act set out a new legislative reporting framework and expanded the mandatory obligation to a broad range of reporter groups.

Under section 27 of the 1998 Act, people who deliver services to children as part of their paid or professional work in such areas as healthcare, welfare and education, including managers of organisations delivering such services, are required to report to the Secretary of the Department of Family and Community Services if they have ‘reasonable grounds to suspect that a child is at risk of significant harm’. A ‘child’ is a person under the age of 16 years.

The 1998 Act does not apply the reporting duty to members of clergy.

Bishop Herft gave evidence that from 1993 he understood ‘that any matters of child abuse should be reported to the police’. However, he understood his obligation to report child sexual abuse allegations arose only when he had received a ‘complaint of some substance’. He said that during his time as Bishop of Newcastle he did not consider he owed an obligation to report allegations of child sexual abuse to the police unless he knew the name of the complainant.

Bishop Herft also gave evidence that before 2002, if someone made an allegation of child sexual abuse and would not put the allegation in writing, the Diocese would take no further action.

In hindsight, he accepted that this left children at risk and was ‘totally unacceptable’.

Deputy chancellor’s 1998 advice to the bishop regarding the response to ‘sexual harassment’ complaints

In evidence is a file note prepared by Mr Mitchell, then the diocesan registrar, of a meeting he had with Bishop Herft, Deputy Chancellor Rosser and the then chair of CASM, Ms Anderson, on 13 May 1998. According to the opening words of the file note, the purpose of the meeting was to discuss an appropriate response when individuals provide information to the bishop regarding allegations of sexual misconduct and then insist that they do not wish the matter to go any further.

According to the file note, Mr Rosser QC advised the bishop that:

wherever pastorally possible, he ought to decline to accept information or to read any reports. In declining, he should advise the person making the complaint that if the matter is one of a criminal offence, then he may be obliged to do something under criminal law, and equally if the matter is one of a serious breach of the professional standards expected of clergy, then he may have to weigh up the pastoral implications of leaving a priest in a position where he may do further harm as opposed to the pastoral considerations of the person making the allegations.

We accept that the file note accurately records the discussion at the meeting.

We are satisfied that, as deputy chancellor, Mr Rosser QC advised Bishop Herft to avoid receiving disclosures which constituted allegations of offences (which could include child sexual abuse) so that he would not be placed in a situation where he was obliged to report to the police or take disciplinary action. We are further satisfied that the effect of this advice was to encourage Bishop Herft to remain wilfully blind to the criminal misconduct of his clergy.

Bishop Herft accepted in hindsight that:

- the advice that Mr Rosser QC gave to him – that he should avoid hearing complaints – was not appropriate
- his overriding obligation ought to have been to take action where people potentially posed dangers to others.

The practice adopted in the Diocese as at May 1998 of taking no action in response to allegations of child sexual abuse unless the complaint was first put in writing was an ineffective risk management strategy.

Complaints management and recordkeeping

Recordkeeping prior to 2002

Bishop Herft said that in May 1993, when he commenced his tenure as Bishop of Newcastle, the Diocese maintained ‘very little records of any form or shape’ in relation to complaints of sexual misconduct.

There is limited evidence before the Royal Commission as to recordkeeping in relation to child sexual abuse allegations in the period 1993 to around October 2001.

The 13 May 1998 file note referred to above recorded a discussion about potential gaps in recordkeeping, since the contact people initially held the records and then passed them on to the chair of CASM. It was suggested that:

- the contact person should prepare a file note of each visit or contact relating to sexual harassment and send a coded notification form to the chair of CASM each month
- the chair and registrar should be the only people with access to the codes and reports, which should be sealed in a safe in the registry
- the chair and registrar should liaise at regular intervals to determine whether there were 'any patterns of behaviour' emerging which required further investigation.

Mr Mitchell was the registrar at that time. He told us that he 'could not recall' whether he ever participated in meetings with the chair of CASM to identify patterns of behaviour which might require further investigation. We find his claimed lack of memory implausible. Bishop Herft gave evidence that 'he thought' the chair of CASM and 'the Registrar' did review the records and then advise him of any steps he needed to take.

When Mrs Sanders became chair of CASM, she rewrote the procedures for handling complaints. Where a complainant made contact with a contact person, the contact person would notify the chair of CASM. No complaint would be proceeded with if the complainant was not prepared to provide a written statement.

Where a complaint was received, Mrs Sanders would advise Bishop Herft if she thought it was necessary to obtain legal advice from Mr Caddies. Bishop Herft would then advise the police or DOCS of the complaint if he considered it appropriate to do so. Any complaint of child sexual abuse went straight to the bishop.

In September 2002 the procedure changed so that any allegation of child sexual abuse was first directed to her as the chair of CASM. The chair would then advise the bishop of the complaint and the complaint would be passed immediately to DOCS.

Mrs Sanders gave evidence that, during her time as chair, which was from October 2001 to late 2004, CASM received approximately 30 complaints involving child sexual abuse. In contrast, CASM received only one complaint of harassment.

Mrs Sanders resigned as chair with effect from late 2004. She gave evidence that, by the time she ceased involvement in CASM, she had lost faith in the Church and had no trust in the Church hierarchy.

The yellow envelope system

Following Mrs Sanders' appointment as chair of CASM, she rewrote the procedures and manuals for handling complaints. In June 2002, she implemented a Protocol for Storage of Records Managed by CASM. This protocol gave rise to the yellow envelope system.

Under the yellow envelope system, records of complaints before CASM were placed in separate sealed yellow envelopes, which were stored in a locked cabinet in the diocesan offices. Access to the records was restricted to the bishop, the commissary (who was Dean Lawrence) or the bishop's representative, and the chair of CASM.

There were only two keys to the locked cabinet containing the CASM records. One key was held by Mrs Sanders as chair or her nominated representative and the other was held by the bishop's secretary on behalf of the bishop. Any access to an envelope was required to be recorded on the envelope. Mrs Sanders monitored access to the envelopes.

Shortly after Mr Michael Elliott commenced as the Director of Professional Standards in 2009, Bishop Farran handed him 36 envelopes and said they related to professional standards and complaints matters. Bishop Farran told him the envelopes had been stored in a safe in his office.

In 2015, at the request of Bishop Thompson, Mr Elliott prepared a report on the 36 yellow envelopes (the Yellow Envelopes Report). The dates of the alleged incidents ranged from 1950 to February 2004.

There may have been earlier iterations of the yellow envelope system, but there is insufficient evidence before us to make any findings about a previous system.

Contents of the yellow envelope documents

On 12 August 2016, at very short notice, Mr Michael Elliott produced to the Royal Commission two compact archive boxes containing the yellow envelope material. Mr Elliott had reconstructed the material from his files which related to child sexual abuse (being 30 yellow envelopes). We are satisfied that the yellow envelopes which he produced are a faithful reconstruction of what Bishop Farran provided to him.

Bishop Herft was given the opportunity to view the material that Mr Michael Elliott produced. He confirmed that these yellow envelopes were the yellow envelopes stored under the yellow envelope system.

Correspondence and/or notations within the yellow envelopes themselves indicate that Bishop Herft was put on notice of at least 24 matters relating to alleged child sexual abuse.

The documents suggest that Bishop Herft caused the police to be notified in three of those cases.

Of the remaining 21 cases where there is no evidence that the Diocese notified the police, the documents show that:

- in four cases, Bishop Herft was notified after the police had already been notified
- one case concerned a matter between parties who were both underage at the time of the alleged abuse. The records show that Mrs Sanders notified DOCS in relation to the matter shortly after receiving notice of the complaint
- one case concerned a matter where the victim did not identify the perpetrator. Nothing in the envelope suggests this allegation was referred to the authorities
- two matters showed no clear allegations of child sexual abuse.

Eight envelopes concerned complaints about conduct which, on the face of the documents, may have constituted child sexual abuse. There is no record that these matters were reported.

Three of the yellow envelopes – yellow envelopes 20, 27 and 29 – contained information relating to Father Rushton.



We have reviewed the contents of the yellow envelopes that Mr Michael Elliott produced. We are satisfied that the Diocese did keep a number of contemporaneous records relating to allegations of child sexual abuse received by CASM, including communications from Mrs Sanders, file notes of Bishop Herft, records of legal advice and correspondence with various government authorities. However, there were inconsistencies in the types of records made on different files, leading us to doubt the comprehensiveness of the records. In particular, there were seldom any records of whether the Diocese developed any risk management strategies for alleged perpetrators.

Screening

The 'caveat list' and 'black books'

There were no formal screening mechanisms in place in the Diocese until 1999. Before this time, it appears there was a loose and informal consultation process between the bishops of dioceses in which problematic clergy had been identified.

Bishop Appleby told the Royal Commission that up until 1985 there was a 'caveat list' which was discussed at the annual bishops' conference. The 'caveat list' was a list of clergy that all bishops should be warned about, as they had convictions or serious charges against them. It was up to each bishop to determine if a name should be added to the list. This list ceased to be used in 1985 on the basis of legal advice.

Bishop Herft told us that until about the late 1990s bishops used a 'black book' system to screen potential clergy candidates.

Mr Michael Elliott told us that, despite extensive searches conducted since his appointment in 2009, to date he has been unable to locate any black book within the records of the Diocese.

However, included in the yellow envelope material compiled by Mr Elliott and produced as part of his Yellow Envelopes Report was a document containing an alphabetical list of names titled 'S11 – SEXUAL HARRASSMENT – SENSITIVE INFORMATION'. A subheading under that title states: 'IN SMALL ENVELOPES IN FRONT OF THIS BLACK BOOK.' This document appears to be an index of persons of concern.

We are satisfied that the index that Mr Elliott uncovered was the index to a black book maintained by Bishop Herft.

1999 Ethics in Ministry Code screening procedures

In relation to screening potential candidates for ministry, the 1999 Ethics in Ministry Code provided that 'anyone who exercises any form of ministry in the church should be chosen with care'. The code provided for a thorough interview process for any person who was being considered for a position of ministry and who had been convicted of an offence. It prohibited any appointment which 'may be seen to provide an opportunity for reoffending'.

Pursuant to clause 6.6 of the 1999 Ethics in Ministry Code, where a court, church or other disciplinary procedure had upheld allegations of child abuse against a person, that person was prohibited from any ministry appointment to do with children or adolescents.

Post July 2000 – mandatory screening obligations

From July 2000, the *Child Protection (Prohibited Employment) Act 1998* (NSW) and the *Commission for Children and Young People Act 1998* (NSW) imposed mandatory screening obligations on the Diocese when acting in its capacity as an employer. Ministers and volunteers in a religious organisation were specifically deemed to be employees for the purposes of the obligations.

Mr Bruce Hockman, the diocesan business manager from 2002 to 2004, said that during this period all clergy, including those already working for the Diocese, were required to undergo a Working With Children Check (WWCC) and sign a declaration that they were not 'prohibited persons' in child-related employment. While the Diocese did not undertake a WWCC for volunteers, all volunteers were required to complete a prohibited person declaration and authorise a WWCC.

Awareness and management of child sexual abuse allegations

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Allegations against Jim Brown

Brown was a youth worker and was licensed as a lay preacher in the Diocese until approximately 1992. This preceded Bishop Herft's tenure as Bishop of Newcastle. However, in 1996, Brown was charged with the sexual abuse of Mr D'Ammond many years earlier.

Committal proceedings against Brown took place in 1997. Mr Rosser QC acted on behalf of Brown in these proceedings. At that time, Mr Rosser QC was the deputy chancellor of the Diocese. Brown pleaded not guilty and was discharged following the committal hearing.

Bishop Herft told us that up until the time he reviewed and heard evidence in this case study, he was not aware of the existence of Brown or that Brown had faced committal proceedings in 1997.

Bishop Herft also told us that he was not aware at the time that Mr Rosser QC had acted as defence counsel for Brown in 1997. Bishop Herft said that this was something Mr Rosser QC ought to have brought to his attention.

Mr Rosser QC gave evidence that he did not believe his representation of Brown related in any way to his role at that time as deputy chancellor of the Diocese.

Mr Rosser QC accepted that, given he was an official of the Church, by accepting a brief to represent Brown a perception could have been created in the minds of members of the public that the Church was at odds with those who alleged they had been abused.

While there was not a conflict in the duties that Mr Rosser QC owed Brown as his client and the duties that he owed the Diocese as deputy chancellor, it should have been obvious to Mr Rosser QC that it could readily appear to outsiders that the Diocese, through one of its senior officers, was defending a person accused of sexually assaulting a child in the Diocese.

This perception was one shared by the diocesan insurer. Mr Cleary gave oral evidence that, in around 2013, the diocesan insurer declined to pay out a claim concerning one of Brown's victims. The insurer reached this determination on the basis that, given Mr Rosser QC had represented Brown in 1997 while he was deputy chancellor, from the mid-1990s the Church was effectively put on notice of the risk posed by Brown and took no steps to mitigate that risk. The insurer at least treated Mr Rosser QC as an agent of the Church.

It is also difficult to understand why Mr Rosser QC, as deputy chancellor of the Diocese, did not bring the matter to the bishop's attention. Clearly enough, it would have been a matter of considerable concern to the bishop to learn that a Church volunteer had been accused of sexually abusing a child in the Diocese in the past. As the deputy chancellor, Mr Rosser QC can be taken to have been aware of the Diocese's 1993 Sexual Harassment Policy (revised in 1995) which required pastoral support to be provided to complainants.

Allegations against Father Peter Rushton

Bishop Herft told us that he had a professional relationship with Father Rushton but not a close association. As Archdeacon of Maitland, Father Rushton held a position of leadership within the Diocese. Bishop Herft said there was some tension in their relationship, as Father Rushton was a strong Anglo-Catholic and was opposed to the ordination of women.

The November 1998 Father Rushton pornography incident

On about 25 November 1998, Farragher Removals was engaged to pack up and move Father Rushton's belongings from the rectory at Maitland to the rectory at Hamilton. While packing, the removalists found a quantity of homosexual pornographic magazines, videos and books.

Mr Gary Askie, one of the removalists, gave oral evidence. He said that, while he was packing in Father Rushton's bedroom, he found some videos that depicted males having sex with each other on the covers and one that showed pictures of a naked young boy. He estimated the age of the boy to be approximately 12 years old. Mr Askie was quite certain the image was not that of an adult and he felt 'shocked and horrified' when he saw it. This is the only direct eyewitness account in evidence before us.

On 26 November 1998, Archdeacon Colvin Ford informed Bishop Herft that the removalists had discovered child pornography amongst Father Rushton's possessions, and he understood that the possession of child pornography was a criminal offence.

The diocesan solicitor, Mr Caddies, advised Bishop Herft to find out more information about the allegations before reporting the matter to the police.

Later that day, Bishop Herft met with Father Rushton, Archdeacon Ford and Bishop Robert Beal at the diocesan offices. Bishop Herft described the meeting as 'fractious', and Father Rushton was insistent that a lawyer be present for him. At the meeting, he asked Father Rushton for an explanation and a reason that he should not remove Father Rushton's licence.

Father Rushton denied possessing child pornography or any pornographic magazines. However, he admitted to packing four X-rated homosexual videos himself rather than leaving them for the removalists to pack.

Bishop Herft told Father Rushton to provide the material that the removalists had described. Bishop Herft asked Archdeacon Ford to obtain statements from the removalists about what they had found.

Archdeacon Ford spoke with a removalist company representative, Mr Jim Jackson, later that day. The allegation that there was child pornography was withdrawn. Archdeacon Ford updated Bishop Herft accordingly. However, Bishop Herft then took further steps to try to ascertain the true nature of the material.

On 30 December 1998, Bishop Herft arranged for Bishop Beal to view and itemise the material in Father Rushton's possession that could have caused offence to the removalists.

On 1 December 1998, Bishop Beal reported to Bishop Herft that he had visited Father Rushton that day and viewed a poster, a calendar, video catalogues and some books. However, Father Rushton refused to allow Bishop Beal to view the videos that Father Rushton had said he packed himself.

Also on 1 December 1998, Mr Jackson told Archdeacon Ford that he had taken written statements from the removalists involved. Archdeacon Ford informed Bishop Herft.

On 3 December 1998, Bishop Herft met with Mr Greg Hansen and Mr Mitchell, then the diocesan registrar. Mr Hansen was a former solicitor and sought to act as 'honest broker' in the situation. He arranged to view the pornographic material and advise Bishop Herft on its nature.

On 3 December 1998, Mr Hansen wrote to Bishop Herft that he had examined 'certain material' in the possession of Father Rushton and, while he did not purport to give legal advice, he was of the view that the material was legal to possess or view in private. Mr Hansen said that the videos he inspected appeared to be commercially available homosexual pornography. He did not view the videos but only looked at the covers.

On 4 December 1998, Mr Mitchell received a carton of 19 videos that had been removed from Father Rushton's house. Mr Mitchell looked at the covers, checked that the labelling on the videos matched the video covers and made a list of their titles. He did not view their actual contents.

It did not occur to either Bishop Herft or Mr Mitchell that Father Rushton might not have provided all the videos or materials that the removalists had complained of.

Mr Askie, the removalist, told us that he was asked to sign a statement at the time of the incident. He believed the statement described what he had seen, although he could not recall if he had written it himself. He was not provided with a copy of the statement at the time. He says he was told not to talk about it.

The Diocese never obtained the statements prepared by the removalists.

Mr John Farragher, the principal of Farragher Removals, provided a statement to us in which he said that Bishop Herft contacted him shortly after the incident. Mr Farragher stated that Bishop Herft seemed to be concentrating on potential reputation damage to the Church rather than on the question of whether Father Rushton had child pornography in his house or the welfare of Mr Farragher's employees.

Mr Farragher believed that the material discovered was child pornography, as his employees were experienced removalists and not easily offended. However, Mr Farragher did not see the offending material himself and was not tested through cross-examination.

Archdeacon Ford told the Royal Commission that sometime later in 1999 Archdeacon David Simpson, who was then the rector of Islington/Carrington parish, told him that Father Rushton asked him to collect hundreds of video tapes from the rectory at Hamilton and destroy them. Archdeacon Simpson reported that he burnt them and that some of the video covers depicted men and boys. Archdeacon Ford took this to mean primary school aged children. Archdeacon Simpson is now deceased.

Bishop Herft told us that he was surprised by the evidence that Archdeacon Simpson had destroyed hundreds of videos for Father Rushton, as he would have expected Archdeacon Simpson to bring this to his attention immediately.

We are satisfied that, in 1998, removalists located child pornography at Father Rushton's home. Mr Askie, one of the removalists, provided direct evidence that he had seen child pornography at Father Rushton's home during the move. Further, it is most unlikely that the removalist company would risk its reputation and business by making an allegation 'out of the blue' against a paying customer. The evidence of Archdeacon Ford as to Archdeacon Simpson's observations of child pornography strengthens this conclusion. However, in fairness to Bishop Herft, it must be acknowledged that the removalist company later withdrew the allegation.

Bishop Herft did not confirm directly with the removalists who had seen the material at Father Rushton's home that there was no child pornography. Bishop Herft was prepared to rely on Father Rushton to give all of the pornography in his possession to Mr Hansen. Bishop Herft was relying on Father Rushton to make disclosures of his own criminal behaviour.

Bishop Herft also submitted that it was not open to him to compulsorily gain access to Father Rushton's home to collect the pornographic materials. That may be so. But, given a serious criminal offence was alleged, it was always open to Bishop Herft to report the allegations to police at the time he was first notified and allow them to investigate.

Creation of yellow envelope regarding the Father Rushton pornography incident

A comprehensive record of file notes and correspondence between individuals involved in the incident, including Bishop Herft, Bishop Beal, Archdeacon Ford, Mr Caddies, Mr Mitchell and Father Rushton, was stored as part of the Diocese's complaints-handling 'yellow envelope' system in yellow envelope 20.

Management of disciplinary process against Father Rushton in 1998

Bishop Herft told us that the quantity of (adult) pornography and Father Rushton's possession of it suggested a pattern of behaviour of addiction that pointed to a more serious spiritual problem. Bishop Herft believed it cast doubt upon whether he should commission Father Rushton as the rector in his new parish.

On 6 December 1998, Father Rushton wrote to Bishop Herft and agreed to place himself under the spiritual direction of Bishop Beal. He informed Bishop Herft that he had made an appointment to see Dr Howard Johnson, a psychologist. Father Rushton stated that 'all materials considered offensive in any way' had been destroyed. He also apologised to Bishop Herft and those who had been concerned in the matter.

On 8 December 1998, Dr Johnson advised Bishop Herft that nothing had come to light during his interview with Father Rushton that suggested Father Rushton's possession of this quantity of pornographic video material might be associated with behaviours that could put 'trusting young people' at risk. Bishop Herft took some comfort from Dr Johnson's assessment of risk and from the assurances given by Father Rushton.

On 14 December 1998, Bishop Herft wrote to Father Rushton thanking him for the assurances he had given him in his letter of 6 December 1998. Bishop Herft suggested that Father Rushton consider a 30-day retreat with a spiritual director early in 1999.

Bishop Herft told us that, after the initial meeting with Father Rushton, he found that Father Rushton's whole demeanour changed. Bishop Herft believed that Father Rushton had repented as a result of the discovery of the pornography.

However, there was also evidence that Father Rushton threatened the Diocese with legal action if Bishop Herft acted against him. Bishop Herft conceded that part of the reason he did not take further steps to discipline Father Rushton when the pornography issue was raised was that he was concerned Father Rushton would take the Diocese to court.

Bishop Herft acknowledged that at the time of the pornography incident he was 'very keen' to revoke Father Rushton's licence and, in retrospect, he should have done so at that time. However, Bishop Herft submitted that, while his initial response was to delicense Father Rushton, Mr Caddies counselled him against this until further investigations were completed. We accept this evidence.

Father Rushton was the Archdeacon of Maitland from 1983 until 1998, when he was appointed team rector of Hamilton. Due to reasons of ill health, Father Rushton resigned as the team rector of Hamilton parish in August 2001.

Despite the pornography incident in late 1998, Bishop Herft granted Father Rushton permission to officiate in the Diocese. As a retired priest, Father Rushton had no automatic entitlement to a permission to officiate. It had to be granted by Bishop Herft, and Bishop Herft had full discretion not to grant it.

Allegations against Father Rushton disclosed in October 2002

We received a statement from Reverend Graham Jackson. Reverend Jackson was ordained an Anglican priest in the Diocese of Adelaide in 1970. He obtained a permission to officiate in the Diocese in 1992.

Reverend Jackson stated that, in or about October 2002, he was informed by an acquaintance that his son had been abused by Father Rushton when he was a child in the 1980s.

Reverend Jackson told us he met with Bishop Herft on 15 October 2002 and informed him of the allegation regarding Father Rushton. Bishop Herft asked him to inquire whether the man's son would make a formal complaint and said there was little he could do without one.

Bishop Herft recorded in a file note at the time:

I intimated to the Rev'd Jackson that this information that had been shared left me in an unenviable position. Fr Peter had my licence and if he re-offended I would be held liable as I now had prior knowledge of his alleged behaviour.

On 11 December 2002, Reverend Jackson wrote to Bishop Herft that the complainant's father was still discussing with his son whether he wished to make a formal complaint and he would keep the Bishop informed. There is no evidence that the Diocese took any further action in relation to Father Rushton at that time.

As an allegation of child sexual abuse was now made, it could not have escaped Bishop Herft's attention that Father Rushton had originally been accused of being in possession of child pornography. Taken together, the allegations at least suggested a sexual interest in children, which warranted consideration of whether risk management procedures were necessary.

Bishop Herft conceded that he could have revoked Father Rushton's permission to officiate at will without requiring any diocesan tribunal procedure. We consider that Bishop Herft should have taken further action in relation to Father Rushton at that time.

Multiple allegations against Father Rushton disclosed in February 2003

In February 2003, Mrs Sanders reported to Bishop Herft that CASM had received an allegation that Father Rushton had abused the son of a priest and another boy in or about 1979.

Further, in February 2003, a different allegation involving Father Rushton was made known to Bishop Herft. This came by way of a complaint forwarded from the Diocese of Sydney. The complaint concerned the behaviour of four clergy associated with the Diocese of Newcastle in 1976, one of whom was identified as 'Father Peter Rushkin' of Wallsend. Father Rushton was the priest at Wallsend in 1976.

The complainant was an altar boy in the Newcastle diocese in 1976. He stated that he had concerns about Father Rushton's relationships with young boys at that time. The complainant alleged that Father Rushton had 'his own group of boys'.

Bishop Herft had a meeting with Mrs Sanders and Mr Caddies about this complaint, which became the subject of yellow envelope 27. Mrs Sanders was aware by 26 February 2003 that the complaint related to four clergy. She said in a letter of that date that 'I also note that three other persons are mentioned in the document entitled "Report of Abuse"'. It is inconceivable that she would not have mentioned this to Bishop Herft and Mr Caddies in her 25 February 2013 meeting with them.

Bishop Herft told us that he could not recall being advised of an allegation that Father Rushton 'had his own group of boys', but he accepted that it was an allegation of sexual impropriety.

We are satisfied this allegation was brought to Bishop Herft's attention. There is no evidence that Bishop Herft took any steps after being made aware of this allegation even though it came on top of the child pornography allegations, the 2002 allegations and the other February 2003 allegations. He did not seek to discuss the allegations with Father Rushton or implement any other risk strategies in relation to Father Rushton. He did not take any steps to remove Father Rushton's permission to officiate or instigate any other disciplinary measure in respect of him.

We are satisfied that Bishop Herft should have taken further steps to investigate and minimise the risk that Father Rushton posed to children.

Conclusions on Bishop Herft's response to allegations concerning Father Rushton

We are satisfied that, by the end of February 2003, Bishop Herft could have been in no doubt that Father Rushton had a history of behaviour that required further investigation. We reject Bishop Herft's submission that this is a matter of hindsight.

Bishop Herft's inaction with respect to Father Rushton contributed to the Diocese's systematic failure to make perpetrators accountable for their conduct. Bishop Herft showed no regard for risk management.

Allegations against Father George Parker

As discussed above, survivors CKA and CKB allege that they were sexually abused in the Diocese by Father Parker while they served as altar boys in the mid-1970s.

CKA's disclosure to the Diocese in 1996

On 24 April 1996, CKA telephoned Dean Lawrence. CKA disclosed his identity and told Dean Lawrence that he was sexually abused by 'an Anglican Priest' in 1970s. It is most likely that CKA contacted Dean Lawrence at that point because Dean Lawrence was the commissary of the Diocese in Bishop Herft's absence.

In response to CKA's call, Dean Lawrence scheduled a meeting with CKA on 27 April 1996. CKA gave evidence that he did not attend the scheduled meeting because he did not trust Dean Lawrence. CKA said that the Diocese did not conduct any follow-up.

During his oral evidence on 18 November 2016, Mr Lawrence gave inconsistent accounts as to his knowledge of the identity of the Anglican priest at around the time of CKA's initial disclosure in 1996. His final position was that CKA had not named Father Parker during the 1996 disclosure but that within a few days of his phone conversation with CKA he had worked out that Father Parker was the priest involved. We are satisfied that, following CKA's telephone call to Dean Lawrence in April 1996, Dean Lawrence was aware that it was alleged that Father Parker had sexually abused two boys in 1970.

Mr Lawrence gave evidence that his relationship with Father Parker was 'a very fleeting one; not a close one'. However, Father Parker was Dean Lawrence's assistant dean at the Cathedral for nine years, from 1986 to 1995.

On 17 May 1996, Dean Lawrence sent Bishop Herft a letter in which he enclosed the file note of his conversation with CKA regarding his allegations of sexual abuse.

Bishop Herft agreed that this letter made him aware of allegations of sexual abuse against one of his clergy, but he said he did not know who the allegations were against. While the relevant parish was named, Bishop Herft did not try to find out who the priest was. He gave evidence that, in hindsight, he ought to have done so.

Bishop Herft gave evidence that, as of 1993, there was a clear policy in the Diocese that matters of child abuse should be reported to the police. Despite agreeing that he received sufficient detail from CKA's initial complaint to report to the police, Bishop Herft told us that he neither contacted the police nor conducted any follow-up investigation. We are satisfied that in 1996 Bishop Herft took no further action.

At that time, Father Parker remained licensed as a priest in the Diocese of Ballarat. No steps were taken at the time to make the Diocese of Ballarat aware of the allegations.

In failing to inform the police, Bishop Herft [REDACTED] did not act in accordance with the diocesan policy that allegations of child sexual abuse be reported to the police.

CKA's disclosure to the Diocese in 1999

On 8 January 1999, CKA called the Diocese again to allege that he had been sexually abused by Father Parker when he was a boy. He again spoke to then Dean Lawrence, who made a file note of the conversation.

Consistent with this file note, during his oral evidence Mr Lawrence agreed that on this occasion CKA disclosed that Father Parker was the alleged perpetrator, asserted that Father Parker had sexually abused him when he was 14 years old and asserted that Father Parker had also sexually abused other boys.

Mr Lawrence also confirmed that CKA told him that CKA's mother had brought the matter to the attention of Bishop Shevill. This accords with Mr Lawrence's file note, which stated:

CKA said that his Mother had brought this to the attention of Bishop Shevill and that he had spoken to Bishop Appleby but that 'the matter had been swept under the carpet'.

Dean Lawrence forwarded his file note to Bishop Herft on 12 January 1999.

A file note prepared by Bishop Herft on 12 January 1999 indicates that he spoke with Dean Lawrence about CKA's allegations. The file note also indicated that Bishop Herft had telephoned Assistant Bishop Appleby, who made it 'absolutely clear' that no one had contacted him about the complaint. We have found that in fact CKA did make Assistant Bishop Appleby aware of his complaint in 1984.

CKA did not attend a meeting with Dean Lawrence and Bishop Herft that had been scheduled for 14 January 1999. CKA told us that he did not attend the proposed meeting because he did not trust the Church.

Mr Rosser QC's advice to the Diocese regarding its response to CKA's complaint

Following CKA's non-attendance at the proposed meeting, Bishop Herft consulted Mr Rosser QC, then the deputy chancellor, at a meeting on 20 January 1999.

Mr Rosser QC advised Bishop Herft that the matter needed to be 'firmed up by the Dean writing to [CKA] outlining his options'.

Dean Lawrence wrote a letter to CKA dated 22 January 1999, which had been reviewed and approved by Mr Rosser QC. It is clear that Mr Rosser QC provided advice to the Diocese about how to deal with CKA's allegations.

In the 22 January 1999 letter, Dean Lawrence acknowledged CKA's right to report to the police but encouraged him to consider 'counselling and advice from some source' before taking that course. The letter also stated:

Let me once again affirm to you that the Church has no intention to run away from or hide from the matters which you raise. We are prepared to offer as much help as the circumstances require.

On 22 January 1999, Dean Lawrence forwarded Bishop Herft a copy of his letter to CKA for the Bishop's 'sexual harassment file'. Bishop Herft agreed that, upon receiving Dean Lawrence's file note of CKA's second complaint, he was aware that CKA alleged that Father Parker had sexually abused him and others as boys. He accepted that this was more than enough detail to go to the police with but that, once again, he decided not to follow the Diocese's 'clear policy' to report matters of child abuse to the police.

Bishop Herft told us that he did not report the allegations against Father Parker to the police following CKA's complaints in 1996 and 1999 because at that time he did not wish to abrogate an adult survivor's right to control their story. However, Bishop Herft said that he now believes that police should always be informed of allegations of child sexual abuse, regardless of whether adult or child survivors are involved. This concession is clearly correct. Bishop Herft's approach left children at risk of harm by an alleged perpetrator of child sexual abuse.

By not informing the police, Bishop Herft [REDACTED] failed to act in accordance with the diocesan policy that allegations of child sexual abuse were to be reported to the police.

Further, following the 1999 disclosures by CKA, neither Bishop Herft [REDACTED] informed the Diocese of Ballarat of the allegations against Father Parker despite the fact that Father Parker was licensed as a priest in the Diocese of Ballarat in 1999 and may have had access to children.

Overall, Bishop Herft's response lacked any consideration for the protection of children (in respect of whom Father Parker may still have posed a risk) and demonstrated a lack of pastoral care and compassion for CKA.

CKA and CKB report to the police in February 2000

In February 2000, both CKA and CKB reported Father Parker's alleged abuse to the police. On 18 August 2000, Father Parker was charged.

At this time, CKA did not disclose to police the full extent of abuse he said he suffered at the hands of Father Parker and only disclosed the abuse that had allegedly occurred over the one weekend at the Gateshead rectory. CKA identified this weekend as being one week after Father Parker was transferred to Gateshead.

CKB says he was also abused this weekend. CKB says they stayed at Father Parker's new rectory that weekend so that they could act as altar boys for Father Parker. As Father Parker was new to the parish, he did not yet have his own altar boys.

There was some initial confusion over the year that the alleged offences were perpetrated. Both CKA and CKB reported that the incident occurred in 1974. A key issue in the criminal proceedings was identifying the first week that Father Parker served in the new parish.

The Diocese's dealings with the police about Father Parker

Shortly after CKA reported the allegations to the police, on 7 February 2000, the police contacted 'W Brown', the receptionist at the diocesan registrar's office, to ascertain the current whereabouts of Father Parker. When the detective explained that his inquiry was in relation to allegations of assault, the receptionist referred the detective to the chair of CASM, Ms Lyn Douglas.

On 9 February 2000, the police contacted the dean's office but the dean's secretary, Ms Theresa Kerr, advised them that the dean was unavailable. According to Ms Kerr's file note, she advised the detective that Father Parker was no longer in the Diocese and then told the detective to contact the diocesan registry, which would be able to assist.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED] he did speak with Mr Mitchell about the allegations. From mid-February 2000, both Mr Mitchell and Dean Lawrence were aware that CKA had reported the matter to the police.

Mr Mitchell told us that Dean Lawrence was sharing information because it was a serious matter and Dean Lawrence wanted Mr Mitchell to know that the dean's office had been contacted.

Mr Mitchell was close friends with Father Parker at the time of his criminal prosecution. Given Mr Mitchell's friendship with Father Parker and the fact that he worked closely with Dean Lawrence, Bishop Herft and Mr Rosser QC, all of whom had knowledge of the allegations against Father Parker by 1999, it would be surprising if Mr Mitchell was not also aware of the allegations by 1999.

Mr Mitchell gave evidence that he knew Father Parker's whereabouts in February 2000 but made no attempt to inform the police because he understood that the police had been referred to the chair of CASM. It would have been easy enough for Mr Mitchell to contact the police and inform them of Father Parker's whereabouts. However, he failed to do this.

We are satisfied that Mr Mitchell adopted a deliberately obstructive approach when police enquired of the diocesan registry as to Father Parker's whereabouts.

Representation of Father Parker by Mr Allen and Mr Rosser QC

Mr Allen acted as Father Parker's solicitor during the criminal proceedings against Father Parker. Mr Allen said that before this time he had a friendship with Father Parker and used to see Father Parker at synod and diocesan council meetings and socially as well.

Mr Allen told us that Father Parker asked him to act as his solicitor after he was charged in August 2000. However based on a letter from Mr Mitchell to Mr Allen dated 17 February 2000, in which Mr Mitchell advised of the times at which Father Parker held various priest licences, we conclude that Mr Allen was assisting Father Parker before Father Parker was charged.

Mr Allen suggested in submissions that this letter was wrongly dated '2000' rather than '2001', as the chronology otherwise makes no sense. We disagree. Mr Mitchell, the author of the letter, made no such submission. Further, the allegations were reported to police on 7 February 2000. The more likely scenario is that police spoke with Father Parker about the matter in February 2000 and that Father Parker sought legal assistance at that time.

Mr Allen retained Mr Rosser QC to act on behalf of Father Parker. Mr Rosser QC told us that he was not on the roll of barristers at the time and instead worked as a solicitor with Many Rivers Aboriginal Legal Service. Nevertheless, he agreed to represent Father Parker in the criminal proceedings. Mr Rosser QC's representation of Father Parker was out of the ordinary rather than an application of the 'cab rank' rule, as Mr Rosser QC had claimed.

At the time, Mr Rosser QC was also the deputy chancellor of the Diocese.

CKA gave evidence that he found it 'unconscionable' that Mr Allen and Mr Rosser QC could defend an alleged perpetrator of child sexual abuse while holding positions in the Church.

Mr Allen accepted that perceptions are important and that, by acting for Father Parker, he may have given CKA and CKB the impression that the Church was supporting Father Parker over them. He also accepted that there may have been a perception that the defence team had an advantage because the defence team could access documents and information given Mr Allen's connections with the Diocese.

We are satisfied that Mr Allen did not consider whether it was appropriate to act for Father Parker in a criminal prosecution given the various governance roles he held in the Diocese at the time. Mr Allen accepted that, by acting for Father Parker, he may have given CKA and CKB the impression that the Church was supporting Father Parker over them. Mr Allen's decision to act for Father Parker represented poor judgment on his part.

Mr Allen told us that, before he retained Mr Rosser QC, Mr Rosser QC did not disclose to him that he had previously advised the Diocese on the handling of CKA's complaint against Father Parker. Mr Allen told us that he 'probably [would] not' have retained Mr Rosser QC had he known this because he would have considered it inappropriate for Mr Rosser QC to act.

Mr Rosser QC eventually conceded that there was a manifest conflict in him representing Father Parker after the Diocese had told CKA, in a letter that he settled, that the Diocese was prepared to offer CKA 'as much help as the circumstances require'.

We are satisfied that, at the time, Mr Rosser QC did not consider whether it was appropriate to act for Father Parker in a criminal prosecution given he was the deputy chancellor of the Diocese. By acting for Father Parker at the time he was deputy chancellor, it was inevitable that the impression would be given that the Church was supporting Father Parker and disbelieving CKA and CKB. Mr Rosser QC's decision to act for Father Parker represented poor judgment on his part.

Mr Rosser QC had provided advice to the Diocese on how to handle the allegations that CKA made against Father Parker and settled a letter to CKA in which the Diocese offered him 'as much help as the circumstances require'. Mr Rosser QC subsequently accepted instructions to appear for Father Parker at the criminal prosecution for offences against CKA and his brother. We are satisfied this was a clear conflict of interest between his duty to the Diocese and his duty to his client, Father Parker.

Bishop Herft's knowledge that Mr Allen and Mr Rosser QC were acting for Father Parker

Bishop Herft told us that he was not aware that Mr Allen was acting for Father Parker until Mr Allen wrote to Bishop Herft on 30 May 2001. Nothing turns on whether Bishop Herft learned this in May 2001 or after September 2000. Accordingly, we do not make a finding either way.

It is inconceivable that Bishop Herft was not aware that Mr Rosser QC was acting for Father Parker given:

- Mr Allen's involvement in the affairs of the Diocese
- Mr Mitchell's knowledge that Mr Allen and Mr Rosser QC were acting for Father Parker
- the weekly meetings between Mr Mitchell and Bishop Herft about the Father Parker matter
- the fact that a public relations firm kept the Diocese advised of developments in the media regarding the Father Parker matter.

Bishop Herft accepted that he never raised any conflict of interest concerns with Mr Rosser QC. Despite this, he agreed that it was 'completely and utterly unacceptable' for Mr Rosser QC to be acting as Father Parker's defence counsel. Bishop Herft accepted that he failed to discharge his responsibility to ensure that officers within the Diocese were not acting inappropriately in Father Parker's matter.

Registrar Mitchell's assistance to Father Parker's defence team

As registrar of the Diocese, Mr Mitchell was responsible for managing the documents held by the Diocese, which included details of when priests were licensed. On 17 February 2000, in response to Mr Allen's enquiries, Mr Mitchell wrote to Mr Allen about the licences that the Diocese issued to Father Parker between 1970 and 1980.

Mr Rosser QC told the Royal Commission that this letter provided an 'alibi' for Father Parker because it showed that Father Parker was not in the relevant parish at the time of the alleged offences. At that stage, the offences were alleged to have occurred in 1974.

Further police inquiries with the Dean's office prior to Father Parker being charged

On 11 August 2000, shortly before Father Parker was charged, the police again contacted the dean's office. This time, the police requested dates that Father Parker may have been appointed to the parish where the offences were alleged to have been perpetrated. The police recorded that the dean's office was 'unable to assist. May be 1974'.

Mr Mitchell conceded that it was surprising that the dean's office was unable to assist the police with their query.

On 18 August 2000, Father Parker was charged with child sexual abuse offences against CKA and CKB in 1974.

A file note made by the detective investigating the matter indicates that, in formulating the charges against Father Parker, the police specified 1974 as the year of the offence following the police's unsuccessful attempts to obtain information from the Diocese.

It would seem that the deanery adopted a deliberately obstructive attitude towards police enquiries regarding the date that Father Parker was licensed at the relevant parish by not providing information that:

- was readily available to the Diocese and the deanery
- had been already provided to Father Parker's defence team.

The 2001 committal and events leading up to it

As noted above, the Crown's case was initially based on CKA's and CKB's allegations that the offences took place while Father Parker was at a particular parish in 1974.

In April 2001, Mr Allen caused a subpoena to be served on the diocesan registry in relation to the criminal proceedings against Father Parker. The subpoena relevantly sought production of 'Any notes, letters, correspondence or copy in possession of the Bishop or Diocese relating to any complaint of sexual misconduct by any person against CKA and CKB'.

On 26 April 2001, Mr Mitchell wrote to Mr Allen enclosing copies of documents produced in response to the subpoena. Amongst the enclosures, Mr Mitchell included a schedule of all documents that the Diocese held in relation to a complaint by CKA against Father Parker. This schedule showed that Mr Mitchell produced the 1996 and 1999 file notes made by Dean Lawrence and correspondence between Dean Lawrence and Bishop Herft about CKA's contact with him in 1996 and 1999.

In response to the subpoena, Mr Mitchell did not produce his letter to Mr Allen dated 17 February 2000, which confirmed the dates of licences that Father Parker held in the Diocese. This letter established that Father Parker was not at the relevant parish in 1974.

Mr Mitchell agreed during oral evidence that he knew this letter was created because of the allegations against Father Parker. Mr Allen conceded that this letter should have been produced under the subpoena.

We consider that the letter properly fell within the scope of the subpoena and ought to have been produced.

During the committal hearing in May 2001, both CKA and CKB gave evidence confirming their belief that the offences occurred in 1974. Mr Rosser QC informed the court that the purpose of the complainants giving evidence at the committal was 'to pin down the dates'.

Mr Allen agreed that, at the time of the committal hearing, by virtue of Mr Mitchell's 17 February 2000 letter to him he was well aware that Father Parker was not licensed at the relevant parish at the time of the alleged offence. Despite this knowledge, Mr Allen said that he did not think any attempts were made at the committal hearing to make anyone aware of the dates upon which Father Parker was licensed at the relevant parish.

Following the committal hearing, CKA and CKB realised their mistake and reported to the police that the alleged abuse occurred in 1975.

On 31 July 2001, Mr Allen wrote to the Director of Public Prosecutions (DPP) and advised that Father Parker was not appointed to the relevant parish until the year after the alleged offence. Mr Allen enclosed Mr Mitchell's letter dated 17 February 2000 and advised that information regarding Father Parker's appointment could be obtained from the diocesan yearbooks held at the registry.

The trial judge, Judge Coolahan

Judge Coolahan of the District Court presided over Father Parker's criminal proceedings. The evidence shows that, in 1998, Mr Coolahan (then a barrister) was appointed by the Diocese to act as its advocate in a disciplinary matter before the Panel of Triers. He did not recuse himself from sitting in Father Parker's matter.

Mr Coolahan died in 2011.

Reasonable minds may differ about whether it was appropriate for Judge Coolahan to recuse himself on the basis of an appearance of bias. In the absence of more detailed evidence regarding Judge Coolahan's history with the Diocese, we do not make a finding either way. It should also be recalled that the prosecution was against Father Parker, not against the Diocese.

Mr Mitchell's character reference for Father Parker

On 3 July 2001, Mr Allen wrote to Mr Mitchell enclosing a draft character reference that Mr Allen had written on Mr Mitchell's behalf for Father Parker.

Mr Allen could not recall any discussion with Mr Rosser QC at the time about whether asking the current registrar of the Diocese to provide a character reference might present any sort of conflict of interest. With hindsight, Mr Allen said it did 'raise issues', but in his mind he was viewing Mr Mitchell as a worshipper in Father Parker's former parish.

The criminal trial in September 2001

In August 2001, on the day that the trial was listed to commence, the Crown presented an amended indictment against Father Parker changing the year of the offence from 1974 to 1975. It is unclear why the Crown did not take steps to amend the indictment earlier than this given that CKA advised the DPP after the May 2001 committal that the year of the offences was in fact 1975 and Mr Allen had written to the DPP in July 2001 about the date that Father Parker was licensed in the relevant parish.

The defence sought an adjournment. The transcript of proceedings shows that the trial judge, Judge Coolahan, was highly critical of the Crown's failure to notify the defence of its intention to amend the indictment. Judge Coolahan stated that it was 'a disgrace' that Father Parker had been brought to trial 26 years after the alleged offences. Judge Coolahan was critical of the complainants, stating that it was 'truly ridiculous' that they had waited 20 years, from the time they turned 18 years of age, to bring these proceedings. He described the entire matter as 'a real farce'. His comments were, with respect, intemperate and ill-conceived.

Ultimately, the criminal trial commenced in September 2001. Both CKA and CKB gave evidence before the jury that:

- the offences occurred on a Saturday afternoon/night
- on Sunday morning after breakfast they and Father Parker walked to the adjoining church at Gateshead, where Father Parker conducted a service and they acted as altar boys
- after the church service there was a morning tea on the church grounds, which Father Parker attended
- their mother picked them up from that church mid-morning.

After that evidence was given, the defence gave the Crown prosecutor a ledger, called the Register of Services, which covered the period 1 January 1975 to 1982. It recorded the dates and times of all services, the name of the officiant, the number of communion attendees and the location of the services.

On its face, the Register of Services showed that, on the weekend of the first week that Father Parker was licensed in the Parish of Gateshead, he presided at a first service at a church in Mount Hutton, then at a second service at a church in Gateshead and then at a third service at a church in Windale. On one possible view, this tended to undermine the account that CKA and CKB had given – that Father Parker had walked with them to the service at the church where he resided and remained after the service till mid-morning for a morning tea. Mr Rosser QC told us that, while the Register of Services did not itself provide an alibi for Father Parker, it contradicted CKA's and CKB's evidence about what happened the morning after the alleged offences.

On 12 September 2001, the Crown prosecutor withdrew the charges.

The Register of Services

The Register of Services was pivotal to the prosecution being withdrawn.

Mr Allen attended the Gateshead parish rectory on about 14 August 2001 and inspected the Register of Services. The parish priest who resided at the rectory at that time – Reverend Sonia Roulston – confirmed that Mr Allen inspected the Register of Services that evening. Reverend Roulston said that she went about her own business within the house while Mr Allen inspected the register in the dining room.

Different witnesses gave different accounts of how the Register of Services came to be in the court on 11 September 2001 and whether Mr Mitchell was involved in producing the document that day.

In subsequent years, allegations have emerged that the Register of Services was falsified. The Register of Services was produced to us during the public hearing, and we have carefully reviewed it. Consistent with our own observations, Mr Allen accepted that there were a number of irregularities on the relevant page of the Register of Services.

Mr Allen denied that he had altered the Register of Services. He said he did not know whether the document was a forgery or fraudulent. Mr Mitchell told us that he first became aware of the purported irregularities in the Register of Services when he was interviewed by police about two years ago. He accepted that he had been convicted of a fraud offence of misusing his authority to steal money from the Diocese. However, he denied that he was the type of person who might fraudulently record material in a services register to protect his friend. He denied altering, and being involved in any attempt to alter, the Register of Services.

The irregularities in the Register of Services which we have identified above do not establish that the relevant entries relating to Father Parker were altered. There is insufficient evidence to make a finding that the Register of Services was altered. In view of this, it is not necessary for us to make a finding about whether Mr Allen or Mr Mitchell had unsupervised access to the Register of Services at any time.

Allegation that documents went missing during the criminal proceedings against Father Parker

We received a written statement from Mr Timothy Mawson, who was the diocesan secretary in 1981. While Mr Mawson was registrar, he reported to Mr Mitchell until 2002. Mr Mawson gave evidence that on one occasion when he travelled in a vehicle with Mr Allen and Mr Mitchell he heard Mr Mitchell say, 'Yeah, it's funny how those documents went missing'. Mr Mawson said that Mr Allen murmured in agreement and then they sniggered.

Both Mr Allen and Mr Mitchell denied that this conversation took place. It is not possible to infer from the conversation that Mr Mawson says he overheard that Mr Allen and Mr Mitchell deliberately concealed documents during the criminal proceedings against Father Parker. Mr Allen and Mr Mitchell firmly deny this allegation. There is insufficient evidence to make such a finding.

Actions of the Diocese following the withdrawal of the prosecution of Father Parker

On the day that Father Parker's proceedings were withdrawn, the Diocese released a media statement which stated, incorrectly, that Father Parker had been 'acquitted' of all charges.

On 17 September 2001, Mr Allen wrote to Mr Mitchell thanking him for the assistance that he had provided to Father Parker.

Also on 17 September 2001, Dean Lawrence forwarded a draft of a letter he had prepared to NBN Television to Mr Mitchell for his comments. The subject of this draft letter was the NBN's reporting of the DPP's statement in court that the dean's office was 'unable to assist'. In the draft letter, Dean Lawrence stated that this comment was 'patently untrue' and 'defamatory' given that '[n]o request was received by [the dean's office] from the DPP for any information regarding Father Parker'. While it is correct that the DPP made no request of the dean's office, the evidence discussed above shows that, in February and in August 2000, the police made enquiries with the dean's office and the dean's office did not assist.

On 18 September 2001, Mr Allen wrote to Bishop Herft to confirm that Father Parker's charges had been 'no-billed' and thanked him for the 'consideration and care' that he had shown Father Parker in the past months. Bishop Herft said he could not recall providing Father Parker with pastoral care during that period.

In October 2001, the Diocese's *Anglican Encounter* magazine published an article by Mr Mitchell entitled 'Confusion over false action'. In that article, Mr Mitchell criticised the Crown's prosecution of Father Parker and defended Father Parker and the Church's actions. CKA gave evidence that he found this article highly offensive because it denigrated him and his family.

During his oral evidence, Mr Mitchell conceded that his article was neither legally correct nor factually correct and that he had misrepresented the situation.

Mr Mitchell agreed that the overall tenor of this article would have very serious resonance for alleged victims of child sexual abuse by Father Parker. He said that it was an 'appalling omission' to fail to take into account the distress and pain that CKA and others had experienced in making allegations against Father Parker. Mr Mitchell was frank in telling us that this article was compassionless, and he apologised to CKA and his family for not writing the article with more care and grace.

We are satisfied that, in writing this article, Mr Mitchell gave no consideration to the fact that members of the public and the alleged victims could reasonably perceive that the Diocese, represented by its registrar, was ‘closing ranks’ in support of Father Parker. We note that Mr Mitchell has now apologised to CKA and his family.

Registrar Mitchell’s complaints to the New South Wales Director of Public Prosecutions

On 3 October 2001, Mr Mitchell wrote to the New South Wales DPP to complain about the manner in which it had conducted Father Parker’s prosecution. In that letter, Mr Mitchell took issue with the DPP’s statement in court that ‘the Dean’s office was unwilling to assist’ and stated that the dean’s office had not been contacted. Mr Mitchell conceded that this was an untrue assertion: in fact, the dean’s office was contacted during Father Parker’s prosecution.

CKA’s complaint to the Diocese about his treatment

On 3 October 2001, CKA wrote to Bishop Herft and complained about the way the Diocese had treated him during Father Parker’s trial. On 16 October 2001, using a letter settled by solicitor Mr Caddies, the diocesan registrar, Mr Mitchell, replied to CKA, telling him that ‘[t]he Church did not in any direct way provide records to the Reverend [Parker]’s defence except through compulsory Court processes’.

This statement was true with respect to Dean Lawrence’s file notes of his 1996 and 1999 conversations with CKA (which we are satisfied were produced on subpoena). However, as Mr Mitchell conceded, it was untrue to the extent that Mr Mitchell provided a letter to Mr Allen on 17 February 2000 which gave precise dates about when Father Parker was licensed in the Diocese. The statement was also untrue so far as the Registrar of Services was concerned.

Diocese’s lack of support of CKA and CKB

Both CKA and CKB said that they and their family received no support from the Diocese during the trial.

Bishop Herft accepted that, at the same time that he was receiving CKA’s complaints about the Diocese’s treatment of him during the criminal proceedings, he was receiving Mr Allen’s compliments for the care and consideration that he had shown Father Parker during his trial.

Bishop Herft acknowledged to us that the Diocese had ‘failed miserably’ in its response to CKA by not providing pastoral care and by allowing key persons in the Diocese to act on Father Parker’s behalf.

We are satisfied that CKA's and CKB's anguish was compounded by the approach that the Diocese took during Father Parker's criminal proceedings.

CKA's attempts to seek redress from the Diocese

Also in 2000 and prior to the criminal proceedings, CKA attempted to seek redress from the Diocese for the abuse he says he suffered at the hands of Father Parker. CKA retained solicitor Ms Katherine Ross.

Ms Ross had a longstanding involvement in the Diocese, commencing in the 1970s, and was close to Dean Lawrence.

CKA gave evidence that, after informing Ms Ross that he had reported Father Parker's abuse to the police, he received a letter from Ms Ross cancelling the meeting and cutting all ties. Ms Ross said in a statement that she told CKA she could not continue to act for him due to her longstanding relationship with Dean Lawrence, and she advised him to seek alternative legal advice. It is unclear why Ms Ross originally accepted instructions from CKA if this was her position.

Meeting between CKA, Bishop Herft and Dean Lawrence in June 2003

On Christmas Day in 2002, CKA went to the Cathedral before the 10 o'clock mass. Mr Lawrence gave evidence that CKA 'confronted' him 'demanding' to speak with him. Mr Lawrence said that he told CKA he had no time to speak with him, as he was preparing for a service. Mr Lawrence also told CKA that CKA had not taken previous opportunities to meet with him.

On 13 June 2003, Bishop Herft and Dean Lawrence met with CKA at CKA's request. Bishop Herft's file note of this meeting noted that CKA was not interested in compensation but only in an honest acknowledgement by Father Parker and the Church.

Bishop Herft told us that the purpose of this meeting was simply to hear CKA, because they had not previously met, and that it 'dawned on' him during this meeting that CKA was telling the truth.

Bishop Herft gave evidence that, after his meeting with CKA in June 2003, the registrar notified the Ombudsman of CKA's allegations against Father Parker.

It is a matter of public record that Father Parker retired in 2004. However, he held a permission to officiate in the Diocese of Ballarat until 2016.

CKA told us that over the years his life spiralled downwards, and he continued to agitate for a response from the Diocese. On 12 June 2004, CKA wrote to Bishop Herft to advise that his 'life is worse than ever' due to Father Parker's actions.

On 23 June 2004, Bishop Herft replied to CKA and reiterated that this matter had been dealt with by the courts and that Father Parker had been 'acquitted'.

We are satisfied that Bishop Herft understood that he had a pastoral responsibility to CKA (as well as to CKB). We also consider that Bishop Herft failed to meet his pastoral responsibilities to these two complainants.

We do not consider that CKA received effective acknowledgement, support or redress from the Diocese during Bishop Herft's tenure.

Fresh charges laid against Father Parker in 2016

On 23 December 2016, Father Parker was charged with 24 child sex offences. He died on 11 January 2017 before facing court on these charges.

Allegations against Ian Barrack

The experiences of CKU

CKU first met Barrack when CKU moved to Morpeth College with his mother, CKR, in early 1997. At the time, CKU was about 12 years old and Barrack was about 28 years old. Like CKU's mother, Barrack was studying to become a priest.

CKU said that he became increasingly friendly with Barrack and often went to Barrack's house to use his computer. In late 1997, when CKU was about 13 years old, Barrack's behaviour towards CKU became increasingly 'touchy'.

CKU's mother also gave evidence to us. She said that CKU would often stay overnight at Barrack's house on Friday nights. CKR gave evidence that at first she was not concerned about this, as it was a Christian community. Barrack was married, and she assumed Barrack's wife was also in the house.

CKU told us that in June 1998, when he had just turned 14, Barrack first abused him by performing oral sex on him. Over the ensuing months, the sexual abuse continued. Barrack told CKU he loved him. Barrack showed CKU pornography, including child pornography. In around November 1998, they had anal intercourse.

First disclosure of Barrack's conduct to the Diocese

CKR said that by June 1998 she had become concerned that CKU was spending most of his spare time with Barrack. In about September 1998 she decided to send CKU to boarding school, as she was finishing her ordination training at the end of that year and would be required to move to a parish. During September and October 1998, Barrack tried to persuade CKR to allow CKU to live with him.

In October 1998, Barrack gave CKU a wind-up toy of a man having anal sex with a sheep. Later that month, CKU showed the toy to his mother. CKR said she was 'repulsed' by the gift and decided to separate CKU from Barrack.

CKR also said that in November 1998 her daughter reported to her that she had overheard CKU and a friend talking about pornography they had watched at Barrack's house.

On 16 November 1998, CKR met with Archdeacon Hoare, showed him the sheep toy and, it may be inferred, told him about Barrack showing CKU pornography. At that time, Archdeacon Hoare was the ministry development officer and the supervisor for students at Morpeth College, including Barrack and CKR.

CKR said that Archdeacon Hoare initially laughed but changed his demeanour after she pointed out that this type of gift from an adult to a boy was not a laughing matter. Archdeacon Hoare said he would show the toy to Bishop Herft.

CKR said that, about a week later, Archdeacon Hoare asked to see her. At the meeting, he told her he had shown the toy to Bishop Herft and they had agreed CKR should return the toy to Barrack. He advised CKR to tell Barrack the toy was inappropriate and to express her displeasure.

There is no other evidence that Archdeacon Hoare did tell Bishop Herft of the allegations at that time. Bishop Herft's evidence was that he was not made aware of this matter until around April 1999. Further, Mr Hoare said in his statement that the first time Bishop Herft was made aware of the matter was in April 1999, when Mr Hoare provided a file note to him. This is consistent with the date of the file note that Mr Hoare prepared, which was 8 April 1999.

CKR met with Barrack and told him the toy was an inappropriate gift to give CKU and that she had informed Archdeacon Hoare of the matter. She also told him he was to have no further contact with CKU. CKR gave evidence that Barrack was angry.

CKU moves away in late 1998

CKU told us that in December 1998 he stopped having any contact with Barrack. In 1999 CKU went to boarding school. Barrack wrote him a number of letters and kept trying to contact CKU. CKU felt hounded by Barrack and unsafe at school.

CKR's further contact with the Diocese about Barrack

CKR says that between October 1998 and March 1999 she did not hear further from the Diocese about the complaint she had made against Barrack.

Documents show that Barrack had left Morpeth College by the start of the first semester for students in early 1999.

In February 1999, CKR's daughter and son-in-law wrote statements about CKU's disclosure that Barrack had showed him pornography. On 16 March 1999, CKR wrote a statement about her concerns regarding Barrack's behaviour to her son

On 16 March 1999, Archdeacon Hoare met with CKR in her home. He obtained the written statements from CKR.

According to an 8 April 1999 file note prepared by Bishop Herft, on 7 April 1999 he met with the Diocese's solicitor, Mr Caddies, Mr Mitchell and Archdeacon Hoare to discuss CKR's complaints about Barrack. Mr Caddies advised Bishop Herft to inform the Australian diocesan bishops that no authorisation of ministry should be granted to Barrack without first contacting Bishop Herft. Archdeacon Hoare was to meet with CKR and recommend that CKU obtain some counselling. It was agreed that Barrack would not be informed at that time about CKR's complaint. It should be emphasised that at that time there was no allegation that Barrack had sexually abused CKU.

On 8 April 1999, Bishop Herft wrote to the diocesan bishops advising that no authorisation for ministry should be granted to Barrack without first contacting Bishop Herft.

On 27 May 1999, Bishop Herft met with a child protection officer from DOCS, a police officer, Mr Mitchell and CKR. Bishop Herft noted that it was decided that the Church authorities had done as much as possible regarding Barrack's conduct at that time. The Church could not progress the complaint further unless CKU, who was at boarding school, initiated the action.

We are satisfied that, by contacting DOCS and the police and writing to the diocesan bishops, Bishop Herft took appropriate action in responding to the disclosures that were made to him about Barrack in around April 1999.

CKU's May 2002 disclosure that he suffered sexual abuse

In May 2002, CKU reported to his mother that he had been sexually abused by Barrack. On 29 May 2002, CKU and CKR reported the sexual abuse to police at Singleton and made a statement.

Shortly thereafter, CKR informed Archdeacon Hoare that CKU had been sexually abused by Barrack. Bishop Herft reported the matter to DOCS. When CKR contacted the DOCS case worker, she was told that, as CKU was now 18 years old, it was no longer a DOCS matter but a police matter.

Criminal prosecution of Barrack

There was a significant delay in the police's response to CKU's allegations. CKU reported the abuse to police in May 2002, but he heard nothing back from them for three years.

On 12 August 2003, the chair of CASM, Mrs Sanders, wrote to Bishop Herft to express CKR's concerns that the police did not appear to be pursuing the matter. Bishop Herft spoke with the authorities later in August 2013

It was not until February 2005 that Barrack was charged with offences against CKU. In May 2005, Barrack pleaded guilty to one count of sexual intercourse with a child between 10 and 16 years of age. In September 2006, Barrack was sentenced to two years' imprisonment with a non-parole period of 12 months.

Initial lack of pastoral support for CKU and his mother, CKR

In the period after the Diocese was notified in 2002 that Barrack had in fact sexually abused CKU, the Diocese did not at first extend pastoral support or care to CKU or his mother. This is because CKU's case was not originally referred to CASM.

On 22 August 2003, Bishop Herft wrote to CKR. He said, 'I must take full responsibility for the Chair of CASM and the committee not being notified officially of this matter'. He explained that he thought that it was outside the remit of CASM because it was a serious criminal offence and that he thought then Archdeacon Hoare was offering her pastoral support. He accepted in evidence that, in hindsight, it was a 'serious omission' not to inform the chair of CASM, Mrs Sanders, of the matter.

We are satisfied that, after being notified that Barrack had sexually abused CKU as a child, Bishop Herft should have taken more proactive steps to ensure that appropriate pastoral care and support were provided to CKU and his mother, CKR.

CKU's claim for redress

On 15 August 2003, CKU retained a solicitor to assist him in seeking financial compensation from the Diocese and Morpeth College.

In around 2003, the Diocese started paying for some counselling sessions for CKU and his mother. He received further redress under Bishop Farran's episcopate, which we discuss in more detail below.

Concluding remarks

There was a substantial failure in risk management during Bishop Herft's episcopate. This left children at risk. The way in which the Diocese handled allegations of child sexual abuse shows there was a large gap between the Diocese's policies and its practices, particularly during the earlier years of Bishop Herft's episcopate.

We accept that there were significant developments in the policies for handling sexual abuse allegations during Bishop Herft's tenure in the Diocese. However, particularly in the early years of Bishop Herft's episcopate, these were not well adapted to handling allegations of child sexual abuse.

On the basis of the examples we have considered in this section of our report, we find that the Diocese's practices did not live up to its disciplinary and policy framework expectations and requirements in handling allegations of child sexual abuse in the following respects:

- No disciplinary process was pursued against any member of the clergy in respect of whom allegations of child sexual abuse were made.
- Where the alleged perpetrator had moved to another diocese, that diocese was generally not warned of the allegations.
- Survivors were not offered timely or compassionate pastoral care and support.

Bishop Herft gave evidence that it was always the policy of the Diocese to report allegations of child sexual abuse to the police; however, this policy was fettered in many respects. Very few allegations of child sexual abuse that police were not already aware of were reported to the police during Bishop Herft's tenure.

Bishop Herft mishandled the allegations of child sexual abuse made against [REDACTED]

[REDACTED] the one-time Archdeacon of Maitland, Father Rushton. His response was weak and ineffectual and showed no regard for the need to protect children from the risk that they could be preyed upon. It was a failure of leadership.

Institutional response under Bishop Brian Farran (June 2005 – December 2012)

Bishop Farran was Bishop of Newcastle from 24 June 2005 to 15 December 2012.

It was during Bishop Farran's episcopate that the scale of the problem with child sexual abuse in the Diocese became publicly known.

We are satisfied that Bishop Herft did not tell Bishop Farran that he had received complaints about [REDACTED] conduct towards children and that Bishop Farran was not made aware that allegations had been made against Father Rushton. It was remiss of Bishop Herft not to make these allegations known to Bishop Farran.

Disciplinary framework during Bishop Farran's episcopate

The introduction of the 2005 professional standards framework

In October 2005, the Diocese adopted the Professional Standards Ordinance 2005, which was based upon the model professional standards ordinance promulgated by the General Synod in 2004.

Under this professional standards framework:

- the professional standards director was to be independent of the diocesan hierarchy. The director was to receive or uncover allegations of misconduct, investigate and support complainants
- the Professional Standards Committee could investigate allegations of misconduct and refer appropriate matters to the Professional Standards Board for adjudication
- the Professional Standards Board had power to make findings as to whether the alleged misconduct occurred and to make recommendations, usually to the bishop, as to consequences from those findings.

Also in October 2005, the Diocese adopted Faithfulness in Service as a code of conduct for personal behaviour and the practice of pastoral ministry by clergy and lay workers. Faithfulness in Service specifies standards of behaviour for clergy and Church workers in relation to children.

Under Faithfulness in Service, if a member of the clergy or a Church worker suspects that a child is at risk of harm from child abuse, he or she is required to report it to the appropriate civil authorities. If he or she suspects that another member of clergy or a Church worker has abused a child then he or she is to report it to both the appropriate civil authorities and the Director of Professional Standards.

In January 2007, Mr Cleary became the diocesan business manager (which was the new position title for the diocesan registrar). From around March 2008 until about January 2009, Mr Cleary acted as the professional standards director in addition to his role as diocesan business manager.

Mr Michael Elliott was appointed professional standards director in January 2009 on a part-time basis. He became the full-time professional standards director in May 2010. He has held this position ever since.

Introduction of the Pastoral Care and Assistance Scheme

On 26 April 2007, the diocesan council adopted the Pastoral Care and Assistance Scheme for Victims of Child Abuse or Sexual Misconduct by a Church Worker (PCAS). Redress was capped at \$75,000. PCAS offered a path for redress that was an alternative to seeking compensation through the courts.

Response to CKU and CKR from 2005 to 2009

Barrack's sentencing hearing in 2006

We are satisfied that the Diocese failed to provide timely and consistent pastoral care and support to CKU and CKR during the Barrack criminal proceedings.

CKU said it felt like a 'slap in the face' for the Church to provide support for Barrack but to make contact with CKU only after his mother had telephoned the Bishop and 'had a go at him'.

Support for CKU and CKR and redress for CKU from 2006 to 2009

In November 2006, CKU's mother, CKR, wrote to Mr Phillip Gerber, the then professional standards director, and asked 11 questions regarding the Diocese's alleged inaction. Mr Gerber provided a report to the Professional Standards Committee and Bishop Farran identifying a number of 'process failures'. He recommended an ex gratia payment of \$2,000 be made to CKU as a contribution towards the cost of an overseas trip that CKU was planning.

He believed this would be a symbolic gesture to indicate the Church was sorry for what had occurred. However, CKR's 11 questions were not answered until she received a letter during a meeting on 18 June 2009.

In February 2009, CKU received a settlement of \$60,000 from the Diocese, including \$3,000 for the cost of his ongoing counselling. It had taken nearly two years for CKU to obtain compensation from the Diocese, although Barrack had pleaded guilty and been sentenced in 2006.

On 3 September 2009, CKU received a written apology from Bishop Brian Farran in relation to CKU's abuse.

Diocesan response to allegations concerning Father Parker from 2008 to 2012

First settlement between the Diocese and CKA in 2008

CKA gave evidence that the diocesan response to his complaint against Father Parker improved as he dealt with different diocesan personnel. The two major changes which improved things were the appointment of Mr Cleary as the diocesan business manager and the appointment of Mr Michael Elliott as the professional standards director. They assisted him with obtaining counselling and financial redress.

In April 2008, CKA received \$35,000 from the Diocese under the PCAS in compensation for his abuse by Father Parker at the rectory.

Information sharing with Diocese of Ballarat in 2008

On 3 March 2008, Bishop Farran wrote to the Bishop of Ballarat to advise that the Newcastle Professional Standards Committee had 'investigated a complaint against Father Parker'. Bishop Farran requested that the Bishop of Ballarat issue a caveat against Father Parker's permission to officiate, which had already been granted by the Ballarat diocese.

Bishop Farran's apology to CKA in 2010

On 19 October 2010, the *Newcastle Herald* published an apology by the Diocese to the victims of Father Rushton's sexual abuse. This reignited pain for CKA, and he wrote to Bishop Farran to request an apology for his abuse by Father Parker.

When Bishop Farran met with CKA in December 2010, he was ‘horrified’ by how CKA had been treated by the Diocese. Bishop Farran apologised for the abuse that CKA suffered at the hands of Father Parker. Following this meeting, CKA received a public apology from the Diocese, which was published in the *Anglican Encounter*. The apology acknowledged that CKA and his family had been treated inappropriately over an extended period of time by the Diocese following CKA’s report of abuse by a member of the Diocese.

Second settlement between the Diocese and CKA in 2010

From 2010 to 2012, CKA made further disclosures. He revealed that he had been sexually abused by Father Parker to a much greater extent than previously disclosed.

In March 2011, CKA’s psychologist reported that, until recently CKA’s primary distress had focused on the trauma of the Diocese not believing his earlier disclosures and that this clouded CKA’s ability to address Father Parker’s abuse itself.

In 2012, CKA negotiated a second settlement with the Diocese and received \$75,000 in compensation under the PCAS for the additional incidents of abuse by Father Parker.

Diocesan response to CKB

The Diocese has never offered CKB any compensation, counselling, support or apology. CKB gave evidence that he found the institutional response of the Diocese to be poor, because the Diocese has never tried to contact CKB even though it would be easy for the Diocese to do so. The Diocese was on clear notice of his allegations as a result of the criminal proceedings in 2001.

Diocesan response to allegations against Father Rushton

Father Rushton had retired from the priesthood before Bishop Farran came to the Diocese, but he still held a permission to officiate in the Diocese before his death in 2007.

Reverend Roger Dyer commenced as a priest at St Luke’s in the Parish of Wallsend in June 2006. Father Rushton had previously been the priest at St Luke’s from 1973 to 1983.

Shortly after Father Rushton died, survivor CKV disclosed to Reverend Dyer his own story of sexual abuse as a child by Father Rushton. Further disclosures from other survivors followed.

We are satisfied that Reverend Dyer first raised concerns about Father Rushton with Mr Michael Elliott in mid-2009 and with Bishop Farran by late 2009.

On 10 December 2009, Reverend Dyer wrote to Bishop Farran that the allegations against Father Rushton were affecting the community of St Luke's. Reverend Dyer recommended that a publicly advertised healing ceremony take place. Reverend Dyer gave evidence that he had been 'trying for a long time' to get Bishop Farran to acknowledge the sexual abuse by Father Rushton. Mr Elliott also believed it important for the Diocese to acknowledge the sexual abuse perpetrated by Father Rushton.

Bishop Farran conducted a 'healing ceremony' in the Wallsend parish on 31 July 2010. Bishop Farran had interviews that weekend with a number of people who made him aware of further allegations that Father Rushton had sexually abused children.

On 19 October 2010, Bishop Farran issued a media release about Father Rushton. Bishop Farran did this to honour the victims who had been traumatised, to ensure transparency in the community and to invite other victims to come forward.

On 19 October 2010, Bishop Farran emailed each of his predecessors – Bishop Holland, Bishop Appleby and Bishop Herft – regarding Father Rushton. He explained to each bishop, 'I think there were other clergy involved with these allegations; there may have been an organised group who met in the Wallsend Rectory on Sunday evenings'.

Bishop Holland responded to Bishop Farran by disclaiming prior knowledge of the abuse. We are satisfied that this representation was not correct.

We are satisfied that Bishop Herft also sought to convey to Bishop Farran that he had no prior knowledge of allegations that Father Rushton had sexually abused children and that this representation was also not correct.

Bishop Farran told us that some people in the Diocese were 'furious' with him for publishing the media release and that he experienced repercussions because of it. Reverend Dyer also gave evidence of being ostracised within the Diocese after he attempted to bring the allegations against Father Rushton to light.

Early challenges to the professional standards framework

The John Gumbley and COJ matters

In 2009, the new professional standards framework was applied when allegations of adult sexual misconduct were made against two popular members of the clergy – Father John Gumbley and COJ. Bishop Farran suspended both Father Gumbley and COJ in September 2009. In both cases, the Professional Standards Board heard the charges and found the complaints sustained. The board recommended that Father Gumbley be deposed from Holy Orders.

On 7 May 2010, Bishop Farran deposed Mr Gumbley from Holy Orders. COJ was suspended for around 10 months.

There was strong criticism voiced within the Diocese about the conduct of these cases. Mr Rosser QC, then the chancellor of the Diocese, was particularly vocal in his criticisms of the way the proceedings were conducted and of the professional standards director, Mr Michael Elliott.

Mr Elliott said that, after Mr Gumbley was deposed from Holy Orders, Mr Gumbley embarked on a campaign to discredit him and others involved in the professional standards process. A number of people queried the validity of Mr Elliott's appointment as professional standards director.

On 27 May 2010, Mr Rosser QC proposed a notice of motion for the diocesan council that, among other things, requested the bishop to direct the Professional Standards Committee to provide the council with certain information about the Gumbley and COJ matters.

At this time Mr Rosser QC was the chancellor, meaning that he was the bishop's adviser. Bishop Farran gave evidence that at no time did he instruct Mr Rosser QC to propose this motion and warned Mr Rosser QC in an email against appearing 'as an activist in your own right'.

It was not appropriate for Mr Rosser QC, as the chancellor of the Diocese, to propose motions relating to the Professional Standards Committee without instructions to do so from the bishop. In doing so, Mr Rosser QC exceeded the proper role of chancellor, which is to advise the bishop when advice is requested.

Also at the 27 May 2010 meeting, the diocesan council resolved to appoint an external person, Professor Patrick Parkinson, to review the processes undertaken in 2009 and 2010 in relation to Mr Gumbley and COJ.

In August 2010, a meeting was held at COJ's parish in Cooks Hill. The purpose of the meeting was to provide restorative justice and to 'clear the air'. The diocesan advocate who had prosecuted the matter before the board outlined the complaints against COJ in great detail. This attracted a significant amount of criticism, and Bishop Farran said that the meeting damaged the professional standards framework.

Professor Parkinson found, as a result of his review, that the matter relating to Mr Gumbley was 'handled appropriately overall' and that 'a person who engaged in the behaviour complained of would not be allowed to remain a licensed minister in any other denomination in the Christian Church'.

In relation to COJ, Professor Parkinson found that suspension was not warranted and that the investigation of that matter ‘ranged too widely, for too long, and at too great an expense to the Diocese’. However, Professor Parkinson also found that the length of time and expense incurred was because of COJ’s actions during the investigation.

Professor Parkinson made no finding that the professional standards process had operated in a procedurally unfair way and was not critical of the professional standards framework.

2010 amendments to the Professional Standards Ordinance 2005 and challenges to the professional standards director

In August 2010, while Professor Parkinson was undertaking his review of the Gumbley and COJ matters, the diocesan council appointed a committee comprising Mr Rosser QC, Canon Stephen Williams and Mr Cleary to review the professional standards processes.

Mr Cleary said that in general the proposed amendments weakened the Professional Standards Ordinance 2005. Mr Cleary stated that he considered that this was symptomatic of a ‘pro-respondent culture’ in the Diocese, with no apparent consideration for victims. In oral evidence, Mr Rosser QC said that ‘ideally’ he should not have been on the drafting committee and instead should have advised the bishop on dealing with the recommendations. This concession is clearly correct.

Amendments to the Professional Standards Ordinance 2005 were passed by the diocesan council at a meeting on 30 September 2010.

Mr Rosser QC gave evidence that there was a groundswell of concern about the professional standards framework which ‘infected the whole process’. It contributed to a division within the Diocese.

[REDACTED]

Mr Lawrence’s influence in the Diocese

Many witnesses identified Mr Lawrence as a person with considerable influence and power in the Diocese. Bishop Farran said Mr Lawrence had been described as ‘the most influential priest in the Diocese of Newcastle for over 25 years’. Mr Lawrence had a strong and loyal following in the Cathedral.

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Steps taken by the Diocese upon receipt of CKH's complaint

On 7 October 2009, CKH's 3 October 2009 complaint against [REDACTED] and others was forwarded to Mr Michael Elliott, the professional standards director, who immediately reported it to the NSW Police.

Bishop Farran acted quickly. Between about 9 and 13 October 2009, and pending an investigation, Bishop Farran withdrew [REDACTED] permission to officiate in the Diocese and stood down Mr Goyette, Mr Hoare and Father Sturt from their roles in the Diocese. [REDACTED] was also suspended from his locum position in the Diocese of Wangaratta by the Bishop of Wangaratta.

Bishop Farran also wrote to the Bishop of Bendigo since Mr Hoare had been offered employment there. Bishop Farran advised that Mr Hoare's licence had been suspended due to allegations of inappropriate behaviour. The offer of employment was withdrawn.

In the period 26 October 2009 to 2 August 2010, the Diocese suspended its investigation at the request of the police. On 2 August 2010, the police advised the Diocese that no charges would be laid and that the Diocese was free to commence its own investigation.

On or around 5 August 2010, Mr Michael Elliott wrote to all five respondents seeking their responses to the complaints. The respondents denied the allegations and largely did not cooperate.

On 19 October 2010, barrister Mr Garth Blake SC advised that there was a reasonable prospect that the Professional Standards Board would regard the conduct as sufficiently serious to bear upon the fitness of [REDACTED], Father Sturt, Mr Duncan and Mr Hoare to continue in the ministry and of the fitness of Mr Goyette to hold an office or position of responsibility in the Church. Mr Elliott referred this advice to the Professional Standards Committee. On 28 October 2010, the committee unanimously referred the matter to the Professional Standards Board.

Professional Standards Board hearings of CKH's complaint

In December 2010, the Professional Standards Board conducted public hearings on the allegations against [REDACTED], Father Sturt, Mr Goyette and Mr Duncan.

Except for procedural requests, the respondents – save for Father Sturt – all elected not to participate in the hearings.

On 15 December 2010, the Professional Standards Board found that the allegations were sustained against [REDACTED] Father Sturt, Mr Duncan and Mr Goyette. The board recommended that the clergy be deposed from Holy Orders and that Mr Goyette be permanently banned from holding any position within the Diocese.

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Supreme Court challenge launched by [REDACTED] Mr Sturt in December 2010

The day after the Professional Standards Board rendered its determination and recommendations, [REDACTED] Father Sturt commenced proceedings in the Supreme Court of New South Wales alleging that the professional standards regime was invalid and unfair in its application to them. They asserted that a diocesan tribunal process was required. They sought to quash the recommendations of the board and to permanently restrain Bishop Farran from giving effect to the board's recommendations, as well as to restrain any other diocesan tribunal from hearing and determining the complaints against them.

Some members of the Diocese contributed to a 'fighting fund' to assist [REDACTED] Father Sturt in funding the Supreme Court litigation. One of those people was Mr Caddies.

The Supreme Court dismissed this action on 27 April 2012. The court found that the professional standards regime was valid under the Church's Constitution and that [REDACTED] Father Sturt had not been denied procedural fairness.

Complaints against Bishop Farran

In the meantime, in the period from late 2009, parishioner dissent against Bishop Farran grew. On 26 February 2011, Archbishop Phillip Aspinall, who at the time was the Primate of the Church, telephoned Bishop Farran to advise that a group of parishioners from the Cathedral had requested a meeting with him to discuss their concerns about Bishop Farran's administration of the professional standards regime of the Diocese. This group included Mr Simon Adam, Mr Caddies, Mr Christopher McNaughton, Mr John McNaughton AM, Mr Geoff Orrock, Ms Lyn Scanlon and Mr Laurie Tabart. These parishioners asked Archbishop Aspinall to relay to Bishop Farran that they had lost all confidence in his leadership and that he should resign.

In the group's complaint to Archbishop Aspinall, a key issue was Bishop Farran's handling of the child sexual abuse matters.

On 14 June 2011, the group of parishioners sent a letter enclosing their complaint to the Episcopal Standards Commission – the Church body responsible for disciplining bishops of the Church. Their complaint included that Bishop Farran had:

- intimidated and harassed [REDACTED] and prevented the diocesan council from fulfilling its role
- brought the Diocese into disrepute with his media commentary on allegations of child sexual abuse perpetrated by Father Rushton and other matters before the Professional Standards Committee.

Similar complaints against Bishop Farran were separately made to the Episcopal Standards Commission by individual members of this group, who were mostly members of the Cathedral congregation.

Mr Caddies was part of the group of parishioners that made the complaint to the Episcopal Standards Commission. He agreed that two of the key matters causing concern to that group were the public airing of Father Rushton's paedophilic activities [REDACTED]

Mr Caddies said that Bishop Farran should not have made the allegations against Father Rushton public without a 'proper investigation'. However, he later conceded that he did not know what investigation the Diocese had conducted.

During this period members of this group of parishioners told the *Newcastle Herald* about their concerns. In June 2013, the *Newcastle Herald* reported that the parishioners had alleged that Bishop Farran was on an 'anti-gay witch-hunt'.

We are satisfied that, following Bishop Farran's decision to make public the allegations that Father Rushton was a perpetrator of child sexual abuse and his decision to take interim measures against [REDACTED] [REDACTED] others pending a disciplinary proceeding, Bishop Farran experienced a backlash from elements within the Diocese. This backlash included the making of complaints about Bishop Farran to the then Primate of the Church and the Episcopal Standards Commission.

Dysfunctional culture within the Diocese

Mr Michael Elliott gave evidence that within the Diocese there were groups of influential Church members who would launch reprisals against actions perceived to threaten the clergy. In response to Mr Elliott's work on professional standards, he believes he has been subject to isolation, bullying, under-resourcing and vandalism. He said he had received harassing phone calls and text messages.

Bishop Farran said in oral evidence that there were 'really big issues' in the culture of the Diocese and pointed to a lack of professionalism in terms of supervision of the clergy; a 'very paternalistic culture' of 'Father knows best'; and a strong culture of non-accountability, where people felt they could do what they wanted and the bishop should turn a blind eye.

Bishop Farran also said that a limited number of people had long-term membership of various diocesan bodies over the years, and that created difficulties.

In January 2010, Bishop Farran retained organisational consultant Mr Stephen Ames to advise on the cultural issues in the Diocese and seek to engender cultural change.

Mr Cleary said that there was a 'pro-respondent culture with no apparent consideration for the victims' which was deeply ingrained in the Diocese.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Resignation of Mr Rosser QC as chancellor

Bishop Farran did not want Mr Rosser QC's advice about the professional standards framework, but Mr Rosser continued to provide the advice anyway.

In around October 2010, Bishop Farran raised with Mr Rosser QC the issue of a perceived 'conflict of interest' in Mr Rosser QC's representation of Brown in his various criminal proceedings while Mr Rosser was deputy chancellor and then chancellor. In this regard, in 2010 Mr Rosser QC accepted the brief to appear on behalf of Brown, who was being prosecuted for a very large number of historical child sexual offences at a time when Brown was associated with the Diocese.

Mr Rosser QC acted as counsel for Brown at the same time as holding office as chancellor. This could reasonably engender in the minds of the public and in the minds of survivors of Brown's abuse that it was the Diocese, and not Mr Rosser QC the private individual, who was defending Brown.

We are satisfied that, in accepting the brief to appear for Brown in 2010, Mr Rosser QC showed poor judgment.

On 26 November 2010, Mr Rosser QC resigned as chancellor. He asserted in a 16 December 2010 email to Bishop Farran that there was no conflict in him acting for Brown and also being the chancellor of the Diocese.

Implementing the Professional Standard Board's recommendations against [REDACTED]

Disciplinary process for Mr Hoare in July 2012

On 4 July 2012, the Professional Standards Board held a hearing on the allegations against Mr Hoare. Mr Hoare declined to appear or put any evidence before the board. On 5 July 2012, the board upheld the allegations and recommended that Mr Hoare be deposed from Holy Orders.

Bishop Farran's response to the Professional Standards Board's recommendations

From the time of the Supreme Court's 27 April 2012 decision, Bishop Farran understood that it was important to act quickly on the Professional Standards Board's recommendations in view of the delay caused by the lengthy processes undertaken since the initial recommendations in December 2010.

We accept that Bishop Farran received advice from his chancellor, the Hon. Justice Peter Young AO QC, that it would be prudent to wait to see if an appeal was filed by [REDACTED] Mr Sturt before taking action in response to the 27 April 2012 decision.

We also accept that Bishop Farran considered that it was not appropriate for him to take action on the matter while the complaints against him were still on foot before the Episcopal Standards Commission.

In June 2012, when Bishop Farran was on long service leave, the Episcopal Standards Commission notified him that it was not proceeding with any of the complaints against him. Bishop Farran said that he then 'felt [he] could consider the recommendations of the Professional Standards Board'.

Upon his return from leave on 18 July 2012, Bishop Farran wrote to the respondents offering them the opportunity to make submissions about what action he should take, and they should make those submissions by 20 August 2012. [REDACTED]

We are satisfied that Bishop Farran did not unreasonably delay in taking action on the Professional Standards Board's recommendations. Moreover, to the extent that there was a delay, Bishop Farran had taken adequate interim steps in suspending the licences of the clergy involved to minimise any risk those persons posed to children and other vulnerable church members.

While there were reasons for delay in taking action, we consider it is also clear that Bishop Farran equivocated about what to do following the Professional Standards Board's recommendations. On 27 August 2012, Mr Cleary had a conversation with Bishop Farran in which Bishop Farran told him that implementing the recommendations of the board would be 'catastrophic' for the Diocese and that he had to care for the Diocese.

Assistant Bishop Stuart gave evidence that he became aware in August 2012 that Bishop Farran had reservations about following the Professional Standards Board's recommendations and that Bishop Farran was concerned about the impact on the Cathedral and the city of [REDACTED] standing. Assistant Bishop Stuart said that he thought the board's recommendations should be followed.

Bishop Farran agreed in evidence that he was originally minded not to follow the board's recommendations. He said he 'agonised' about what to do and was concerned about what impact [REDACTED] would have upon his parishioners in view of the sacraments he had performed, such as marrying them and baptising them.

Mr Cleary, the diocesan registrar, said that on 23 August 2012 he told Bishop Farran that he was not prepared to work with him on any decision that did not give effect to the board's recommendations. Mr Cleary said that, as a result, Bishop Farran stood him down from his role for a short period of time. Bishop Farran temporarily appointed Assistant Bishop Stuart to Mr Cleary's role so that Assistant Bishop Stuart could sign Bishop Farran's orders, which would impose disciplinary action that differed from the board's recommendations.

Bishop Farran denied he was intimidated by [REDACTED] and denied he was influenced by his friendship with [REDACTED]

CKH also gave evidence that he became concerned about Bishop Farran's apparent delay in taking action on the board's recommendations. CKH wrote to Bishop Farran in August 2012, asking him to make a decision.

Bishop Farran and Mr Michael Elliott attended a meeting with CKH in his home town on 7 September 2012. During that meeting, Bishop Farran told CKH that he intended to depose Mr Duncan and Mr Hoare from Holy Orders but not [REDACTED] or Father Sturt. CKH was distressed and angry and recounted the effect that [REDACTED] had had on his life and the power that [REDACTED] had misused with him. Bishop Farran said he found this a 'very moving experience' and determined that he would defrock [REDACTED]

On 10 September 2012, Bishop Farran deposed [REDACTED] Mr Hoare from Holy Orders and suspended Father Sturt's licence to minister for five years. Mr Duncan complied with a request to relinquish his Holy Orders on 6 August 2012, and no further disciplinary action was taken against him. Bishop Farran permanently banned Mr Goyette from holding any lay office. In announcing this decision, Bishop Farran also acknowledged the distress that CKH and his family had suffered.

Bishop Farran's decision to suspend Father Sturt from ministry for five years departed from the recommendation of the board. A document prepared by Bishop Farran at around this time indicates that the reasons for this included that Father Sturt's improper conduct was of a lesser degree than that of [REDACTED] Mr Hoare and that the loss of his stipendiary position would have an impact on him (all the other clergy had previously retired).

Risk management of [REDACTED]

Following completion of their disciplinary processes on 10 September 2012, [REDACTED] became parishioners at [REDACTED]. The rector [REDACTED] was, and still is, Reverend [REDACTED].

On 17 September 2012, at the instigation of Mr Michael Elliott, the professional standards director, Bishop Farran wrote to Reverend [REDACTED] outlining the risk management expectations in respect of [REDACTED]. However, no formal risk management was put in place at that time.

Reverend [REDACTED] said that, despite no formal order being in place, he agreed to supervise [REDACTED] and that [REDACTED] complied.

Before September 2013, there was no formal mechanism in the Diocese to force a parishioner to sign a risk management agreement or to ensure compliance.

Changes to the Professional Standards Ordinance in 2012

In October 2011, the diocesan synod requested the diocesan council to once again review the professional standards regime which had been put on hold pending the outcome of the Supreme Court's decision in the [REDACTED] Sturt matter. At a special meeting of the diocesan council on 13 August 2012, an Ordinance Preparation Working Group was appointed.

Mr Cleary gave evidence that he was not involved in the drafting process in 2012. His view was that there was no need to amend the professional standards ordinance because Justice Sackar's decision on 27 April 2012 dismissing [REDACTED] Mr Sturt's claim was a validation of the existing professional standards framework.

Based on the issues identified at the 13 August 2012 special meeting, Assistant Bishop Stuart subsequently drafted amendments to the Professional Standards Ordinance 2005 and Protocol and emailed them to the Ordinance Preparation Working Group on 15 August 2012.

At the diocesan synod on 27 and 28 October 2012, the Bills for the new ordinance and protocol were adopted with some amendments and Bishop Farran assented to them. Assistant Bishop Stuart gave evidence that the constant stream of review and amendment meant there was no stability in the professional standards process. We agree with this assessment.

Among other amendments, the Professional Standards Ordinance 2012 included a new section 77, which provided:

The Board shall announce its determination and recommendations in a sitting at which are present only representatives of the Bishop and the respondent and such other persons as the Bishop and the respondent agree should be present.

The effect of this was that the complainant could be excluded and not be made aware at the time of the board's determination and recommendation to the bishop.

The amendments also included new sections 107 and 108, which had the combined effect that the board's determination (that is, its findings on the truth of the complaint) would be made public 60 days after the board's determination. However the board's recommendation would never be made public. In practice, this meant that, in taking action, the bishop could depart from the board's recommendation (as was his right under section 83(c)) and no one but the respondent would know this.

CKA withdrew his complaint because of the introduction of section 77.

Mr Colin Elliott, the president of the Professional Standards Board, resigned on 4 December 2012. In his resignation letter and in other correspondence at that time, he stated that he had resigned due to his objections to the 2012 ordinance. He particularly objected to the inclusion of the new section 77.

Bishop Farran gave evidence that he supported the amendments to the 2012 ordinance at the time, as they enabled him to be notified of a Professional Standards Board's decision before it was released to the media.

Bishop Farran gave evidence that at the time he did not understand that these amendments, particularly the new section 77, would have undermined the transparency and integrity of the board's determinations and recommendations to the bishop.

We are satisfied that the amendments to sections 77, 107 and 108 of the Professional Standards Ordinance made by the diocesan synod in October 2012 undermined the transparency and integrity of the professional standards framework. Section 77 was repealed in 2015.

Concluding remarks on Bishop Farran's episcopate

Upon becoming Bishop of Newcastle, Bishop Farran gradually became aware of the scope of the problem with child sexual abuse in the Diocese. He took steps in relation to the allegations of which he was made aware and adopted a proactive approach in managing them. He also provided care and pastoral assistance to survivors. For this, he experienced a considerable backlash.

Mr Michael Elliott, the professional standards director, and Mr Cleary, the diocesan business manager, provided support to survivors of child sexual abuse and assisted them with their claims of redress against the Diocese. Mr Michael Elliott played an instrumental role in uncovering the extent of the problem of child sexual abuse within the Diocese.

Between 2009 and 2012, a deep cultural division emerged in the Diocese, which centred upon the professional standards processes applied to COJ, Mr Gumbley, [REDACTED] and others.

In particular, there was a faction of key diocesan office holders and a cohort of Cathedral parishioners who were critical of the professional standards processes in the Diocese. Members of this faction were deeply loyal to the respondents, [REDACTED].

There was also evidence that a narrative developed within the faction that in pursuing [REDACTED] his fellow four respondents, the Diocese was engaging in an 'anti-gay witch-hunt'.

The professional standards regime had been introduced into the Diocese in 2005; however, no culture supportive of that framework had embedded itself within the Diocese.

Institutional response under Assistant Bishop Peter Stuart (December 2012 – February 2014)

In February 2009, Bishop Farran appointed Bishop Stuart as Assistant Bishop of Newcastle. He continued to serve in that role during Bishop Thompson's episcopate.

Between 16 December 2012 when Bishop Farran retired, and 2 February 2014, when Bishop Thompson was enthroned, Assistant Bishop Stuart was the administrator of the Diocese. In this position he essentially exercised the functions of the bishop of the Diocese.

Mr Keith Allen's 2013 revelations about the Diocese's handling of child sexual abuse allegations

Mr Allen's disclosures

On 29 January 2013, soon after Assistant Bishop Stuart became administrator of the Diocese, Mr Allen initiated a meeting with him. During their meeting, Mr Allen outlined the Diocese's past practices around handling information about child sexual abuse, including the yellow envelope system. He also discussed the Diocese's handling of the Father Parker and Hatley Gray matters.

Assistant Bishop Stuart said he was ‘deeply disturbed’ by what Mr Allen told him. This was the first time he became aware of the yellow envelopes.

Later on 29 January 2013, Assistant Bishop Stuart met with Mr Michael Elliott and Mr Cleary to inform them of Mr Allen’s disclosures.

Counsel for Assistant Bishop Stuart submitted that Mr Allen initiated the meeting with Assistant Bishop Stuart to sound him out on what his response to Mr Allen’s revelations would be. Mr Allen did not accept that proposition.

On 5 March 2013, Mr Allen initiated a meeting with Mr Cleary, at which he disclosed substantially similar information as he had to Assistant Bishop Stuart. Among other things, he told Mr Cleary that he was aware of a further incident of child sexual abuse perpetrated by Hatley Gray – that Hatley Gray had sexually assaulted a boy on a table next to lamingtons.

Mr Allen told Mr Cleary that he had previously raised this allegation with the then diocesan registrar, Mr John Woods. Mr Allen took some lamingtons to the meeting with Mr Woods because he thought it would be ‘amusing’.

Mr Allen agreed in oral evidence that he had brought lamingtons to the meeting with diocesan registrar because it was ‘part of a joke with the then Registrar’. He eventually conceded that this was in the context where he was aware that a child had been sexually assaulted next to lamingtons on a table. He accepted that his humour was ‘really inappropriate’. We go further than this. His humour was disturbing and demonstrated a callous disregard for the child victim and a complete lack of insight into the gravity of child sexual assault.

Reports to the police of information disclosed by Mr Allen

On 12 March 2013, Mr Michael Elliott reported Mr Allen’s disclosure about Hatley Gray to the police.

In a letter dated 19 March 2013, Assistant Bishop Stuart also disclosed to the NSW Police what Mr Allen had told him regarding the yellow envelope system.

We find that Assistant Bishop Stuart, Mr Michael Elliott and Mr Cleary acted appropriately in response to Mr Allen’s disclosures in early 2013, including by referring the matters to the police.

In the meantime, on 6 February 2013, Assistant Bishop Stuart had written to Mr Allen inviting him to speak with Mr Scott Puxty, the diocesan solicitor, about the matters Mr Allen had disclosed. Mr Allen did not speak with Mr Puxty. Instead, he wrote a brief letter to Assistant Bishop Stuart on 13 February 2013 in which he asked for further information. Mr Allen accepted that he wrote this letter because he did not want to meet with Mr Puxty.

Review of past cases of child sexual abuse in the Diocese

On 21 February 2013, in response to recommendations from a General Synod Standing Committee working group, Assistant Bishop Stuart directed Mr Michael Elliott to conduct a review of past cases of child sexual abuse in the Diocese.

On 21 March 2013, Assistant Bishop Stuart informed the diocesan council that the yellow envelopes had been transferred to the office of the professional standards director and incorporated into the professional standards records. He told the council that Mr Michael Elliott had conducted a review of those files but, at that stage, he was not in a position to say whether the information contained in those files was complete.

Later, in 2015, Mr Elliott prepared a report on the yellow envelopes at the request of Bishop Thompson. He concluded that many of the files were incomplete and that the recording and document-handling procedures for the complaints documented in the yellow envelopes were poor.

Developments in policy framework for preventing and responding to child sexual abuse allegations

During Assistant Bishop Stuart's tenure as the administrator of the Diocese, there were a number of developments in the Diocese's policy framework for preventing and responding to child sexual abuse allegations. The most significant of these were:

- the Professional Standards Protocol enacted by the diocesan council in March 2013, which outlined the procedural steps that the Professional Standards Committee and the professional standards director must take in handling allegations
- the adoption of a Conflict of Interest Policy in March 2013, which set out guidelines to assist members of the diocesan council and other governance bodies in determining when and how declarations of interest should be made in situations involving competing interests
- the implementation of new WWCC processes, whereby all licences, permissions and other authorities granted to people undertaking spiritual leadership within the Diocese were automatically suspended from 15 January 2014 if the Diocese did not have a record of that person's WWCC number. The Diocese also implemented additional safe service training requirements for all persons subject to a WWCC
- the further development of redress policies, including the Claim Resolution Protocol in September 2013, which was a mediated and non-litigious redress scheme that did not require as much financial and medical information as the PCAS or require the claimants to repeat their claims of abuse.

Safe Ministry Policy 2013

Under the administration of Assistant Bishop Stuart, the Diocese also further considered the development of a framework which would permit child sexual abuse offenders or alleged child sexual abuse offenders to continue to worship in the Diocese while also protecting children who may attend the same parish or Church activities.

The National Church's Parish Safety Guidelines

At a national level, 2009, the Professional Standards Commission recommended national guidelines entitled 'Guidelines for parish safety where there is a risk of sexual abuse by a person of concern' (Parish Safety Guidelines).

The Parish Safety Guidelines attached a draft agreement between a 'person of concern' and their parish priest. The agreement contained limitations on the person's involvement in Church activities.

As the Parish Safety Guidelines were not adopted formally in the Diocese, they were not enforceable in the Diocese.

Following [REDACTED] the banning of [REDACTED] from holding lay positions in the Church, Mr Michael Elliott initially sought to manage their continuing involvement at the [REDACTED] parish in the Diocese pursuant to the Parish Safety Guidelines. They refused to sign agreements.

Development of the Safe Ministry Policy

On 15 March 2012, during Bishop Farran's episcopate, Mr Michael Elliott wrote to all clergy within the Diocese enclosing the Parish Safety Guidelines. He asked clergy to contact him if they were aware of any sex offenders or persons of concern involved with their parishes. Mr Elliott did not receive any responses to this letter.

In early 2013, Assistant Bishop Stuart formed the view that, to ensure parish priests were compelled to comply with Bishop Farran's expectations, a formal diocesan risk management policy would need to be implemented and classified as a 'safety policy'. A safety policy can be enforced, because a failure to comply can result in disciplinary action against clergy.

At the diocesan council meeting on 21 March 2013, Assistant Bishop Stuart proposed that the Parish Safety Guidelines be adopted in the Diocese as a 'safety policy'. This led to a protracted debate lasting some months, with some questioning the need for a policy at all.

Following a number of amendments, on 26 September 2013 the diocesan council adopted the Safe Ministry Policy. However, a view emerged that the range of people to whom the policy should apply should be broadened beyond those who would not be given a WWCC clearance or who were the subject of certain adverse findings by a disciplinary tribunal such as the Professional Standards Board. This resulted in further amendments to the policy by the diocesan council on 21 November 2013.

The amendments made it clear that the Safe Ministry Policy also applied to any person against whom the Professional Standards Committee had made an adverse risk assessment, any person whose suitability or fitness for office had been placed before a board of review for a relevant allegation, and any person the subject of a formal administrative finding by a board of review for a relevant allegation.

Operation of the Safe Ministry Policy

One of the Safe Ministry Policy's key requirements is that the parish priest must sign and finalise a 'Safe Worship Agreement' before the person charged with or convicted of serious sexual misconduct may take part in parish activities. These agreements contain restrictions on the person's involvement in parish life.

The Safe Ministry Policy states that Safe Worship Agreements help to manage risk by ensuring that the local priest and professional standards director are aware of any possible risks to children posed by worshippers. It allows certain people to participate in the parish without exposing vulnerable people to their presence where it is unsafe to do so.

A Safe Worship Agreement requires the consent of the person of concern. It is not uncommon for persons of concern to refuse to sign.

However, the Safe Ministry Policy requires that the agreement must be finalised before a person charged with or convicted of serious sexual misconduct may be involved in parish activities. As a 'safety policy', the parish priest is required to adhere to and enforce this requirement. If the person concerned refuses to enter into a Safe Worship Agreement, the bishop may issue directions to the parish priest regarding that person's involvement in the parish.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Concluding remarks

We are satisfied that, during Assistant Bishop Stuart's administration of the Diocese between December 2012 and February 2014, Assistant Bishop Stuart progressed matters relating to child protection, including by making appropriate disclosures to the police, developing the child protection policy framework, enhancing the redress framework and implementing a binding risk management policy. We are also satisfied that he was assisted and well supported by Mr Cleary and Mr Michael Elliott in achieving these ends.

Institutional response under Bishop Greg Thompson (February 2014 – 31 May 2017)

Bishop Greg Thompson was the Bishop of Newcastle from 2 February 2014 until 31 May 2017. He grew up in the Diocese. He was ordained in 1988. By 2007, had been elected the Bishop of the Northern Territory, where he remained until 2013.

Bishop Thompson is himself a survivor a child sexual abuse. He says that the abuse was perpetrated against him when he was 19 years old by the then Bishop of Newcastle, Bishop Shevill, and Canon Barker. Those experiences are detailed in section 7 of this report.

Upon becoming Bishop of Newcastle, Bishop Thompson was aware of child sexual abuse in the Diocese that had been reported in the media, but he had no idea of the magnitude of the problem. Professional standards director Mr Michael Elliott had identified 30 separate perpetrators in the Diocese. Bishop Thompson considered that there was a systemic problem of child sexual abuse in the Diocese over many decades. We agree.

Bishop Thompson's listening tour in 2014

After being installed as Bishop of Newcastle, Bishop Thompson commenced a 'listening process' for about six months. He and other senior clergy subsequently met with approximately 2,000 to 3,000 people within the Diocese.

Bishop Thompson told us that it was not until he had undertaken the listening process that he understood the extent of the problems in the Diocese concerning child sexual abuse. He found that within segments the Diocese there was a high level of sympathy for clergy in relation to their treatment in disciplinary proceedings for professional misconduct. A large number of people held the view that the disciplinary action taken against [REDACTED] others was 'unfair'.

In contrast, Bishop Thompson found that some Church members expressed little sympathy for victims. Bishop Thompson gained 'a strong impression' that a large number of parishioners 'couldn't talk about the sex abuse that has taken place in the Diocese'. Bishop Thompson also encountered the position that Bishop Farran's actions against [REDACTED] others were motivated by homophobia.

Growing hostility towards Bishop Thompson

Bishopscourt, the traditional home of the Bishop of Newcastle, was sold in May 2015. The proceeds of the sale were used to fund the stipends and ancillary expenses for Bishop Thompson and Assistant Bishop Stuart, as well as a less expensive residence for Bishop Thompson.

The sale proved highly controversial and sparked a 'moral' debate within the community. Before the sale of Bishopscourt, Bishop Thompson received numerous letters from parishioners, including Mr Hansen and Mr Caddies, opposing the sale. Some correspondence, including the correspondence from Mr Caddies and others, was copied widely to clergy and parishioners across the Diocese and leaked to the media. Bishop Thompson said he believed that the leaks to the media were an attempt to undermine his authority as bishop.

Bishop Thompson said opposition to the sale of Bishopscourt acted as ‘a lightning rod’ for a group of ‘disaffected’ parishioners in the Diocese to make personal attacks against him and his staff.

Resentment towards Bishop Thompson grew, and Mr Caddies, Mr Hansen and Mr John McNaughton AM each expressed frustration that Bishop Thompson would not meet with them or other clergy or laity, either to discuss the sale of Bishopscourt or for any other matter. Mr McNaughton suggested that Bishop Thompson had a ‘mental illness’.

Bishop Thompson described being subjected to ‘public animosity, disrespect and discourtesy’. He said that parishioners ignored him and turned their backs on him in front of others when he attended church. He also said he and his staff received threats and were harassed. As a result, he had to have security installed in his home.

Backlash experienced by Bishop Thompson when he disclosed his own abuse in 2015

On 25 October 2015, Bishop Thompson publicly disclosed his own story of sexual abuse in an article in the *Newcastle Herald*. This led to a considerable backlash by a group within the Diocese who were largely connected to the Cathedral.

Together, this group co-signed a letter to the Royal Commission dated 13 April 2016 to express concerns about Bishop Thompson’s conduct. The signatories to this letter were Mr Simon Adam, Mr Robert Caddies, Ms Jocelyn Caddies, Ms Pamela Dowdell, Ms Suzanne Evans, Mr Gregory Hansen, Mr John McNaughton AM, Ms Margaret McNaughton AM, Ms Lyn Scanlon, Mr William Scott, Mr David Stewart, Ms Mary Stewart, Mr Laurie Tabart, Mr Andrew Traill, Ms Virginia Wheeler and Mr Stephen Brooker.

Among other matters, they complained that Bishop Thompson did not report his alleged abuse in the 1970s, when it happened, and did so only recently, ‘thus potentially exposing younger members of the Diocese to the danger involved’.

Mr Caddies, Mr McNaughton and the other signatories to the letter to the Royal Commission sent similar letters to the Metropolitan of Sydney, Archbishop Glenn Davies, and the Primate of the Church. They wrote to Archbishop Davies that they were ‘gravely concerned’ that Bishop Thompson had ‘besmirched’ the good name of Bishop Shevill and that Bishop Shevill’s behaviour may have been ‘misinterpreted’. They criticised Bishop Thompson for publicly disclosing his abuse and for appealing to victims to come forward.

Bishop Thompson told us that when he became aware of these letters he felt publicly shamed and intimidated and also felt a ‘deep sense of betrayal’.

Bishop Thompson said that these letters formed part of a pattern or practice of public harassment, intimidation and vandalism which he and his staff experienced at the hands of people within the Diocese who were aggrieved by his leadership and the discipline of clergy.

Mr Caddies told us that he and the other signatories ‘were desperately unhappy about the problems in the Diocese’, including the ‘unfair’ treatment of clergy. Mr McNaughton expressed similar sentiments and described Bishop Thompson’s conduct as ‘disgraceful’ and ‘scandalous’.

Mr Caddies conceded in evidence before us that certain comments in the letters were made on an untruthful or inaccurate basis. He conceded in submissions that sending the letter to the Royal Commission was ‘churlish’ and ‘misguided’. However, he emphatically denied that his conduct reflected an attitude which was ‘pro-perpetrator’.

Mr Caddies’ explanation of the purpose of the letters that he co-signed was on several occasions contradictory, evasive and implausible. The letters corroborate Bishop Thompson’s account of the ‘pro-perpetrator’ culture.

We are satisfied that, following Bishop Thompson’s public announcement of his alleged abuse at the hands of Bishop Shevill and another senior member of clergy in the 1970s, he experienced a backlash from sections within the Diocese, largely connected to the Cathedral. This backlash included the making of complaints about Bishop Thompson to the Royal Commission, the then Primate of the Church and the Metropolitan of the Anglican Diocese of Sydney. These actions were designed at least in part to discourage the Diocese from dealing with allegations of child sexual abuse within the Diocese.

We are also satisfied that those who targeted Bishop Thompson failed to understand or respond appropriately to the sexual abuse of children.

Dealings with Mr Keith Allen

Bishop Thompson and Mr Cleary gave evidence of having several conversations with solicitor and longstanding diocesan ‘insider’ Mr Allen throughout 2014 and 2015. Contemporaneous file notes of these conversations prepared by Mr Cleary and adopted by Bishop Thompson were in evidence. Mr Allen accepted that each of these conversations had occurred. However, he disputed parts of what the file notes indicated that he had said.

Mr Allen's observations about the Diocese's past handling of child sexual abuse allegations

Mr Allen admitted to us that he had told Bishop Thompson and Mr Cleary that his view was that:

- Bishop Holland had a 'do nothing' approach with respect to reports of child sexual abuse
- during Bishop Herft's episcopate, there was a culture of not reporting child sexual abuse matters to the police.

Mr Allen's advice for engaging with the Royal Commission

According to the file notes, Mr Allen suggested to Bishop Thompson and Mr Cleary that they should prepare 'fixed statements' on behalf of those members of the Diocese listed in a Royal Commission summons issued in May 2014. Mr Allen denied using the term 'fixed statements' and said that he had instead told Mr Cleary that the Diocese should make 'full disclosure'.

Mr Allen denied that he was attempting to suggest that the Royal Commission should be misled.

Mr Allen did not dispute that he had suggested the Diocese should pre-emptively prepare statements for the Royal Commission. Indeed, this was the practice that he followed in relation to the written evidence he provided to us.

Bishop Thompson and Mr Cleary also gave evidence that, during their conversations with Mr Allen in 2014 and 2015, he advised them that the best approach at the Royal Commission was to indicate that 'you have no files or notes' and 'can only rely on your memory', as this would prevent cross-examination.

We prefer Bishop Thompson's and Mr Cleary's evidence to that of Mr Allen and accept that he said the words that they have recounted to us.

Mr Allen's documentary holdings

We are satisfied that during 2014 and 2015 Mr Allen provided inconsistent accounts to Bishop Thompson and Mr Cleary about whether Mr Allen held professional standards files relating to allegations of child sexual abuse. Mr Allen produced a box of documents relating to the prosecution of Father Parker to the Royal Commission.

Mr Allen's involvement in CKM's claim for redress

On 11 February 2015, Mr Cleary attended a meeting with Mr Allen during which they discussed a civil claim that CKM would make against the Diocese for abuse allegedly perpetrated by CKN, a former youth leader with the Church of England Boys' Society (CEBS). Mr Allen had previously acted for CKM in a criminal matter, at which time CKM disclosed the allegations of abuse.

We accept that Mr Allen conveyed to Mr Cleary during the meeting that he would work to ensure that the claim CKM made against the Diocese would be a small one and the matter would be quickly settled.

At the time, Mr Michael Daley was CKM's solicitor. Mr Allen worked for Mr Daley as a locum. We are satisfied that Mr Allen did discuss with Mr Daley a claim that CKM would make against the Diocese. However, there is insufficient evidence to establish that Mr Allen did in fact assist Mr Daley in making the claim on behalf of CKM or influenced the making of a small claim by CKM.

As former solicitor for CKM, Mr Allen's interest lay in obtaining as large a settlement as possible for CKM. As officer and trustee of the Diocese, Mr Allen's interest lay in CKM making as small a claim as possible. The conflict of interest was manifest. We find that Mr Allen should not have had any involvement in the claim and should not have participated in discussions with Mr Daley about it.

Responsible Persons Ordinance 2015

Adoption of Responsible Persons Ordinance 2015

In 2015, the diocesan council adopted the Responsible Persons Ordinance 2015. This instrument allows the bishop to remove members of diocesan governance bodies from their roles where they are not fulfilling the duties of a responsible person or are not a 'fit and proper person' to be a member.

Standing down of Mr Allen under the Responsible Persons Ordinance in 2015

On 4 May 2015, Bishop Thompson gave notice to Mr Allen that he was suspended from holding any position of diocesan authority because he had formed the view that Mr Allen was not a 'responsible person' within the meaning of the Responsible Persons Ordinance 2015.

As at 23 November 2016, Mr Allen had not sought a review of the decision to suspend him from diocesan offices. However, he maintained that his suspension in May 2016 did not preclude him from seeking office in his local parish.

Risk management of persons of concern

Father Parker

On 27 August 2014, the *Newcastle Herald* published an article linking Father Parker to a NSW Police strike force established to investigate historical child sexual abuse allegations in the Diocese.

That day, Assistant Bishop Stuart, who was commissary while Bishop Thompson was temporarily out of the Diocese, forwarded the article to the bishops of Bendigo and Ballarat, since Father Parker held permissions to officiate in both dioceses.

The Bishop of Ballarat, Bishop Gary Weatherill, did not cancel Father Parker's permission to officiate but requested him not to exercise any ministry until further notice. Bishop Weatherill issued an Ad Clerum (an official statement made to clergy only) to clergy in his Diocese advising that Father Parker was the subject of a police investigation and had been asked to step aside from any public exercise of his ministry until these matters were resolved.

In early 2016, Bishop Weatherill recalled all permissions to officiate and licences in his diocese in order to ensure that everyone had appropriate child safety and police clearance checks. Father Parker applied for a permission to officiate but was not granted it, as he gave a false date of birth on the police clearance form.

There was no evidence before us as to the response to the complaint against Father Parker, if any, from the Diocese of Bendigo.

In the meantime, on 28 August 2014, the diocesan council met and discussed the NSW Police investigation. Assistant Bishop Stuart asked Mr Allen to excuse himself from the meeting on the ground that he had a conflict of interest in previously representing Father Parker. Mr Allen refused to do so. Therefore, the diocesan council resolved that he must not attend.

[REDACTED]

[REDACTED]
[REDACTED]
[REDACTED]

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Amendments to the Professional Standards Ordinance in 2015

At the October 2015 synod, the Professional Standards Ordinance 2012 was amended, including by removing section 77, which had previously caused controversy. This had the result that the determinations and recommendations of the Professional Standards Board would now be public from the outset. We are satisfied that this improved the transparency of the professional standards framework.

Redress policies within the Diocese from 2012 to 2016

In around May 2015, the cap under the PCAS was increased from \$75,000 to \$150,000. Mr Cleary gave evidence that, before the cap was increased, about 90 per cent of claimants rejected a settlement under the PCAS. He said that doubling the cap to \$150,000 has resulted a significant 'take-up' of redress offers under the scheme.

By the time of the hearing in this case study, around 40 to 50 alleged survivors of child sexual abuse had received redress from the Diocese, although not all of those settlements were reached within the PCAS framework. For all claims involving a financial redress payment, the Diocese requires the claimant to sign a deed of release.

The Diocese has established a special purpose fund to meet these payments. The Diocese has imposed levies on parishes and property sales, including the sale of Morpeth College, the proceeds of which go directly into the fund to ensure there is funding available for redress.

In 2015, the Diocese developed a Survivor Apology Meeting Facts Sheet, which outlined the practice for making an apology. Bishop Thompson said that he has provided a written or personal apology in all cases where a claimant has requested that he do so. He has also met a number of other survivors who did not seek financial redress from the Diocese but who wanted to meet with him to discuss their experiences.

Efforts to reform the culture within the Diocese

Bishop Thompson has taken a number of steps to reform the culture within the Diocese. In 2016, he commissioned a report on best practices and policies for responding to disclosures of child sexual abuse, which culminated in the Report on the Parish Recovery Model in June 2016. This model assists parishes in responding quickly and effectively to disclosures of child sexual abuse.

Bishop Thompson also retained consulting firm KPMG to conduct a governance audit of the Diocese and convened an independent review of the professional standards and redress in the Diocese. The results of these reviews were not known at the time that evidence closed in this case study.

Standing down of the Cathedral parish council in September 2016

On 2 September 2016, Assistant Bishop Stuart, as Bishop Thompson's delegate, stood down the five members of the Cathedral parish council who were signatories to the letter to the Royal Commission discussed above. He relied upon the Responsible Persons Ordinance 2015 to do so.

[REDACTED]

The diocesan council also approved Assistant Bishop Stuart's proposal that the Cathedral parish council's decision-making authority be suspended until further notice.

Assistant Bishop Stuart said that the Cathedral community has 'a lot of work to do' to become 'a church and a place that is welcoming and safe for all people', including Bishop Thompson.

Concluding remarks

Bishop Thompson began his episcopate with little idea of the fractious attitudes in the Diocese towards child sexual abuse. He resigned three years later, having experienced first-hand the type of hostility felt by so many survivors before him.

Bishop Thompson told the Royal Commission that dioceses which ‘afford respect and recognition to the Bishop and his responsibilities work well when there are not compromised systems and compromised leaders’. He said that people of influence and power provided a ‘protection racket’, which made it ‘very hard for any change to emerge in the period of their leadership’.

Bishop Thompson’s experiences demonstrate how important a healthy, educated community dialogue on child sexual abuse matters is to an institution’s broader response to child sexual abuse. The early episcopates in the Church had few policies and procedures in relation to child sexual abuse. That is not the case now, and there are numerous policies and procedures in place to create a standard by which diocesan staff deal with complaints. However, formal policies are only as strong as the community that respects and implements them.

Morpeth College

Morpeth College operated in the Diocese between 1926 and 2007. The majority of students who attended Morpeth College were nominated by the Diocese and were sent to local parishes within the Diocese following the completion of their studies and ordination. However, other dioceses could also nominate students to attend Morpeth College.

Offending by students and graduates of Morpeth College

2009 Parkinson and Oates Report

In 2007, the Church engaged Professor Patrick Parkinson and Professor Kim Oates to report on the nature and extent of reported child sexual abuse within the Church since 1990. Professor Parkinson told us that, of the 86 alleged clergy or clergy candidate perpetrators, 29 did not have their theological college identified. However, 14 (that is, 16 per cent) were identified as having trained at Morpeth College. He found this to be a ‘troubling anomaly’ that warranted further inquiry to determine ‘whether there may have been some kind of network that had its origins’ at Morpeth College.

On 24 June 2009, at the request of the General Synod Standing Committee, then Primate Aspinall passed on these results to the then Bishop of Newcastle, Bishop Farran. He suggested that Bishop Farran may wish to consider whether it would be appropriate or possible to take the matter further. No further action was taken because by that time Morpeth College had closed.

Incidence of offending by current and former students at Morpeth College

Evidence before us establishes that the following six former students of Morpeth College have been convicted of child sexual abuse offences:

- Kitchingman, who was a student in residence in 1963
- Griffith, who was a student in residence in 1967
- Hatley Gray, who was a student in residence in 1972
- Ellmore, who was a student in residence between 1974 and 1977
- McLoughlin, who was a student in residence in 1977
- Barrack, who was a student in residence in 1998.

Further, the following 10 former students of Morpeth College have been accused of perpetrating child sexual abuse:

- DBF, who was a student in residence in 1944
- Father Rushton, who was a student in residence in 1963
- Father Parker, who was student in residence in 1963
- [REDACTED]
- Reverend Michael Cooper, who was a student in residence in 1967
- Reverend Ogle, who was a student in residence in 1968
- DAL, who was a student in residence in 1972
- DBJ, who was a student in residence in 1974
- DNA, who was a student in residence in 1980
- DCK, who was a student in residence in 1981.

Of the people identified above, it is notable that Kitchingman, Father Rushton, Father Parker [REDACTED] were all students in residence at Morpeth College in 1963. Other than them, there was limited overlap in the offenders' or alleged offenders' periods of study. We accept that, after their time at Morpeth College, these men had various ongoing connections with each other in the Diocese.

The mere fact that a number of people lived and studied at Morpeth College at the same time, later worked together and were either charged with or were accused of sexually abusing children cannot, in itself, establish that they were part of a paedophile ring that grew out of Morpeth College. However, the evidence is stronger that Father Rushton was involved in an organised group within the Diocese which perpetrated sexual abuse against children. This is discussed in further detail below.

Screening of Morpeth College students and graduates

Initial screening of candidates for Morpeth College

Given the number of child sex offenders and alleged child sex offenders who studied at Morpeth College, the adequacy of screening processes for candidates for study there must be considered.

Until 1979, Morpeth College played no role in screening its candidates. Students attending Morpeth College were nominated by their diocese. Once nominated, they were enrolled at Morpeth College as a matter of course and their fees were paid by their diocese.

The screening of prospective students was the responsibility of the nominating diocese.

Further, the bishop of the student's nominating diocese had discretion to ordain a graduate or former student of Morpeth College, despite the recommendations of Morpeth College staff and regardless of whether the student actually completed their studies.

From 1979 onwards, Morpeth College did implement a screening process for prospective students. The process included requiring candidates to provide a referral from the relevant parish rector and to undergo an interview with the archdeacon and then the bishop or assistant bishop of the nominating diocese. If the candidate was approved at this stage, the candidate would be invited to a Residential Selection Conference Weekend to undergo a psychiatric assessment and review.

Ongoing screening of Morpeth College students and graduates

At least during Reverend Lance Johnston's term as principal of Morpeth College in the 1970s, it was the practice of Morpeth College staff to provide progress reports for each student to the bishop of their nominating diocese twice a year.

However, Reverend Johnston accepted that the effectiveness of reporting procedures that Morpeth College staff implemented was entirely dependent on how the nominating bishop responded to those reports. Once a student of Morpeth College had completed his or her studies, the decision on whether to ordain that student was a matter solely for the bishop of the nominating diocese.

The example of Robert Ellmore

Ellmore was a residential student at Morpeth College when Reverend Johnston was residing there as principal along with his wife and two daughters from 1974 until 1977.

Ellmore had been nominated as a student at Morpeth College by the then Bishop of Bathurst, Kenneth Leslie, in 1974 following a recommendation by the then Dean of Sydney, Bishop Francis Hulme-Moir. Morpeth College provided regular reports to Bishop Leslie informing him that Ellmore was failing most if not all of his theological examinations and that Morpeth College had serious reservations about his character. Despite this, Bishop Leslie proceeded to ordain Ellmore in 1977.

In 1999, Ellmore was convicted of child sexual abuse offences, including offences committed against Reverend Johnston's two young daughters in 1976 while Ellmore was a student at Morpeth College. During the criminal proceedings, Reverend Johnston became aware that Ellmore had been convicted of child sexual abuse offences in 1957 and had been charged but not convicted of other sexual offences against children in 1967.

Reverend Johnston formed the view that the Bishop of Bathurst had not undertaken any screening before Ellmore was nominated for Morpeth College. He also concluded that very little weight had been given to the progress reports and recommendations of the staff of Morpeth College and that too much weight was given to the intuition of the bishop as to whether Ellmore was of good character. We accept those conclusions.

Culture at Morpeth College

An issue before us was whether there was any particular culture at Morpeth College which could explain the sexual offending against children by people who were students of the college. The evidence regarding the culture at Morpeth College was limited.

Bishop Holland, Reverend Colvin Ford, Bishop Appleby, Bishop George Browning and Reverend Johnston all told us that they were not aware of any rumours, behaviour or culture at Morpeth College that would suggest that any ordinands or priests there had a sexual predilection for children or that there was a paedophile ring.

Bishop Farran studied at Morpeth College. His period of study overlapped with those of Father Rushton, Father Parker, Kitchingman and [REDACTED]. He agreed that it was 'remarkable' that so many students from Morpeth College had been convicted of child sexual abuse offences or had been accused of perpetrating such crimes. However, he did not see anything in the culture of Morpeth College that was supportive of sexual offending against children.

We did receive accounts from several witnesses that, from at least the 1970s, Morpeth College was the subject of rumours concerning sexualised behaviour among its students, although this predominantly related to adult homosexual behaviour.

CKR told us that she lived at Morpeth College in 1979, when her then husband was a student there. She heard a lot of rumours concerning homosexual activity among people on campus and also 'about certain priests who might fancy little boys'. She said one of the people who was said to prefer 'youngsters' and 'little boys' was Father Rushton.

Ms Noelle Freeman was the secretary and treasurer of a fundraising group Friends of St John's Theological College, Morpeth, for a period of eight years in the 1970s. She said that Morpeth College was known as 'Satan's playground'. She was aware that 'a lot of homosexual and sexualised behaviour' took place at Morpeth College at that time.

Bishop Browning explained in his statement that there are two main streams in 20th century Anglicanism – namely, Anglo-Catholicism and Evangelicalism. He said the former can be identified in dioceses like Newcastle, Ballarat and Riverina; and the latter in Sydney and Armidale.

Bishop Browning said that, 'at its worst', Anglo-Catholicism is authoritarian, is opposed to the ordination of women, exalts the authority of the priest and makes an 'unhealthy separation between clergy and lay people'. Bishop Browning said that this 'unhealthy aspect' of Anglo-Catholicism 'appears to have driven a group of clergy within the Diocese of Newcastle and also Bishop Ian Shevill'.

Bishop Herft also gave evidence of a 'Father knows best' culture in the Anglo-Catholic community in Diocese.

Father Parker, Father Rushton, Kitchingman [REDACTED] were part of an Anglo-Catholic cohort at Morpeth College who followed this particular style of Anglo-Catholicism that Bishop Browning described. That is, they actively promulgated the notion of the priest as 'superior' to non-ordained people. They portrayed themselves, and were portrayed by others, as being a direct link to God. They were also purportedly charismatic and charming.

However, there is insufficient evidence before us to conclude that any aspect of the culture at Morpeth College, including its particular Anglo-Catholic persuasion or the fact that some students engaged in homosexual activity, was in any way linked to the number of child sex offenders or alleged offenders who studied at Morpeth College.

Links between Father Rushton and other perpetrators

Sexual abuse of boys at St Alban's Home for Boys

Father Rushton allegedly sexually abused at least 12 boys between 1961 and 1984. Three of his alleged victims were residents at St Alban's Home for Boys.

Based on Brown's own admission, as well as the evidence of Ms Aslin, we are satisfied that Brown had a sexual as well as a professional relationship with Father Rushton. The evidence suggests that Brown's close association with Father Rushton elevated him to roles at St Alban's and churches within the Diocese. Brown was convicted of sexually abusing 20 victims between 1974 and 1996. Eleven of his victims were residents at St Alban's or were boys whom he met as a result of his parish youth work. Both of his roles were obtained through Father Rushton.

We also heard evidence that Reverend Michael Cooper who was licensed in the Diocese, gained access to boys at St Alban's through Father Rushton. Mr D'Ammond gave evidence of being sexually abused by Brown, Father Rushton and Reverend Cooper.

We are satisfied, based on the evidence of Mr Gray, Mr D'Ammond and CKG, that by at least 1966 Father Rushton had begun to provide access to a number of men, enabling the sexual abuse of children at St Alban's by those men (not all of whom were identified in the evidence).

Evidence of connections between Father Rushton and other perpetrators

According to McLoughlin, a former priest in the Diocese who was recently convicted of sexually offending against two children, he was in a sexual relationship with Father Rushton for about four years. One of the offences for which he was convicted occurred at Father's Rushton's residence in Wallsend in the early 1980s. However, McLoughlin denies that Father Rushton passed boys to him, and we make no finding that he did. McLoughlin also denies being part of a paedophile ring.

Father Rushton and Father Parker were good friends. CKA, who alleges that he was sexually abused by Father Parker for many years, gave evidence that on one occasion during this period Father Parker took him to a church at The Entrance in New South Wales. CKA said that, when they got there, the priest of that church allegedly joked with Father Parker, saying, '[i]t's not like you to share'. CKA also said that it was common knowledge among the altar servers that Father Rushton was molesting boys. On balance, we do not consider that it is open on this evidence alone to find that Father Parker and Father Rushton knew of, or were complicit in, each other's alleged sexual offending.

Evidence that members of the Church community knew of Father Rushton's offending

The evidence establishes that over the years a number of people within the Diocese harboured concerns that Father Rushton sexually offended against children.

Rumours circulated among the altar boys and others about Father Rushton:

- CKA told us that it was common knowledge among the altar servers that Father Rushton was molesting boys and that jokes circulated about this.
- Another former altar boy in the Diocese reported to the Diocese of Sydney in 2003 that he had concerns about Father Rushton's relationships with young boys in 1976, when he was 15.
- CKR said that when she lived at Morpeth College in 1979 she heard rumours that one of the people said to prefer 'youngsters' and 'little boys' was Father Rushton.

Mrs Sanders told us that, after she became the chair of CASM in 2001, she received anonymous phone calls from women telling her their sons had been abused by priests when they were boys.

We are also satisfied that in 2015 Mr Allen told Mr Cleary that there were concerns about Father Rushton's activities on the Central Coast, including that Father Rushton had sexual liaisons with children from a particular family and that Father Rushton lived in Maitland with a child. Mr Allen also told Mr Cleary that Father Rushton and other clergy, including Father Brown, were part of a 'boys crew' in the Cessnock area and a 'hanky panky group' at Wallsend. However, Mr Allen made these statements long after the allegations had been made public. It is not clear from the evidence whether Mr Allen had knowledge of these matters at the time. Accordingly, we make no finding.

It is not clear to us from the evidence what level of the Diocese hierarchy these rumours reached. The key point is that in 1979 and 1980 numerous people made Bishop Holland aware of allegations that Father Rushton had sexually abused boys and nothing was done about it at the time. Similarly, when allegations were made known to Bishop Herft that Father Rushton had sexually abused children, nothing was done.

1 The Anglican Church of Australia and the Diocese of Newcastle

In Case Study 42, the Royal Commission into Institutional Responses to Child Sexual Abuse inquired into the response of the Anglican Diocese of Newcastle (the Diocese) to instances and allegations of child sexual abuse since the mid-1960s.

A significant number of clergy and others associated with the Diocese have been convicted of child sexual abuse since the mid-1960s.

1.1 The Anglican Church of Australia

Structure

The Anglican Church of Australia (the Church) was called the Church of England until 1981. It is divided into five provinces, being each of the five mainland states. Within the five provinces there are 22 independent dioceses. The Diocese of Tasmania is an extra-provincial diocese, making a total of 23 dioceses nationally.

The diocese is the main unit of organisation in the Church. Each diocese has a number of parishes, and each parish has one or more churches.

Each of the 23 dioceses in the Church is self-governing and has its own synod, which is divided into two houses: the house of clergy and the house of laity.

The head of each diocese is the bishop. The bishop of each diocese in which there is a capital city (except Tasmania) is known as an archbishop. The Primate is the titular head of the Church and is usually one of the archbishops.

The principle of diocesan autonomy is deeply entrenched in the Church.¹ The Primate has been described as a 'first among equals'. Neither the Primate nor archbishops have any authority over bishops of other dioceses.²

The diocesan hierarchy usually includes assistant or auxiliary bishops, or regional bishops. Archdeacons generally supervise several parishes within a diocese and report directly to the relevant bishop. Each parish is headed by a rector or priest-in-charge, and they are assisted by other clergy, including assistant priests, curates and deacons.

The laity plays a significant role in the Church. For example, lay people serve alongside clergy in national and diocesan governance roles. They also perform some ministry functions, such as youth ministry, scripture teaching and other forms of church work.

Each bishop is responsible for licensing clergy and lay people in their diocese. An ordained or lay person must have a licence before they perform ministry functions. If a person wishes to minister in another diocese, they require a licence from the bishop of that diocese.

Governance

Governance in the Church occurs at both a national and an individual diocesan level.

At a national level, the Church is governed by a Constitution that entered into force in 1962 (1962 Constitution).³ It is given force in various state jurisdictions in Australia through enabling legislation.⁴

The national governing body is the General Synod, which comprises all diocesan bishops and elected clergy and lay representatives from each diocese. The Primate is the chair of meetings of the General Synod. A Standing Committee administers national matters between meetings of General Synod, along with a number of subcommittees and commissions.

The General Synod meets every two or three years. The General Synod may pass rules, known as ‘canons’, with a very high level of agreement of members. These canons apply to all dioceses automatically. However, any rule passed by the General Synod that affects the ‘order and good government’ of a diocese must be expressly adopted by the synod of the particular diocese before it will take effect in that diocese.⁵ This includes most professional standards matters, such as clergy discipline and redress for child sexual abuse.⁶ Accordingly, each diocese is responsible for developing its own professional standards framework.

At a diocesan level, there is a governing synod comprising lay and clergy members. Diocesan synods usually meet annually. To administer the diocese between sessions of synod, there is a diocesan council or ‘bishop-in-council’ that comprises elected lay and clergy members. The specific governance structure of the Diocese of Newcastle is discussed below at section 1.2.

1.2 The Diocese of Newcastle

The Diocese was established on 25 June 1847.⁷

Currently, the Diocese is home to 62 parishes in the Central Coast, Hunter, Newcastle, Lake Macquarie, Manning, Paterson and Port Stephens regions of New South Wales.⁸

As at 27 November 2015, the Diocese consisted of 5,300 members, ministered to by 215 licensed clergy.⁹

The Diocese is largely Anglo-Catholic in tradition. This means that the Eucharist (the Holy Communion) and liturgy prescribed in the Australian Prayer Book are central to the ministry of the Diocese,¹⁰ and there remain similarities to the Roman Catholic Church from which the tradition is derived. This Anglo-Catholic element explains why many of the priests in the Diocese, at least historically, have referred to themselves as ‘Father’ rather than ‘Reverend’.

The Diocese also runs schools, retirement homes and social welfare services through the Samaritans Foundation. From 1920 through until 1980, the Diocese operated a children’s home, called St Alban’s Home for Boys, which was located in Cessnock in New South Wales.¹¹ St Alban’s was run by a committee of the diocesan synod, with appointments including members of clergy.¹²

Traditionally, though not exclusively, the Diocese trained its clergy at St John’s Theological College, Morpeth (Morpeth College). This college was closely affiliated with the Diocese. It closed in 2007.¹³ Morpeth College is discussed in more detail in section 8 of this report.

Governance

The governance structure in the Diocese includes the synod, the diocesan council, the Bishop of Newcastle and the Professional Standards Board.

Synod

The synod of the Diocese is divided into two houses (clergy and laity) and functions like an annual general meeting of the Diocese.

The synod makes canons and ordinances, similar to legislation. Although the synod may delegate the power to make ordinances to the diocesan council,¹⁴ the synod makes canons and ordinances that:¹⁵

- cannot be approved by the diocesan council
- are referred by the diocesan council
- the bishop and diocesan council believe are best considered by the synod.

The synod also passes resolutions that ‘express the mind of the Church’. For example, resolutions are passed on issues such as the Church’s position on sexuality or same-sex marriage. Such resolutions of the synod are not binding on church members.¹⁶

Diocesan council

The diocesan council is a council of advice to the bishop on those matters on which the bishop seeks advice.¹⁷ The advice may be in respect of the day-to-day management of the Diocese, and the diocesan council has the power to make certain ordinances as delegated by the synod.¹⁸

The diocesan council is also the body which must approve the bishop's secular decisions of importance.¹⁹

The diocesan council may also pass resolutions, including resolutions that establish policy. However, only those policies backed by ordinance or employment contract are binding on Church members or staff.²⁰

Bishop of Newcastle

The Bishop of Newcastle exercises the primary leadership role in the Diocese. The bishop's functions include licensing clergy and laity to minister in parishes, appointing persons to membership of diocesan bodies and implementing recommendations of disciplinary bodies.²¹ The bishop may withhold assent to diocesan legislation.²²

The Bishop of Newcastle is assisted by an assistant bishop, as well as archdeacons, who may also be referred to as 'area deans'. Archdeacons are given regional responsibilities and assist the bishop in managing areas of the Diocese. They are rectors of parishes and also look after parishes within their archdeaconry area.²³

The other senior clerical position within the Diocese is the dean of Christ Church Cathedral (the Cathedral). The dean has a public ceremonial role as dean of the Cathedral parish. This role is considered to be a position of leadership, following only the bishop and assistant bishop in the hierarchy of the Diocese.²⁴

On occasions when the bishop is absent from the Diocese, his 'commissary' acts on his behalf and exercises all powers of the bishop. The commissary is appointed by the bishop. An 'administrator' is someone who acts as the bishop during periods in which there is no bishop – for example, following a bishop's retirement but before the election of a new bishop.

The bishop receives legal advice from the chancellor.²⁵ The deputy chancellor provides advice to the bishop when the chancellor is unable to do so.²⁶

The Chancellors Canon 2001 makes explicit that the chancellor and the deputy chancellor act primarily as legal advisers to the bishop and secondarily as advisers to 'the synod and other agencies of the diocese'.²⁷ According to a recent former chancellor of the Diocese, the Hon. Peter Young AO QC, Church law does not prescribe any legal or ethical duties for a chancellor.²⁸

Professional Standards Board and Committee

In the Diocese, the diocesan tribunal system was historically the forum for disciplinary proceedings. The rules and procedures for diocesan tribunals are set out in the national Constitution. Where a diocesan tribunal was convened to hear disciplinary matters, its members were selected from a 'Panel of Triers'.

In 2004, the General Synod passed a model professional standards ordinance, which effectively supplanted the previous diocesan tribunal system. The General Synod recommended that all dioceses of the Church adopt this ordinance. The Diocese adopted the model ordinance with some amendments in October 2005, when it enacted the Professional Standards Ordinance 2005.²⁹

A component of this new structure, which remains in the Diocese today with some variations, is the Professional Standards Board. The board is less formal and legalistic than the diocesan tribunal process, although its purpose is the same insofar as it adjudicates certain disciplinary matters and makes recommendations to the bishop.³⁰ Under canon law, only the bishop may depose a member of clergy from Holy Orders.

A Professional Standards Committee was also established in 2005. Among other things, the committee investigates disciplinary matters and makes referrals to the Professional Standards Board.

The Professional Standards Committee took on various functions previously exercised by the Committee for Allegations of Sexual Misconduct (CASM)³¹ and the historical board of enquiry, which referred matters to the diocesan tribunal. The role of diocesan boards of enquiry was explored in our *Case Study 36: The response of the Church of England Boys' Society and the Anglican Dioceses of Tasmania, Adelaide, Brisbane and Sydney to allegations of child sexual abuse*.

1.3 Perpetrators and alleged perpetrators of child sexual abuse in the Diocese

A significant number of clergy and others associated with the Diocese have been convicted of child sexual abuse since the mid-1960s. The following people associated with the Diocese have been convicted of child sex offending:

- Ian Barrack³²
- James (Jim) Brown³³
- Robert Ellmore³⁴
- Stephen Hatley Gray³⁵
- Eric Griffith³⁶
- Allan Kitchingman³⁷
- Lindsay McLoughlin. McLoughlin was allocated the pseudonym CKW during the public hearing. The pseudonym was removed on 21 December 2016 after McLoughlin was sentenced for child sex offences on 7 December 2016.

While not convicted during his lifetime, the Diocese accepts that Father Peter Rushton, who rose to the rank of archdeacon in the Diocese, was a prolific child sex offender.³⁸

Father George Parker was charged with 24 child sex offences on 23 December 2016. He died on 11 January 2017 before facing court on these charges.³⁹ Father Parker was allocated the pseudonym CKC during the public hearing. The pseudonym was removed on 16 January 2017.

██████████ priests, Mr Andrew Duncan, Father Graeme Sturt and Mr Bruce Hoare, were disciplined by the Diocese following allegations by CKH that they had sexually misconducted themselves with him. CKH alleged that Mr Duncan had sexually abused him since he was 14 years of age⁴⁰ and that CKH had been in a sexual relationship with ██████████ since CKH was 16 years and also with ██████████ since CKH was 17 years old (when CKH was under the then age of consent).⁴¹ An allegation was also made that ██████████, Father Stuart and Mr Hoare participated in group sex with CKH in 1984, when he was 19 years old, while a 17-year-old boy was in the room.⁴² These incidents allegedly occurred in the Diocese of Riverina, but all the men – save for Mr Duncan – later came to occupy positions within the Diocese.⁴³ Mr Duncan also came to live in the Diocese.⁴⁴

The following deceased persons have also been accused of child abuse:

- Bishop Ian Shevill⁴⁵
- Father Michael Cooper⁴⁶
- Father James Brown.⁴⁷

DBJ,⁴⁸ who is still alive, has also been accused of child sexual abuse but has not been charged or disciplined.

Father Peter Rushton

Father Rushton attended Morpeth College from 1961 to 1963.⁴⁹ From 1963 until his retirement in 2001 he served in various parishes in the Diocese.

Father Rushton was ordained in 1964.⁵⁰ From 1963 to 1967 he served as an assistant priest in the Parish of Cessnock.⁵¹ In 1967, he was an assistant priest in the Parish of Wyong.⁵² From 1968 to 1973, he was the priest in charge at the Parish of Mt Vincent and Weston.⁵³ From 1973 to 1983, he was the rector of St Luke's in the Parish of Wallsend.⁵⁴

During 1963 to 1967, while he was assistant priest at Cessnock, Father Rushton was involved in St Alban's Home for Boys as its chaplain.⁵⁵

From 1983 to 1998, Father Rushton was the Archdeacon of Maitland.⁵⁶ This was one of the most senior positions in the Diocese.⁵⁷ At the end of 1998, he moved to the Hamilton parish as team rector.⁵⁸

Father Rushton retired in 2001⁵⁹ but remained licensed as a priest⁶⁰ until his death in 2007 at age 67.

Various witnesses have described Father Rushton as a dynamic preacher who was popular among his parishioners.⁶¹ It was well known in the Diocese that Father Rushton was homosexual.⁶² He had sexual relationships with two men with whom he worked at St Alban's and who were later convicted of child sexual abuse: McLoughlin⁶³ and lay worker Brown (referred to below).⁶⁴ At times, Father Rushton fostered boys from St Alban's⁶⁵ and was often surrounded by boys and young men.⁶⁶

Data retrieved from the dioceses of Newcastle and Brisbane, and direct contacts made by individuals to the Royal Commission, indicate that there are at least 12 alleged victims of Father Rushton.⁶⁷ Three of the alleged victims were residents at St Alban's. Other than the allegations relating to Mr Paul Gray, COE and CKG (discussed below), the Royal Commission did not explore allegations of the other alleged victims. However, the likely indication is that Father Rushton offended against numerous children between at least 1961 and 1984.⁶⁸

Although Father Rushton was not convicted during his lifetime, the Diocese has previously accepted publicly that Father Rushton was a prolific child sex offender.⁶⁹

James (Jim) Brown

Brown was born in 1950 and grew up in Kurri Kurri in the Diocese.⁷⁰ Brown was a lay reader and youth group leader at the Kurri Kurri Anglican Church in the 1970s.⁷¹ Brown was also a youth worker for St Alban's. In around 1977, he was appointed to St Alban's committee of management.⁷²

Brown is to be distinguished from Father James Brown, who was a licensed priest in the Diocese. Father Brown was also accused of sexually abusing children.⁷³ Father Brown is now deceased.

In 1985, Brown was licensed as a lay reader in the Weston parish.⁷⁴

Mr Phillip D'Ammond resided at St Alban's as a child. While he was there, he was sexually abused by Brown. In 1996, Mr D'Ammond reported his abuse by Brown to the police.⁷⁵ Brown was charged with three offences, but the charges were dismissed at the committal proceedings. Brown was defended at the time by Mr Paul Rosser QC, who was then the deputy chancellor of the Diocese.⁷⁶

In 2008, another victim of Brown reported his abuse to police. An investigation commenced and Brown was arrested and charged on 25 June 2010.⁷⁷

On 20 April 2011, Brown pleaded guilty to 27 charges of child sexual abuse relating to 20 male victims. One of the charges related to Mr D'Ammond.⁷⁸ Ultimately, Brown was convicted and sentenced to 20 years' imprisonment with a non-parole period of 12 years.⁷⁹

Brown did not give evidence to the Royal Commission.

Father George Parker

Father Parker was a student of Morpeth College from 1963 to 1965.⁸⁰ He was a priest in the Diocese from the mid-1960s until 1996, when he moved to the Diocese of Ballarat.⁸¹

CKA and CKB gave evidence they were sexually abused by Father Parker while they served as altar boys in the Diocese in the 1970s.⁸²

CKA told us that his mother disclosed this abuse to the then head of the Diocese, Bishop Shevill, in around 1975, and nothing was done.⁸³

CKA also said that he first disclosed his alleged abuse at the hands of Father Parker to the Diocese in 1984⁸⁴ and then again in 1996 and 1999, when he told Dean Graeme Lawrence.⁸⁵

In February 2000, CKA and CKB reported some of Father Parker's abuse to the police and Father Parker was charged.⁸⁶ The criminal proceedings against Father Parker took place from 2000 to 2001.⁸⁷ The prosecution ultimately withdrew the charges.⁸⁸

Mr Keith Allen, a member of diocesan council and a trustee for the Diocese, and Mr Rosser QC, then the deputy chancellor of the Diocese, acted for Father Parker in the criminal proceedings.⁸⁹ Father Parker was close friends with the registrar of the Diocese at the time, Mr Peter Mitchell.⁹⁰ Mr Mitchell provided a written reference to Mr Allen for use in Father Parker's criminal proceedings.⁹¹

As already noted, on 23 December 2016 Father Parker was charged with 24 child sex offences committed against CKA and CKB.⁹² This included the four offences for which he was originally indicted in 2001.

Father Parker died on 11 January 2017 before further court proceedings could commence.⁹³ Father Parker had leave to appear and was legally represented before the Royal Commission, but he did not give evidence.

Stephen Hatley Gray

Hatley Gray attended Morpeth College in 1972.⁹⁴ He was appointed as the rector of the Parish of Wyong in 1988 by Bishop Alfred Holland⁹⁵ after previously working in the Diocese of Sydney.

Sometime between midnight and 4 am on 12 February 1990, Hatley Gray had anal intercourse with a 15-year-old boy. The victim reported his assault to police at about 5 am that same morning.⁹⁶ Later that day, Hatley Gray was arrested and charged with homosexual intercourse with a male under 18 years and over 10 years.⁹⁷ He resigned as a priest later that day.

On 7 September 1990, Hatley Gray pleaded guilty to the offence charged⁹⁸ and received a fine of \$100 and a good behaviour bond for three years.⁹⁹

Mr Allen represented Hatley Gray during his criminal proceedings.¹⁰⁰ Bishop Holland provided a written reference for Hatley Gray for use in the criminal proceedings.¹⁰¹

Hatley Gray reportedly continued to minister as a member of clergy in another diocese. He is now deceased.

Allan Kitchingman

Kitchingman studied at Morpeth College¹⁰² and was ordained in the Diocese in 1963.¹⁰³

In 1968, Kitchingman was convicted of indecently assaulting a 16-year-old boy. As a result of his conviction, the then Bishop of Newcastle, James Housden, arranged to transfer Kitchingman to the Diocese of Grafton,¹⁰⁴ where he became involved with the North Coast Children's Home.

Kitchingman later moved between the dioceses of Grafton, Armidale and the Northern Territory. He was the administrator of the Northern Territory until he retired to the Diocese of Newcastle in 2000.¹⁰⁵

In 2002, Kitchingman pleaded guilty to indecently assaulting a 13-year-old boy who had lived at the North Coast Children's Home in 1975. Kitchingman was sentenced to prison. The sentencing judge was not made aware of Kitchingman's 1968 conviction, and he was sentenced on the basis that it was an isolated offence.¹⁰⁶

Assistant Bishop Richard Appleby and Dean Lawrence both gave references in support of Kitchingman at his sentencing hearing.¹⁰⁷

After his release, Kitchingman continued to live in Newcastle and worshipped at the Cathedral. In *Case Study 3: Anglican Diocese of Grafton's response to child sexual abuse at the North Coast Children's Home (North Coast Children's Home)* the Royal Commission found that, as at November 2013, neither the Diocese of Grafton nor the Diocese of Newcastle had commenced disciplinary action against Kitchingman, although both were able to under their disciplinary frameworks. Further the Diocese had not implemented any risk management plan concerning Kitchingman's continuing involvement with the Cathedral.¹⁰⁸

Kitchingman did not give evidence to the Royal Commission.

Ian Barrack

Barrack, a long-time worshipper at the Cathedral,¹⁰⁹ commenced as an ordination student at Morpeth College in February 1997. At that time he was about 28 years old and married. During that year, Barrack befriended CKU, the son of another student at the college, CKR.¹¹⁰ At that time CKU was 12 years old.¹¹¹

Between August 1998 and December 1998, Barrack regularly sexually abused CKU.¹¹²

On 16 November 1998, CKU's mother complained to then Archdeacon Bruce Hoare about Barrack's increasing attentions towards her son and that Barrack had given CKU a toy depicting a man having sex with a sheep.¹¹³ At that time CKU's mother was not aware of the sexual abuse.

CKH alleges that he was involved in a sexual relationship with [REDACTED] Mr Goyette which lasted some years from the time he was around 16 years old.¹²³ As we have already noted, this allegation led to a disciplinary process and to a direction from Bishop Farran that Mr Goyette be prohibited from holding any lay office in the Church.¹²⁴

[REDACTED]

[REDACTED]

Mr Andrew Duncan

From 1979 until 1987, Mr Duncan was a junior priest under Mr Lawrence's supervision at St Alban's Church in the Parish of Griffith. In 1979, Mr Duncan was ordained as a deacon. On 30 November 1979, he was ordained as a priest. He transferred to Deniliquin in February 1981.¹²⁵

CKH gave evidence that Mr Duncan initiated a sexual relationship with him in Griffith, when CKH was 14 years old.¹²⁶ Bishop Farran deposed Mr Duncan from Holy Orders in 2012.¹²⁷

Mr Bruce Hoare

From 1971 to 1973, Mr Hoare attended Morpeth College.¹²⁸ Mr Hoare was ordained as a deacon on May 1973. He was ordained as a priest in December 1973, at which time he was appointed as assistant priest at St Alban's Church in Griffith, where he remained until around 1976.¹²⁹

Mr Hoare stayed in the Diocese of Riverina until 1988, when he became the rector of Cardiff and later area dean in the Diocese.¹³⁰ In 1996, Mr Hoare was appointed as archdeacon of the Diocese.¹³¹ At that time, he became a member of the diocesan council – a position which ceased when he became the canon residentiary at the Cathedral in 2002.¹³²

In 1998, then Archdeacon Hoare was involved in the diocesan response to allegations of sexually inappropriate behaviour by Barrack towards CKU.

In 2007, on the recommendation of the Professional Standards Board, Bishop Farran formally disciplined Mr Hoare in relation to drunken and lewd sexual behaviour with a male trainee priest.¹³³

In September 2012, Bishop Farran deposed Mr Hoare from Holy Orders following the Professional Standards Board's determination of CKH's allegations, which we referred to above.¹³⁴

Father Graeme Sturt

Father Sturt was a priest in the Diocese of Riverina and later in the Diocese of Newcastle.¹³⁵

Following a hearing on CKH's complaint before the Professional Standards Board, in December 2010 the board recommended that Mr Sturt be deposed from Holy Orders.¹³⁶ Bishop Farran elected not to depose Mr Sturt but chose to prohibit him from exercising his ordained ministry for five years.¹³⁷

Father Sturt died in 2015.¹³⁸

1.4 Bishops of the Diocese

Bishop James Housden

Bishop James Housden was the bishop of the Diocese from 1958 to 1972.¹³⁹ This case study did not consider the actions of Bishop Housden in any detail. However, some actions of Bishop Housden were detailed in our *North Coast Children's Home* case study.

Bishop Ian Shevill

Bishop Shevill served as the bishop of the Diocese from 1973 to 1977.¹⁴⁰ There is evidence that allegations of child sexual abuse were made known to the diocesan hierarchy during Bishop Shevill's episcopate.

Further, Bishop Greg Thompson, who was the Bishop of Newcastle from February 2014 to May 2017, alleged that in 1976, when he was 19 years old, Bishop Shevill indecently assaulted him in company with Canon Eric Barker.¹⁴¹ There is also evidence that Bishop Shevill sexually abused a female child in North Queensland in 1958.¹⁴² These allegations are discussed in section 2 of this report.

Bishop Shevill died in 1988.¹⁴³

Bishop Alfred Holland

Bishop Holland was the Bishop of Newcastle from February 1978 to August 1992.¹⁴⁴ He is now retired. Bishop Holland gave oral and written evidence to the Royal Commission.

During Bishop Holland's episcopate, Father Rushton and Dean Lawrence occupied key positions of leadership. Bishop Holland promoted Father Rushton to the position of Archdeacon of Maitland in 1983.¹⁴⁵ Bishop Holland recruited Mr Lawrence to become dean of the Cathedral in 1984.¹⁴⁶

Evidence before us indicates there was extensive sexual offending against children in the Diocese during Bishop Holland's episcopacy. There is also evidence that certain of these allegations, including in relation to Father Rushton, were brought to Bishop Holland's attention during his episcopacy, although Bishop Holland strenuously disputed this.¹⁴⁷

The Diocese took no disciplinary action in relation to clergy alleged to have perpetrated child sexual abuse during Bishop Holland's term. These matters are discussed in section 3 of this report.

Bishop Richard Appleby

Bishop Appleby gave oral and written evidence to the Royal Commission. He lived and studied at Morpeth College in 1965 and 1966.¹⁴⁸ His period of study at Morpeth College overlapped with that of Mr Lawrence in 1965, but he says that they did not develop a close friendship at that time.¹⁴⁹

Bishop Appleby was the Assistant Bishop of Newcastle from 1983 to 1992,¹⁵⁰ serving under Bishop Holland. He was part of the leadership group of the Diocese, which included Father Rushton and Dean Lawrence.¹⁵¹

While at the Diocese, Assistant Bishop Appleby developed a friendship with Dean Lawrence and came to know him 'quite well'.¹⁵² For around eight years, then Assistant Bishop Appleby lived on the grounds of the Cathedral next door to the deanery.¹⁵³

Bishop Appleby said that, in his capacity as assistant bishop, he performed a wide range of liturgical and pastoral roles across the Diocese. He was responsible for coordinating the selection of candidates for ordination. He had oversight of the development of a welfare agency for the Church, known as the Samaritans Foundation, and ultimately became the chair of this foundation.¹⁵⁴

Bishop Appleby strenuously denied knowledge of child sexual abuse within the Diocese during his term as assistant bishop.¹⁵⁵ He agreed he would have been the natural contact point for receiving such complaints.¹⁵⁶

From 1992 to 1999, Bishop Appleby was the Bishop of the Northern Territory.¹⁵⁷ From 1999 to 2006, Bishop Appleby was the regional bishop in the Diocese of Brisbane. In 2006, Bishop Appleby retired and returned to Newcastle.¹⁵⁸ He worshipped at the Cathedral.¹⁵⁹ He was the acting dean of the Cathedral in the interim period between Mr Lawrence's retirement in December 2008¹⁶⁰ and the appointment of his replacement in around 2009.¹⁶¹

From 2009 until his relocation to Sydney in 2016, Bishop Appleby was a parishioner at St Stephen's in Adamstown in New South Wales.¹⁶²

Bishop Roger Herft

Bishop Roger Herft gave oral and written evidence to the Royal Commission. He was enthroned as Bishop of Newcastle in May 1993 and served until February 2005.¹⁶³ He was then the Archbishop of Perth and Metropolitan of the Province of Western Australia.¹⁶⁴ He announced his resignation from this position on 15 December 2016, which took effect in July 2017.

While at Newcastle, then Bishop Herft's leadership team included Dean Lawrence and Father Rushton, as well as the then registrar of the Diocese, Mr Mitchell. Bishop Herft said that he did not develop a friendship with Dean Lawrence.¹⁶⁵ Bishop Herft said that Dean Lawrence had huge influence in the Diocese and Newcastle community.¹⁶⁶ However, he denied he was intimidated by Dean Lawrence.¹⁶⁷

As detailed in section 4 of this report, numerous allegations of child sexual abuse were made known to Bishop Herft during his episcopate in the Diocese, including allegations relating to Father Rushton [REDACTED]. During this period, there was only limited reporting of child sex abuse allegations to the police or the New South Wales Department of Community Services (DOCS). No disciplinary processes were followed against any clergy or Church workers in the Diocese in relation to allegations of child sexual abuse.

Bishop Brian Farran

Bishop Brian Farran gave oral and written evidence to the Royal Commission. He was the Bishop of Newcastle from 24 June 2005 to 15 December 2012.¹⁶⁸

Bishop Farran lived and studied at Morpeth College from 1962 to 1964.¹⁶⁹ During part of that period [REDACTED] also studied there.

Bishop Farran was ordained as a deacon on 30 November 1967 at St Alban's Church in the Parish of Griffith in the Diocese of Riverina.¹⁷⁰ In 1968, he was ordained as a priest.¹⁷¹ He then became an assistant curate at St Alban's Church at a time when Mr Lawrence was the senior curate there.¹⁷² During this period, Bishop Farran and Mr Lawrence shared accommodation for

around a year.¹⁷³ He came to know Mr Lawrence well during this period and they continued a ‘firm friendship’ when both lived in the Diocese of Newcastle.¹⁷⁴ Bishop Farran left the Parish of Griffith in 1972.¹⁷⁵ It was Mr Lawrence who nominated Bishop Farran for the position of Bishop of Newcastle.¹⁷⁶

Very shortly after Bishop Farran’s arrival in the Diocese, the new professional standards framework was adopted.¹⁷⁷ During Bishop Farran’s tenure as Bishop of Newcastle, there was unrest within the Diocese about the way the new professional standards framework had been applied in dealing with two priests – Mr John Gumbley and COJ – both of whom had been accused of sexually inappropriate conduct with adult females.¹⁷⁸

In October 2009, CKH made a formal complaint to the Church about [REDACTED] Mr Goyette, Mr Duncan, Mr Hoare and Mr Sturt. The complaint is discussed above. Bishop Farran immediately withdrew [REDACTED] permission to officiate within the Diocese and also took interim steps against the other respondents.¹⁷⁹ The disciplinary process that followed was protracted, in part because the investigation was placed on hold while the police investigated and in part because [REDACTED] Father Sturt challenged the findings of the Diocese’s Professional Standards Board in the Supreme Court of New South Wales.¹⁸⁰

The evidence shows that Bishop Farran equivocated on the action he would take following the Professional Standard Board’s recommendations. But ultimately, in September 2010, he followed the recommendations with respect to all respondents except Father Sturt.¹⁸¹ He defrocked [REDACTED], Mr Hoare and Mr Duncan and banned Mr Goyette from any position within the Church.¹⁸²

There was evidence of a considerable backlash against Bishop Farran arising from his role in the disciplinary process [REDACTED]. For example, parishioners made complaints to the Episcopal Standards Commission, which is responsible for disciplining bishops in the Church. Bishop Farran said that he had ‘a terrible time’ in Newcastle.¹⁸³ He said that there was a ‘strong culture of non-accountability’ in the Diocese as well as a ‘very paternalistic culture [of] “Father knows best”’.¹⁸⁴

Assistant Bishop Peter Stuart

Assistant Bishop Peter Stuart gave oral and written evidence to the Royal Commission. Assistant Bishop Stuart was appointed as the Assistant Bishop of Newcastle by Bishop Farran in 2009.¹⁸⁵

Assistant Bishop Stuart held office as the administrator of the Diocese and served as the acting commissary of the Diocese from the time of Bishop Farran’s resignation in December 2012 until February 2014.¹⁸⁶ At the time of this report, he remained assistant bishop in the Diocese.

Assistant Bishop Stuart was a member of the Ordinance Preparation Working Group, which was established in August 2012 to draft amendments to the Professional Standards Ordinance 2005.¹⁸⁷

Assistant Bishop Stuart remained the assistant bishop of the Diocese and commissary under Bishop Thompson.¹⁸⁸ Since Bishop Thompson's resignation, effective 31 May 2017, Assistant Bishop Stuart has been the administrator of the Diocese.

Bishop Gregory Thompson

Bishop Thompson gave oral and written evidence to the Royal Commission. He was enthroned as Bishop of Newcastle in February 2014.¹⁸⁹ He resigned on 16 March 2017, effective from 31 May 2017.

Bishop Thompson is a survivor of child sexual abuse that he says occurred in a non-institutional setting.¹⁹⁰ Bishop Thompson also alleged that as a 19-year-old, in 1976, he was the subject of sexual advances from Bishop Shevill, who was then the Bishop of Newcastle, and Canon Barker.¹⁹¹

In 2015, Bishop Thompson decided to make public his allegations against Bishop Shevill.¹⁹² He experienced a considerable backlash from sections of the Diocese after these revelations.¹⁹³

1.5 Other key figures in the Diocese

Mr Graeme Lawrence

Mr Lawrence gave oral and written evidence to the Royal Commission and was legally represented.

Mr Lawrence was a student at Morpeth College from 1963 to 1965.¹⁹⁴ Also at Morpeth College at times during that period were Father Rushton,¹⁹⁵ Kitchingman,¹⁹⁶ Father Parker¹⁹⁷ and Mr Brian Farran,¹⁹⁸ who later became the Bishop of Newcastle.

In 1965, Mr Lawrence was ordained as a deacon in the Diocese of Riverina.¹⁹⁹ During this time, he shared accommodation with Mr Farran, who was then an assistant curate.²⁰⁰

In 1966, Mr Lawrence was ordained a priest in the Diocese of Riverina.²⁰¹ He was appointed as rector at St Alban's Church in the Parish of Griffith in 1975,²⁰² and in 1978 he also became an archdeacon.²⁰³ Between 1978 and May 1984, when he left the Diocese of Riverina, Mr Lawrence was commissary on occasions when the bishop was absent.²⁰⁴

[REDACTED]

From 1975 to May 1984, numerous young priests trained under Mr Lawrence at St Alban's Church.²⁰⁶ These priests included:

- Mr Hoare, who was a curate at St Alban's Church from 1973 to 1977 and who lived in the clergy house at St Alban's²⁰⁷
- Mr Sturt, who was a curate at St Alban's Church from 1977 until 1980 and who lived in the clergy house²⁰⁸
- Mr Duncan, who was a curate at St Alban's Church from 1979 until early 1981 and who lived in the clergy house.²⁰⁹

Mr Lawrence formed friendships with Mr Hoare and Mr Sturt, but he did not have a particular friendship with Mr Duncan.²¹⁰ He was aware at the time that Mr Hoare was homosexual,²¹¹ and at some point he became aware that Mr Sturt was too.²¹²

[REDACTED]

In June 1984, Bishop Holland appointed Mr Lawrence²¹⁵ as dean of the Cathedral in Newcastle and as his commissary.²¹⁶ He remained in that position until 31 December 2008.²¹⁷ Mr Lawrence agreed that in these roles he exercised 'considerable influence' in the Diocese.²¹⁸ Many witnesses described Mr Lawrence as strong-willed and charismatic and said he had a fiercely loyal following in the Cathedral.²¹⁹

Mr Lawrence was also involved in the Church at a national level. From around 1978 until 2009, he was a member of the General Synod and for some years was a member of the Standing Committee of the General Synod.²²⁰

For a short period in 2002, Mr Lawrence was on a subcommittee of the Standing Committee that developed the Church's national model professional standards framework.²²¹ He said that at that time he was supportive of the proposed new professional standards framework.²²²

During Mr Lawrence's time as the dean, Mr Hoare and Mr Sturt transferred to the Diocese as priests.²²³ Mr Hoare lived on the Cathedral grounds on two occasions, each lasting around two to three years.²²⁴ Mr Hoare rose to the position of archdeacon in 1996.²²⁵

Mr Lawrence retired as dean in December 2008.²²⁶ From March to October 2009, Mr Lawrence was in locums tenens positions in the Diocese of Wangaratta.²²⁷

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Mr Keith Allen

Mr Allen gave written and oral evidence to the Royal Commission.

Mr Allen practised as a solicitor from 1971²³³ and remains on the roll of solicitors in New South Wales.²³⁴ He has had a long involvement in the Diocese in a lay capacity.

Mr Allen was first elected to diocesan synod in about 1973 under Bishop Shevill and remained a member for 43 years.²³⁵ Mr Allen was heavily involved in the governance of the Diocese as a member of the diocesan council at various periods from around 1973 until 2015²³⁶ and also as a trustee of the Diocese for over 25 years.²³⁷ From 1993 to 1999, he was a member of the board of investigation and from 1996 to 2007 was a member of the Panel of Triers.²³⁸

Mr Allen told us that he has provided advice to bishops over the years²³⁹ and that Bishop Holland and Bishop Herft had sought his advice.²⁴⁰

Mr Allen acted as a solicitor for Hatley Gray in 1990²⁴¹ and for Father Parker in 2000 to 2001²⁴² in criminal proceedings brought against them in relation to child sexual abuse offences. Mr Allen admitted to ‘destroying’ a letter of resignation from Hatley Gray, which Hatley Gray signed after he had been charged with child sex offences.²⁴³

Mr Allen also acted for CKM in a criminal proceeding (not relating to sexual abuse) and was involved in CKM's civil claim against the Diocese in relation to his allegations of sexual abuse as a child at the hands of a former Church of England Boys' Society (CEBS) leader.²⁴⁴

Mr Allen had a series of conversations with Bishop Thompson and diocesan business manager Mr John Cleary in 2014 and 2015 when he purported to disclose details of the inner workings of the Diocese in past years in relation to the handling of child sexual abuse allegations. He also made suggestions to them about how they should go about providing evidence to the Royal Commission.²⁴⁵ Mr Cleary made detailed file notes about these conversations, which are discussed in more detail in section 7 of this report.

In early 2015, Bishop Thompson dismissed Mr Allen from the diocesan council and all other positions in the Diocese.²⁴⁶

Mr Paul Rosser QC

Mr Rosser QC gave written and oral evidence to the Royal Commission.

Mr Rosser QC is a barrister. He was appointed Queen's Counsel in 1989.²⁴⁷ In February 1996, Mr Rosser QC was appointed as the deputy chancellor of the Diocese.²⁴⁸

In late 2009, Mr Rosser QC was appointed as the chancellor for the Diocese. He resigned from this position in November 2010.²⁴⁹ In addition to other roles at a national and diocesan level, Mr Rosser QC was a member of the diocesan council from 2005 to 2010.²⁵⁰

At the same time that Mr Rosser QC was deputy chancellor and later chancellor, he acted for Brown²⁵¹ and Father Parker²⁵² respectively in relation to criminal proceedings for child sexual abuse offences. In the Parker matter he was instructed by Mr Allen.

In the period 2009 to 2010, while chancellor, Mr Rosser QC adopted an active position in advocating for amendments to the professional standards regime in the Diocese. Bishop Farran had not sought his assistance, and Bishop Farran later asserted that Mr Rosser QC had conflicts of interest.²⁵³ Mr Rosser QC resigned as chancellor shortly thereafter.²⁵⁴

Mr Peter Mitchell

Mr Mitchell gave written and oral evidence to the Royal Commission. Mr Mitchell was the registrar of the Diocese from January 1993 to January 2002.

Mr Mitchell was close friends with Father Parker, who was godfather to Mr Mitchell's children. He acted on behalf of the Diocese to answer subpoenas relating to Father Parker's prosecution for child sexual abuse offences.²⁵⁵ He also provided Father Parker's lawyer, Mr Allen, with a written reference for use in those criminal proceedings.²⁵⁶

Mr Mitchell was also involved in an internal diocesan investigation of allegations that Father Rushton was in possession of child pornography.²⁵⁷

Mr Mitchell resigned from the Church's employ in January 2002 after he was accused of misappropriating money from the Diocese.²⁵⁸ He pleaded guilty and was convicted of fraud, and in October 2002 he was sentenced to a period in custody.²⁵⁹ He was released from jail at the end of May 2003.²⁶⁰

Mrs Jean Sanders

Mrs Jean Sanders provided a statement to the Royal Commission.²⁶¹ Due to health issues she was not called to give oral evidence.

In 1995, Mrs Sanders became a member of the Diocesan Committee to Monitor Sexual Issues of Sexual Harassment. She was one of the parish contact people for receiving allegations and attempting to conciliate them.²⁶² She said the initial focus of that committee was on allegations of adult harassment and abuse and that child sexual abuse was outside its 'jurisdiction'.^{2 3}

In 2001, Mrs Sanders was appointed to chair the committee, which subsequently became known as CASM.²⁶⁴ In this capacity she received anonymous phone calls from mothers alleging their sons had been sexually abused by priests.²⁶⁵ She was also told by other priests that Father Rushton was a 'serial abuser of boys'.²⁶⁶ Mrs Sanders says she reported these matters to then Bishop Herft.²⁶⁷ She said that, in her time as the chair, CASM received around 30 allegations of child sexual abuse and only one complaint of adult 'harassment'.²⁶⁸

Mrs Sanders also provided support to CKR after it was revealed that her son, CKU, had been sexually abused by Barrack.²⁶⁹

Mr Robert Caddies

Mr Robert Caddies gave four written statements to the Royal Commission and gave oral evidence.

Mr Caddies practised as a solicitor from around 1961 until June 2006 and has been involved in the Diocese from 1987 to the present.²⁷⁰ Mr Caddies has worshipped at the Cathedral since 1987.²⁷¹

In around 1994, Mr Caddies accepted an appointment as a member of the Diocesan Monitoring Committee to Consider Issues of Sexual Harassment, which later became CASM.²⁷² From about early 1996 to late 2005, Mr Caddies' firm, Rankin and Nathan, acted as the legal representatives for the Diocese.²⁷³ Mr Caddies left Rankin and Nathan in June 2006.²⁷⁴

Among other things, Mr Caddies provided advice to the Diocese about defamation when allegations of sexual abuse were raised and about the criminal offence of not reporting serious indictable offences to the police.²⁷⁵

Mr Caddies was a member of the diocesan synod and the Cathedral's parish council from approximately 2003 to 2011.²⁷⁶ He was also the chair of the audit committee of the Diocese from around 2009 to 2014.²⁷⁷

In addition to being a member of the Cathedral parish council, Mr Caddies was the Cathedral warden from around 2010 to 2012.²⁷⁸

[REDACTED]

Mr Caddies is one of a group of Cathedral parishioners who has made complaints about Bishop Thompson to the Metropolitan of Sydney, the Primate and the Royal Commission following Bishop Thompson's decision to go public about the sexual abuse that he says he suffered.²⁸¹

Mr John Cleary

Mr Cleary gave written and oral evidence to the Royal Commission.

Mr Cleary was the business manager for the Diocese from January 2007 until he resigned on 27 February 2017, effective on that date.²⁸²

Mr Cleary was also the acting Director of Professional Standards between March 2008 and January 2009.²⁸³ He recruited Mr Michael Elliott to the position of professional standards director in early 2009.²⁸⁴

As the diocesan business manager, Mr Cleary was involved in providing redress to the survivors of child sexual abuse at the hands of clergy and others associated with the Diocese.²⁸⁵ He also had some involvement in the amendments to the Professional Standards Ordinance in 2010 and 2012.²⁸⁶ He is critical of those amendments, which he saw as an attempt to undermine the transparency of the process.²⁸⁷

Mr Michael Elliott

Mr Elliott gave written and oral evidence to the Royal Commission in this case study and also in our *North Coast Children's Home* case study and *Case Study 52: Institutional review of Anglican Church institutions (Institutional review of Anglican Church institutions)*.

Mr Elliott is the current Director of Professional Standards for the dioceses of Newcastle and Grafton. He has held his position in the Diocese of Newcastle since January 2009. In his role, Mr Elliott is an acting member of the Professional Standards Committee and was the convener of that committee from 2009 until 2012. He has provided support to a large number of child sexual abuse survivors in the Diocese.²⁸⁸

Mr Elliott gave evidence that he has experienced a high level of interference in his work. This has included isolation, bullying, under-resourcing and vandalism such as vehicle and tyre damage, having washing pulled from the clothesline at his home and his dog going missing.²⁸⁹ He has also received harassing phone calls and text messages.²⁹⁰

2 Institutional Response under Bishop Ian Shevill (1973–1977)

2.1 Introduction

Bishop Shevill was the Bishop of Newcastle from 6 August 1973 until September 1977. Before this, he was the Bishop of North Queensland from 1953 to 1970.²⁹¹

Bishop Shevill died in 1988.²⁹² Following his death, allegations emerged that Bishop Shevill sexually abused a 13-year-old female student in North Queensland in the 1950s. Bishop Thompson also alleged that in the 1970s, when he was 19 years old, Bishop Shevill took him to an R-rated film and groped him in the genital area.²⁹³

During Bishop Shevill's episcopate, the following individuals were allegedly (or proven to have been) sexually abusing children in the Diocese:

- Father Rushton, then a priest (now deceased)
- Brown, then a social worker and lay preacher
- Ellmore, then an ordinand at Morpeth College
- Father Parker, then a priest (now deceased)²⁹⁴
- Canon Harold Marshall, then a priest (now deceased).²⁹⁵

This section of our report:

- describes the disciplinary framework which existed in the Diocese during Bishop Shevill's episcopate
- outlines the evidence of survivors who were allegedly abused by Father Rushton, Brown and Father Parker
- discusses evidence that certain survivors made the warden and matron of St Alban's Home for Boys aware they were being abused
- considers evidence regarding Bishop Shevill's awareness of certain allegations of abuse against Father Rushton, Father Parker and Canon Marshall
- addresses allegations that Bishop Shevill had himself committed acts of child sexual abuse.

2.2 Disciplinary framework during Bishop Shevill's episcopate

The diocesan disciplinary framework that existed during Bishop Shevill's episcopate (and also that of Bishop Holland and Bishop Herft) was as follows:

- the Offences Canon 1962,²⁹⁶ which was an instrument of the General Synod that had been adopted by the Diocese
- the Clergy Discipline Ordinance 1966,²⁹⁷ which was an instrument of the Diocese.

Offences Canon 1962

The Offences Canon 1962 vested diocesan tribunals with jurisdiction to hear and determine certain charges against persons licensed by the bishop (for example, clergy and lay preachers). One such charge was 'disgraceful conduct', which could encompass child sexual abuse.

According to the Offences Canon 1962 and the Constitution of the Church,²⁹⁸ charges could be made in the particular diocese in which the accused person was licensed by the bishop or in which that person resided. There was no facility to lay charges against people who were associated with the Diocese but who were not licensed by the bishop (for example, youth group leaders).

Clergy Discipline Ordinance 1966

The Clergy Discipline Ordinance 1966 established the Panel of Triers from which members were convened for tribunal proceedings to hear charges. The tribunal provided for hearings to take place which in many respects mirrored a court hearing – counsel and solicitors could appear; witnesses were required to give evidence on oath or affirmation; and the rules of evidence applied.

Under the Clergy Discipline Ordinance 1966, a charge of 'disgraceful conduct' could be made by the bishop, a person appointed by the bishop or any adult member of the Church resident in the Diocese. Where the bishop made the charge, the matter would proceed directly to the diocesan tribunal. Where another person made the charge, it would be considered by a board of enquiry, which would decide whether to refer it to the tribunal for a hearing.

Where the tribunal found the accused guilty, it could make recommendations on the appropriate 'sentence', including deposition from Holy Orders. It was for the bishop to impose the sentence, and the bishop had discretion not to follow the tribunal's recommendations.

The Diocese adopted the national model professional standards framework of the Anglican Church in 2005. This framework is discussed in more detail in section 5 of this report. It is not relevant to Bishop Shevill's episcopate.

During the episcopate of Bishop Shevill there were no diocesan policies in place dealing with sexual harassment or sexual abuse and no code of conduct which set out expectations regarding the behaviour of clergy and other persons associated with the Diocese.

We are satisfied that in the 1970s the disciplinary framework was limited. Nevertheless, a framework did exist which would have permitted Bishop Shevill to take disciplinary action if allegations that clergy had perpetrated child sexual abuse were made known to him.

2.3 Survivors

Mr Paul Gray

Mr Gray told us that he was sexually abused between the ages of 10 and 14 by Father Rushton and others. Mr Gray first met Father Rushton in the mid-1960s, when Mr Gray was about nine years old. His family attended the Anglican Church at Cessnock, where Father Rushton was a priest.²⁹⁹ Father Rushton was his godfather.³⁰⁰

From about the age of 10, Mr Gray regularly attended Sunday school, and he became an altar server when he was 12. From the ages of 11 to 14, Mr Gray was a member of CEBS.³⁰¹

Mr Gray's evidence was that in around 1963, when he was about 10 years old, Father Rushton anally raped him. From that time, Father Rushton sexually abused him on a weekly to fortnightly basis until he was 14 years of age.³⁰² On some of these occasions, Father Rushton would cut Mr Gray's back with a knife and smear the blood on his back during sexual intercourse.³⁰³

Mr Gray said that, as he was an altar server, Father Rushton took him to services in the outlying churches of the parish. Following these services, Father Rushton sometimes took Mr Gray back to the rectory and sexually abused him.³⁰⁴

Mr Gray gave evidence that on one occasion Father Rushton compelled him to perform oral sex on him in the vestry of a church while Father Rushton was wearing his Church robes.³⁰⁵ He also said that Father Rushton took him to Wyong to teach him to swim. When they were in the water, Father Rushton fondled Mr Gray and made Mr Gray fondle him.³⁰⁶

Mr Gray told us that in the mid-1960s Father Rushton took him to St Alban's Home for Boys on a number of occasions and left him there. While he was there, he was locked in a room and raped by other men. This happened repeatedly for around 18 months.³⁰⁷ Mr Gray said he was locked in a room at St Alban's for hours at a time and men would enter the room and rape him.³⁰⁸

Mr Gray also told us that Father Rushton took him to a church camp at Yondaio in New South Wales, where five men told him, 'We are going to get you'. That night, two of the men at the camp chased him into the bushes near a cliff and raped him in the presence of the other three men. While he was being raped, he could hear another boy screaming.³⁰⁹

Mr Gray said that he repressed the memories of the abuse until 2010, when his mother told him that accusations of child sexual abuse against Father Rushton had been reported in the media.³¹⁰

In October 2010, Mr Gray disclosed his abuse to the Diocese.³¹¹ Shortly thereafter, he suffered a mental breakdown and was admitted to hospital on a number of occasions.³¹² The Diocese paid for Mr Gray's admission to a private hospital and two five-day programs at a treatment centre for survivors of child sexual abuse.³¹³ Mr Gray has been diagnosed with dissociative identity disorder.³¹⁴

In 2011, Mr Gray engaged legal representatives after the Diocese indicated it would not continue to pay for his psychiatric treatment.³¹⁵ In November 2011, the Diocese agreed to fund some further counselling sessions.³¹⁶

In June 2013, the Diocese reached a financial settlement with Mr Gray in the amount of \$462,336.90, including costs in relation to his abuse.³¹⁷

Mr Phillip D'Ammond

We heard oral evidence from Mr D'Ammond, a survivor of sexual abuse at the hands of Brown.

Mr D'Ammond was fostered from birth by Dr Phyllis D'Ammond.³¹⁸ When he was 13 years old, in 1975, Dr D'Ammond suffered a stroke and he was placed at St Alban's Home for Boys as a ward of the state.³¹⁹

In August 1975, the matron of St Alban's, Mrs Dulcie Barry, introduced Mr D'Ammond to Brown. At that time, Brown was a Church youth worker at the home.³²⁰ Mr D'Ammond believes that Mrs Barry would have protected him had she known Brown was abusing him.³²¹

Brown offered to take Mr D'Ammond home for the school holidays.³²² Mr D'Ammond said that Brown sexually abused him a number of times over that two-week holiday period.³²³ He said that from that time Brown regularly took Mr D'Ammond out of St Alban's for the weekends and holidays and frequently sexually abused him.³²⁴

Mr D'Ammond told us that, in the May 1977 school holidays, a 15-year-old boy from St Alban's moved into Brown's house for a few months. Mr D'Ammond witnessed Brown having anal sex with the boy, who slept with Brown in a double bed.³²⁵

Mr D'Ammond said that in 1977, when he was 15, he began to resist when Brown attempted to abuse him.³²⁶ Mr D'Ammond left St Alban's in December 1977 and commenced living with Brown, who became his guardian.³²⁷ By this time, the sexual abuse had ceased.³²⁸

Mr D'Ammond lived with Brown until he was 17 or 18 years old. Mr D'Ammond then moved to Sydney.³²⁹

Mr D'Ammond told us that Brown plied him with alcohol and drugs when they were together. The first night Mr D'Ammond stayed with Brown, Brown offered him alcohol. By the time they were in bed, Mr D'Ammond was drunk.³³⁰

Mr D'Ammond first disclosed his abuse to the police in April 1996, and charges were laid against Brown.³³¹ Brown was no longer involved with the Church by that time.³³² Mr Rosser QC, then the deputy chance lor of the Diocese,³³³ acted for Brown during the committal proceedings. Brown denied the charges. All charges were dismissed at the committal hearing.³³⁴

Many years later, in June 2010, Brown was arrested and charged by police with child sexual abuse offences relating to three victims. At that time, Brown denied all charges.³³⁵ Mr Brown again engaged Mr Rosser QC as his counsel. Mr Rosser QC was by that time the chancellor of the Diocese.³³⁶

Further statements were taken by police and additional charges were laid in relation to a total of 20 victims.³³⁷ Towards the end of 2010, Brown indicated his willingness to plead guilty to the charges.³³⁸ Brown ultimately pleaded guilty to an indictment containing 27 counts, including one charge relating to the sexual abuse of Mr D'Ammond, and asked for a further 20 offences to be taken into account in sentence assessment charges.³³⁹ Brown was sentenced in the East Maitland District Court on 2 March 2012³⁴⁰ to an aggregate sentence of 10 years' imprisonment with a non-parole period of six years.³⁴¹

The Crown successfully appealed the sentence. On 18 September 2012, the New South Wales Court of Criminal Appeal imposed a new sentence of 20 years' imprisonment with a non-parole period of 12 years. The earliest date of eligibility for parole was specified as 23 November 2023. Mr Rosser QC also represented Brown at the appeal.³⁴²

Mr D'Ammond told us of the devastating consequences that the abuse has had upon his life. He also told us that Brown introduced him to alcohol when Mr D'Ammond was 13 years old and supplied him with drugs. After Mr D'Ammond ceased living with Mr Brown, alcohol and drug abuse became a way of life and he started using heroin.³⁴³

In November 2011, Mr D'Ammond sought compensation from the Diocese.³⁴⁴ On 26 September 2013, Mr D'Ammond received a financial settlement from the Diocese of \$425,000. He says he received \$210,000 after legal costs.³⁴⁵

CKA and CKB

CKA and CKB were born in 1961³⁴⁶ and 1963³⁴⁷ respectively. CKA gave oral evidence and a written statement to us.³⁴⁸ CKA's brother, CKB, provided a written statement to us.³⁴⁹

The brothers grew up in a religious family. Their mother was an organist at the local church and their father did maintenance at the church.³⁵⁰ CKA said their family life revolved around the church, which provided a real sense of community.³⁵¹

Through their family's association with the church, CKA and CKB became altar boys when they each turned 10 years old.³⁵² Both completed their altar boy training under the guidance of their parish priest, Father Parker.³⁵³ Father Parker was a trusted family friend who often came to their family home for lunch. CKA said that, as the parish priest, Father Parker was held in high regard.³⁵⁴

CKA gave evidence that he was sexually abused by Father Parker during the five years that he served as an altar boy from 1971 until 1975. CKA was aged between 10 and 14 years during this time. CKA said that the abuse took place at various churches in the parish and also in Father Parker's car. He said that the abuse occurred at least fortnightly and escalated in severity over time. It consisted of groping, fondling, oral sex and anal sex.

In 1975, Father Parker was transferred to the Parish of Gateshead in the Diocese. CKA and CKB gave evidence that, shortly thereafter, Father Parker arranged for them both to stay overnight at the new rectory so they could serve as altar boys the following Sunday.³⁵⁵ CKA and CKB both said that they were sexually abused by Father Parker during this weekend visit.³⁵⁶ At that time, CKA was 14 years old and CKB was 11.³⁵⁷

CKA and CKB disclosed some of their abuse to their mother on the Sunday of that weekend, after she had collected them from Father Parker's new rectory and taken them home.³⁵⁸ CKA and CKB's eldest brother, CKL, gave evidence of his belief that his mother reported Father Parker's abuse of her sons to Bishop Shevill shortly after that weekend.³⁵⁹ This disclosure is discussed in further detail in section 2.5 below.

Both CKA and CKB gave evidence of the distress they experienced when Father Parker delivered the sermon at their mother's funeral in 1977 and attended the wake at their family home.³⁶⁰

CKA gave evidence that he first disclosed Father Parker's abuse to the Diocese in 1984³⁶¹ and then again when he telephoned what he understood to be the Diocese's sexual abuse hotline in 1996 and 1999.³⁶² Details of these disclosures and the response of the Diocese are set out in section 4 of this report.

CKB gave evidence that he never reported his abuse by Father Parker to the Diocese because he thought that nothing could be done and that he might not be believed.³⁶³

In February 2000, CKA and CKB reported Father Parker's abuse of them to the police, and Father Parker was charged later that year.³⁶⁴ The criminal proceedings against Father Parker took place from 2000 to 2001³⁶⁵ but were ultimately 'no-billed' (that is, withdrawn).³⁶⁶ Details about the course of this prosecution are set out in section 4 of this report, which deals with Bishop Herft's episcopacy. CKA and CKB gave evidence that they received no support from the Diocese throughout these proceedings.³⁶⁷

In the years following Father Parker's criminal proceedings, CKA's life spiralled downwards and he continued to agitate for a response from the Diocese for over a decade.³⁶⁸ CKA gave evidence of the redress that he ultimately received from the Diocese, including counselling, compensation and a public apology.³⁶⁹ His brother, CKB, told us that he found the Diocese's response poor because he was never offered any form of redress.³⁷⁰

CKA told us of the lasting effects that Father Parker's abuse, and the institutional response of the Diocese, has had on their lives. These impacts have included:

- dropping out of school³⁷¹
- an inability to maintain employment³⁷²
- mental illness³⁷³
- a loss of faith in the Church³⁷⁴
- the experience of ongoing threats and harassment from people in the Diocese³⁷⁵
- the destruction of his family relationships³⁷⁶
- over-protective parenting³⁷⁷
- the breakdown of his relationship with his brother, CKB.³⁷⁸

CKA told us that he found the process of dealing with the Church as abusive as the sexual abuse itself.³⁷⁹ CKA said that, while Father Parker's abuse was horrific and still preys heavily on his mind, at least it is over. He said that it is the impact of the Church's response that is ongoing.³⁸⁰

CKA also told us that, as a result of disclosing the allegations of abuse, he has been the victim of threats, intimidation and ostracism. He said that on one occasion all 10 rear wheel nuts on his car were loosened. He said he has also received numerous telephone threats.³⁸¹

CKA made a number of recommendations to us, including that conflicts of interest need to be better managed within the Diocese.³⁸²

CKG

We received a written statement from CKG.³⁸³ CKG was placed in St Christopher's Home for Little Children in Taree in about 1961, when he was about four years old, together with his older brother, CKF, and two sisters.

CKG alleged that at St Christopher's he was released into the care of a woman, often on weekends, who made CKG sleep in her bed, where she would fondle and kiss him, insist he wear a nappy and say repeatedly, 'Yes, I'll be your baby'.³⁸⁴

In January 1968, when CKG was about 10 years old, CKG and his brother, CKF, were transferred to St Alban's Home for Boys. CKG remained in residence at St Alban's until he left at age 15 and nine months.³⁸⁵ CKG gave evidence that when he was transferred to St Alban's he was referred to as 'number 9', which made him feel dehumanised, alone and isolated.³⁸⁶

CKG said that during his time at St Alban's he was sexually abused on a number of occasions by Father Rushton, Father Walter Ogle and other people to whom he was fostered out on weekends.³⁸⁷

CKG said that when he was about 13 years old, in about 1970, he was taken to a priest's house in Cessnock on several occasions, where he was drugged and anally raped. CKG recalled that Father Ruston and Father Ogle each took him to this house on at least one occasion, but he cannot recall the name of the priest who owned the house.³⁸⁸

CKG believes that he was also drugged and sexually abused by Father Ogle in about 1971, when either Mrs Dulcie Barry or Mr Ron Barry (who were the house parents at St Alban's) sent him to do work at Bellbird rectory in Cessnock.³⁸⁹ CKG's evidence in relation to the Barrys is detailed in section 2.4 below.

CKG said he was sexually abused by priests on a number of other occasions between about 1971 and 1972. On one occasion, when he was about 15 years old, he was filmed while being fondled by five men at a house in Wallsend. After this incident, CKG disclosed the abuse to his father and to an officer at Cardiff Police Station. The officer told him that there was nothing the police could do.³⁹⁰ CKG left St Alban's shortly after this incident, in 1972.

CKG gave evidence of the lasting effects that the abuse has had on his life. He has difficulty sleeping, relating to and trusting others close to him, being sexually intimate and being confident in himself.³⁹¹

In January 2011, CKG reported to DOCS the abuse he suffered when living at St Christopher's and St Alban's. CKG recalled representatives of DOCS informing him that he had to contact the Church directly for his records. CKG found the prospect of approaching the Church too painful and distressing, so he did not pursue the matter further. CKG gave evidence that he felt DOCS was trying to brush him off.³⁹²

CKG submitted that DOCS disregarded its responsibility to him and ought to have been more careful and considerate in how it dealt with him.³⁹³

The State of New South Wales submitted in reply that the New South Wales Department of Family and Community Services (FACS), as DOCS is now known:^{3 4}

- acknowledges that it responded inappropriately to CKG's inquiry
- apologises for any distress caused by its response to CKG
- acknowledges that it was unable to locate any records in 2011 but has since located and arranged to provide records to CKG's legal representative
- acknowledges the importance of records to those who have suffered child sexual abuse in institutional settings, and to care leavers generally, and has since made significant improvements and changes to how it responds to requests for records.

2.4 Alleged disclosures to Mrs Dulcie Barry and Mr Ron Barry at St Alban's Home for Boys

Mr and Mrs Barry were the 'house parents' of the St Alban's Home for Boys between 1966 and 1980. They were subsequently the house parents at the St Alban's Family Group Home in Greta Street, Aberdare, until 1984, when they retired.³⁹⁵ Both Mr and Mrs Barry are now deceased.³⁹⁶

Survivor Mr Gray, whose story was recounted in section 2.3 above, said that Mr Barry would beat him to keep him quiet before and after Mr Gray was sexually abused by different men. Mr Gray told us that he called Mr Barry 'the gatekeeper'. He also stated that on various occasions he was sexually abused by multiple men in a locked room at the end of the corridor in St Alban's.³⁹⁷ Mrs Barry would let him out of that room.

Survivor CKG, whose story was recounted in section 2.3 above, said that Mr and Mrs Barry were the warden and matron respectively while he was at the home, from 1968.³⁹⁸ CKG said that, between 1968 and 1973, he disclosed his abuse to Mrs Barry on numerous occasions. He was usually accused of lying and was punished. CKG said he did not tell Mr Barry about his abuse, because he believed that Mr Barry knew about the abuse and supported it.³⁹⁹

CKG also alleged that on one occasion, when he was 13 or 14 years old, Mr Barry and Father Rushton watched him while he was showering. He stated that he recalled Mr Barry issuing demands to him to bend over and scrub his toes while Father Rushton watched him in the shower on this occasion.⁴⁰⁰

Mr D'Ammond told us that his time at St Alban's under the care of Mr and Mrs Barry was 'good' and, while he did not disclose his abuse by Brown to Mrs Barry he believed that she would have protected him if he had done so.⁴⁰¹

However, Mr D'Ammond submitted that there was a lack of rigour in the Diocese's supervision of the administration of the home and, in particular, ensuring that any foster or weekend placements were suitable and safe. Mr D'Ammond said that he spent weekends with Brown in a one-bedroom unit with only one bed.⁴⁰²

We received a statement from Mr Norman Barry, the youngest son of Mr and Mrs Barry.⁴⁰³ Mr Norman Barry stated that he moved to St Alban's with his parents in 1966, when he was 14 years old. He lived there until about January 1973, when he married and left the home.⁴⁰⁴

Mr Norman Barry said that he had a close relationship with the resident boys at St Alban's over the time that he resided at the home. He stated that, throughout his time living, working and playing with the resident boys at St Alban's, he never heard any suggestion that his father had been physically abusive towards any of the boys. He said that there was 'never any talk, suggestion or hint of sexual abuse' of any of the boys.⁴⁰⁵

Mr Gray did not live at St Alban's. Mr Norman Barry stated that he does not recall ever meeting Mr Gray during his time at St Alban's and says he never heard any of the resident boys refer to his father as the 'gatekeeper'. He also said that, apart from his parents' flat, there were no individual bedrooms at St Alban's or any room with a deadlock.⁴⁰⁶

Mr Norman Barry stated that the house parents who preceded his parents at St Alban's were a couple with a surname that sounded similar to 'Barry' – it may have been 'Farre' or 'Farrie'.⁴⁰⁷

Mr and Mrs Barry cannot respond to the allegations. There is a conflict in the evidence between Mr Gray and CKG on the one hand and Mr Norman Barry on the other. We have no reason to doubt the truthfulness of Mr Gray's and CKG's evidence, but, equally, they were not tested in cross-examination on this point. Accordingly, we make no finding as to knowledge of, or participation in, the abuse sexual abuse by Mr and Mrs Barry.

2.5 Bishop Shevill's awareness of allegations

Disclosures of abuse concerning Canon Harold Marshall in or around 1975

Ms Noelle Freeman provided a statement to us but did not give oral evidence. She has a longstanding involvement in the Diocese as a volunteer.⁴⁰⁸

Ms Freeman was a long-time worshipper at St Peter's Anglican Church in East Maitland. For a 12-year period in around the 1970s, the parish priest was Canon Marshall.⁴⁰⁹

Ms Freeman said that, towards the end of Canon Marshall's tenure at St Peter's, she was approached by two mothers who reported to her that Canon Marshall had sexually abused their daughters. The mothers reported that they had both attended a meeting with their husbands and Bishop Shevill, in which they told Bishop Shevill of the abuse. According to the mothers, Bishop Shevill told them he would 'fix it' but asked them to keep quiet 'to protect the good name of the Church'. Ms Freeman said that Canon Marshall was given until the end of the year to get his affairs in order and retire.⁴¹⁰

Ms Freeman gave evidence that she discussed these allegations of abuse with Bishop Shevill, who said 'we must never speak of it again' and 'we must protect the good name of the Church'.⁴¹¹

No reason has been suggested as to why Ms Freeman would give untruthful evidence about this matter. We accept her evidence.

In the late 1970s, it was open to Bishop Shevill to launch a board of enquiry investigation into the allegations against Canon Marshall and to restrict his licence pending a diocesan tribunal process.

There is no evidence that Bishop Shevill took any of these steps.

We are satisfied that, in the 1970s, Bishop Shevill was made aware of allegations that Canon Marshall had sexually abused two girls while he was the parish priest at St Peter's in East Maitland.

We are also satisfied that Bishop Shevill took no formal disciplinary steps against Canon Marshall because he was concerned to protect the reputation of the Church.

Disclosure of abuse concerning Father Parker in 1975

The experiences of survivors CKA and CKB were outlined in section 2.3 above. As noted, CKA and CKB disclosed some of their abuse to their mother in 1975 after they had stayed overnight at Father Parker's new rectory at Gateshead.

Their elder brother, CKL, told us that in around 1975, a few months after CKA and CKB had stayed overnight at Father Parker's Gateshead rectory, he drove his mother at her request to a 'churchy looking sandstone building in Cooks Hill'. He assumed this was Bishop Shevill's home.⁴¹² CKL's mother told him that she had to see the bishop about something very important and that she would 'tell that Bishop off'.⁴¹³

CKL said that his mother went inside the building for around 20 minutes and returned to the car sobbing uncontrollably. His mother would not tell CKL what had happened and they never discussed it again.⁴¹⁴ CKL's mother is deceased

CKL told us that it was not until years later, when he learned of his brothers' allegations that they had been sexually abused by Father Parker, that 'he penny dropped'. CKL then formed the view that the alleged abuse by Father Parker was the matter which his mother discussed with Bishop Shevill in 1975.⁴¹⁵

CKL presented as a credible witness with a clear memory surrounding an unusual event involving his mother. CKL's conclusion about the reason for and outcome of his mother's visit to Bishop Shevill, especially considered in light of Ms Freeman's evidence of her own disclosure to Bishop Shevill, is plausible.

We heard that CKA later came to believe, through conversations with CKL, that Bishop Shevill had been dismissive of their mother's report of Father Parker's abuse. CKA gave evidence that this realisation was one of the main contributors to his nervous breakdown.⁴¹⁶

As discussed in further detail in section 4 of this report, Father Parker remained a parish priest in the Diocese until February 1996 and then transferred to the Diocese of Ballarat, where he remained a priest for eight years until he retired. He was thereafter granted a permission to officiate in that diocese.⁴¹⁷

2.6 Allegations against Bishop Shevill

There is evidence from two sources of allegations of child sexual abuse made against Bishop Shevill.

Abuse of a 13-year-old girl in the 1950s

We received documents from the Diocese of Rockhampton and the Diocese of Brisbane concerning an allegation that Bishop Shevill sexually abused a 13-year-old female student at a North Queensland school where he taught in the 1950s.⁴¹⁸

In February 2002, the former student made a formal complaint to the Diocese of North Queensland, alleging that Bishop Shevill had assaulted her when she was a schoolgirl in the 1950s.

The complainant's allegations were investigated. Ultimately, the Director of Professional Standards for the Province of Queensland, Mr Rod McLary, determined the allegations to be 'very plausible'.⁴¹⁹ The Diocese of North Queensland subsequently made an ex gratia payment of \$20,000 to the complainant in 2009, at which time the Church sent the complainant a deed of release.⁴²⁰

Abuse of 19-year-old Gregory Thompson

Bishop Thompson told us that in around 1976, when he was about 19 years of age, he lived in Newcastle and was considering a vocation in the Church. He was befriended by Canon Barker, who was a senior member of the Diocese and who lived in the Cathedral apartment.⁴²¹

Canon Barker encouraged him to drink a lot of wine when they were together.⁴²² On one occasion after dinner at the Canon's house, Canon Barker started kissing and fondling Mr Thompson (as he then was) and telling him he should stay the night. Mr Thompson rejected the Canon's advances.⁴²³

Canon Barker introduced Mr Thompson to Bishop Shevill and invited Mr Thompson to go to the movies with them. Bishop Thompson said he felt honoured to have been introduced to the Bishop of Newcastle.⁴²⁴ He thought Canon Barker and Bishop Shevill must have seen some potential in him.⁴²⁵

However, the movie they took Mr Thompson to was R-rated and had a homosexual theme. During the movie both Canon Barker and Bishop Shevill groped Mr Thompson in the genital area, including at the same time. Mr Thompson was scared and lost for words.⁴²⁶ That night, he stayed at Canon Barker's apartment. Barker kissed and groped Mr Thompson and invited Mr Thompson into his room. Bishop Thompson said that Canon Barker told him, 'If you want to get into the ministry, we have to have a relationship'. Mr Thompson rebuffed his advances.⁴²⁷

Bishop Thompson disclosed these incidents publicly in 2015, although he did not name Canon Barker at that time.⁴²⁸ As is discussed in further detail in section 7 of this report, Bishop Thompson experienced a backlash from parts of the diocesan community after disclosing these matters.

Bishop Thompson was a truthful witness. We accept his account of events.

3 Institutional Response under Bishop Alfred Holland (1978 – 1992)

3.1 Introduction

Bishop Holland was the Bishop of Newcastle from February 1978 until his retirement in 1992.⁴²⁹ His assistant bishop from 1983 to 1992 was Bishop Appleby.⁴³⁰

During Bishop Holland's episcopate, a number of people involved in the Diocese sexually offended against children, including priests Hatley Gray and Father Rushton and lay preacher and youth worker Brown. Sexual abuse was also allegedly perpetrated at the St Alban's Home for Boys.

Bishop Holland said that, if any complaints of child sexual abuse were raised, he would have expected that he would be informed.⁴³¹ Similarly, Bishop Appleby agreed that he was a natural contact for receiving such a complaint.⁴³²

Bishop Holland and Bishop Appleby both told us that they did not at the time receive any complaints of child sexual abuse within the Diocese.⁴³³ Both said they only became aware of such allegations after they had left the Diocese.⁴³⁴

However, a number of other witnesses gave evidence that they did disclose allegations of child sexual abuse to Bishop Holland and Assistant Bishop Appleby. There is also evidence that Bishop Holland and Assistant Bishop Appleby were involved in handling an allegation in 1990 (which led to a criminal prosecution) that Hatley Gray had sexually abused a 15-year-old boy.

This section of the report:

- discusses Bishop Holland's evidence before the Royal Commission about his lack of recollections, whether Mr Allen sought to influence Bishop Holland's evidence, and whether Bishop Holland had a proper opportunity to be heard in view of new evidence which came to light
- considers what information Bishop Holland and Assistant Bishop Appleby were given about the 1990 prosecution of Hatley Gray for raping a 15-year-old boy
- examines what knowledge Bishop Holland and Assistant Bishop Appleby had of allegations that Father Rushton and Brown had sexually abused children
- considers whether Assistant Bishop Appleby was told by CKA in 1984 that he had been sexually abused by Father Parker as a boy
- reaches conclusions about the treatment of child sexual abuse allegations during Bishop Holland's episcopate.

3.2 Policies and procedures during Bishop Holland's episcopate

During Bishop Holland's tenure as bishop, the only framework for dealing with clergy misconduct was that supplied by the Offences Canon 1962 and the Clergy Discipline Ordinance 1966 (discussed in section 2.2 above).

Bishop Holland stated that during his tenure as bishop there were no legal structures or protocols in place to deal specifically with allegations of child sexual abuse or complaints of misconduct by a priest, other than the general diocesan tribunal and licensing processes.⁴³⁵ However, he stated that, if any complaints of child sexual abuse were raised, he would have expected that he would be informed.⁴³⁶

Bishop Appleby told the Royal Commission that he had no responsibilities in the handling of complaints made against members of the clergy.⁴³⁷ He said there was no formal structure or framework in place in the Diocese during his tenure for managing allegations against clergy, other than the diocesan tribunal.⁴³⁸ In those circumstances, Bishop Appleby agreed that any serious allegations against a member of clergy would be raised with a senior member of the Diocese.⁴³⁹ Bishop Appleby agreed that he was a natural contact for receiving such a complaint.⁴⁴⁰

3.3 Bishop Holland's evidence at the public hearing

No memory problems asserted

Bishop Holland gave written and oral evidence to the Royal Commission. He is of an advanced age (90 years), but he came across as a capable witness in command of his mental faculties. He was firm and unequivocal in his evidence. At no point did he assert that he had any problems with his memory.

Bishop Holland's counsel submitted that he had given unequivocal evidence in three statements and that he did not recall 'a single incident' of child sexual abuse being reported to him during his tenure as Bishop of Newcastle.⁴⁴¹

Did Mr Allen seek to influence Bishop Holland's evidence?

In evidence before us were file notes made by the diocesan business manager, Mr Cleary, of conversations that he had with Mr Allen in 2015. The file notes record that Mr Allen told him that he would advise Bishop Holland that, in any evidence to the Royal Commission,

he should claim that he had ‘no recollection’ of child sexual abuse matters. According to one file note, Mr Allen said that he intended to obtain a medical certificate for Bishop Holland showing that he was unfit to give evidence.⁴⁴²

This allegation was raised in oral evidence with both Bishop Holland and Mr Allen.

Bishop Holland said in oral evidence that he only knew Mr Allen in a professional capacity and had not spoken to him since he left Newcastle. Bishop Holland’s only communication with Mr Allen since that time was to send Christmas cards.⁴⁴³ Bishop Holland said that he and Mr Allen had not discussed giving evidence to the Royal Commission.⁴⁴⁴

Mr Allen agreed in oral evidence that he had had a conversation with Mr Cleary about Bishop Holland giving evidence. However, he put a different complexion on the matter. He said that he told Mr Cleary that, given Bishop Holland’s age, he might not be able to give evidence to the Royal Commission.⁴⁴⁵ Mr Allen also said he did not contact Bishop Holland and never suggested to him that, should he be contacted by the Royal Commission, Bishop Holland should claim he did not remember anything or that Bishop Holland should consider obtaining a medical certificate if he was required to give evidence to the Royal Commission.⁴⁴⁶

There is insufficient evidence upon which to find that Mr Allen intended to or did approach Bishop Holland to advise him to claim to the Royal Commission that he had no memory of events.

New evidence comes to light

Bishop Holland gave oral evidence on 3 August 2016. After that time, a number of new witnesses – COE, COC, Mr Christopher Hall and Mrs Valerie Hall – came forward and new documents also came to light suggesting that Bishop Holland had been made aware of child sexual abuse allegations during his episcopate. This new evidence was specifically drawn to Bishop Holland’s attention in writing by those assisting the Royal Commission.⁴⁴⁷ Bishop Holland responded by way of two further statements.⁴⁴⁸

In letters dated 2 and 10 November 2016 respectively, those assisting the Royal Commission asked whether Bishop Holland wanted COE, COC, Mr Hall or Mrs Hall called to give oral evidence.⁴⁴⁹ Bishop Holland did not make that request.

In the 10 November 2016 letter, those assisting the Royal Commission notified Bishop Holland that a submission might be put that the evidence those witnesses provided could be accepted and Bishop Holland’s evidence may not be accepted. He was asked whether he wished to provide a further supplementary statement or give further oral evidence. On 14 November 2016, Bishop Holland provided a further statement in which he confirmed his oral evidence and his previous two statements.⁴⁵⁰ At no time did Bishop Holland or his counsel indicate that Bishop Holland wished to give further oral evidence or have witnesses called.

We are satisfied that Bishop Holland was afforded a reasonable opportunity to be heard in relation to the new evidence that emerged after he gave oral evidence on 3 August 2016. This new evidence is discussed in further detail below.

3.4 The knowledge of Stephen Hatley Gray's 1990 offences

The offence

Hatley Gray was licensed by Bishop Holland as a priest in the Diocese in 1988 and was appointed the rector of Wyong.⁴⁵¹ In 1990, following a plea of guilty,⁴⁵² Hatley Gray was convicted of the offence of homosexual intercourse with a male under 18 years and over 10 years.

According to police documents, Hatley Gray had anal intercourse with a 15-year-old boy sometime between midnight and 4 am on 12 February 1990. The victim reported his assault to police at about 5 am that same morning. Hatley Gray was arrested and charged later that same day.⁴⁵³

Mr Allen, then a member of diocesan council⁴⁵⁴ and a trustee for the Diocese,⁴⁵⁵ represented Hatley Gray during his criminal proceeding.⁴⁵⁶ On 7 September 1990, Hatley Gray was sentenced to a fine of \$100 and a good behaviour bond for three years.⁴⁵⁷

Bishop Holland's and Assistant Bishop Appleby's knowledge of the offence

Both Bishop Holland⁴⁵⁸ and Bishop Appleby⁴⁵⁹ told us that they did not know (either at the time or during the prosecution of the offence) that Hatley Gray was alleged to have sexually abused a child. This was despite their knowledge that he was being prosecuted for something.⁴⁶⁰ For reasons that follow, we do not accept their evidence.

Bishop Holland's evidence

Bishop Holland's account was that in February 1990 he became aware that Hatley Gray had hosted a party at the rectory with some male friends, during which the rectory had been damaged. Bishop Holland said he went to Wyong a short time after the incident, by which time Hatley Gray had left with his family and Bishop Holland never saw him again.⁴⁶¹

Bishop Holland said that when he was at Wyong Mr Allen had advised him to withdraw Hatley Gray's licence because of the damage done to the rectory and because he had absconded.⁴⁶² Bishop Holland said Mr Allen told him that he need not be concerned and that Mr Allen would 'look after it'.⁴⁶³ Bishop Holland said that he took this advice literally.⁴⁶⁴

On 30 May 1990, Mr Allen wrote to Bishop Holland requesting that he provide a written reference for Hatley Gray. The letter from Mr Allen advised that the matter would be coming before the District Court at Gosford. Bishop Holland was also advised in the letter that the use of the reference would depend upon the attitude of the Crown and the judge.⁴⁶⁵

Bishop Holland said that, before he received this letter, he was not aware that Mr Allen was acting for Hatley Gray in a criminal proceeding.⁴⁶⁶ Contrary to the assertion by Mr Allen,⁴⁶⁷ Bishop Holland denied that he had offered to attend court to give evidence for Hatley Gray.⁴⁶⁸ On 31 May 1990, Bishop Holland wrote a letter to Mr Allen enclosing a draft reference for Hatley Gray and invited Mr Allen's guidance.⁴⁶⁹

The draft reference stated in part, 'I am deeply sorry this matter has occurred, and to me, it seems totally out of character ... It is highly unlikely that any Bishop will license him for priestly work'.⁴⁷⁰ Contrary to his evidence to us, this shows that Bishop Holland was prepared to assert he did know what was going on

Bishop Holland nevertheless maintained he did not know the nature of the charges against Hatley Gray and thought they related to the damage to the rectory and 'some sort of homosexual activity'.⁴⁷¹ Bishop Holland submitted that the reason he believed that Hatley Gray was unlikely to be licensed as a priest was that he had expectations that a married priest would be true to his vows. The actions of a married priest in hosting wild parties involving homosexual activity would be likely to impact on Hatley Gray's career in the Church.⁴⁷²

Bishop Holland told us that he was unaware that Hatley Gray had been charged with sexually abusing a boy until he received documents from the Royal Commission.⁴⁷³

Bishop Holland claimed that he did not ask about the criminal proceedings when he wrote the reference.⁴⁷⁴ He said that he should have inquired of Mr Allen as to the true nature of the charges and that he had allowed Mr Allen to 'fob him off'.⁴⁷⁵ However, he agreed that Mr Allen might have suggested that he should write to all Australian bishops advising them not to employ Hatley Gray without contacting the Diocese first.⁴⁷⁶

Mr Allen's evidence

Mr Allen gave evidence that Bishop Holland was aware that Hatley Gray had been charged with a child sex offence.⁴⁷⁷ Mr Allen said that Bishop Holland had telephoned him some days after Mr Allen was engaged to act in Hatley Gray's criminal prosecution and said he wanted to give evidence for Hatley Gray. Mr Allen advised him against this because of the possible media attention.⁴⁷⁸ Mr Allen agreed that he requested a reference from Bishop Holland solely to assist in the criminal prosecution of Hatley Gray.⁴⁷⁹

Mr Allen also agreed that he told Bishop Holland that he would handle the matter, but this was in relation to Bishop Holland offering to attend court and give evidence on Hatley Gray's behalf.⁴⁸⁰

Bishop Appleby's evidence

Bishop Appleby's account of events was different from that of Bishop Holland. He said that in the late 1980s he received an early morning telephone call from Bishop Holland informing him that there had been a 'serious disturbance' at the Wyong rectory the previous evening.⁴⁸¹ Bishop Appleby said he was asked to go to Wyong and obtain Hatley Gray's resignation.⁴⁸²

Bishop Appleby gave evidence that he left for Wyong immediately after he received the telephone call.⁴⁸³ When he arrived at the rectory, he found serious damage to its interior.⁴⁸⁴ He told Hatley Gray that this was inappropriate behaviour for a priest and that he should consider providing Bishop Holland with his resignation.⁴⁸⁵

Bishop Appleby said that Hatley Gray wrote a resignation in front of him, which Bishop Appleby read. Bishop Appleby gave the resignation letter to Bishop Holland upon his return to Newcastle.⁴⁸⁶

On 31 May 1990, Mr Allen wrote to Assistant Bishop Appleby requesting that he provide a reference for Hatley Gray.⁴⁸⁷ Bishop Appleby had no recollection of receiving this letter but said that, given it was stamped as having been received by his office, he would have seen it at the time.⁴⁸⁸

Bishop Appleby gave evidence that he did not ask Mr Allen about the nature of the charges against Hatley Gray.⁴⁸⁹ Bishop Appleby did not recall discussing the matter with Bishop Holland.⁴⁹⁰

Other evidence

Also in evidence is a pre-sentence report from Reverend David Williams to the District Court dated 3 September 1990.⁴⁹¹ Reverend Williams stated in the report that he had spoken with Bishop Holland on three separate occasions about Hatley Gray. The report also stated:

I have discussed [Hatley Gray's] future with the Bishop of Newcastle ... and the Bishop of Ballarat ... and the possibility of Stephen Gray being restored to the exercise of his ministry as a priest in the anglican [sic] church. Both bishops are aware of his great gifts and they do not regard this offence as necessarily an indelible impediment to his rehabilitation to work as a priest in the future.⁴⁹²

We received a written statement from Reverend Hugh Bright. In around 2009 and 2010, when Reverend Bright was ministering in the Parish of Lakes in the Diocese, a group of parishioners who knew the family members of Hatley Gray's victim told him that Hatley Gray had suddenly left the Parish of Wyong in the early 1990s as a result of the charges.⁴⁹³ They told him that they were shocked to see Hatley Gray on television in around 1992 officiating over a memorial service in the Belanglo Forest for two of notorious serial killer Ivan Milat's victims, 'given that it was well known through the families of the victims that the Diocese had promised them that Gray would never minister again following his conviction'.⁴⁹⁴

Reverend Raymond Manuel also gave a statement to us. He said he was friends with Hatley Gray and went to see him at the Wyong rectory the day after the offence had been committed. He said the main issue was not damage to the rectory but the allegation that Hatley Gray had had sexual intercourse with an underage boy. Hatley Gray initially denied this allegation to Reverend Manuel.⁴⁹⁵

Reverend Manuel said that he spoke with then Assistant Bishop Appleby a few days later about the matter and that Assistant Bishop Appleby told him that the matter was being dealt with 'quietly' because it was 'sensitive'.⁴⁹⁶ He also said that a week or two later he received a telephone call from then Dean Lawrence, who asked him to write a reference for Hatley Gray.⁴⁹⁷ In oral evidence, Mr Lawrence denied that he had made that request.⁴⁹⁸

Reverend Manuel said he had known for many years that Hatley Gray was convicted of sexual abuse of a minor and he believes it was public knowledge and was reported in the media at the time.⁴⁹⁹

An article published in the local media shortly after the incident stated that a 47-year-old Anglican Church minister had been charged with sexually assaulting a 15-year-old boy at a rectory on the New South Wales Central Coast.⁵⁰⁰ It is most unlikely that this article would not have been drawn to the attention of Bishop Holland and Assistant Bishop Appleby.

Two days after the offence occurred, Bishop John Reid of the Diocese of Sydney wrote to Bishop Holland. Bishop Reid advised Bishop Holland that Hatley Gray had informed him of his resignation. Bishop Reid stated that, when he had originally recommended Hatley Gray to the Diocese, he had informed Bishop Holland in good faith that he believed Hatley Gray's 'problems with his sexuality had been resolved' but that 'this tragedy has now struck'.⁵⁰¹

Conclusion

We are satisfied that Bishop Holland was aware of the nature of the offences committed by Hatley Gray at the time he requested Assistant Bishop Appleby to go to the Wyong rectory and seek Hatley Gray's resignation. We are also satisfied that Bishop Appleby became aware of the nature of those offences at some time during 1990, although we accept that Bishop Appleby may not have been aware of the exact nature of the offences at the time Bishop Holland sent him to obtain Hatley Gray's resignation.

Bishop Holland and Assistant Bishop Appleby were involved in requiring Hatley Gray's immediate resignation following the conduct. We find it implausible that damage to the rectory alone would generate such a requirement without any further investigation. Bishop Reid's reference two days after the resignation to Hatley Gray's 'problems with his sexuality' and that a 'tragedy' had now occurred makes no sense in the context of mere property damage.

Both men knew that Mr Allen was acting for Hatley Gray in a criminal prosecution and both were asked to provide references. Bishop Holland's evidence that he paid little attention to the request is at odds with him responding to it by writing a draft reference, on which he sought guidance. Bishop Holland submitted that nothing in Mr Allen's letter to him set out the true nature of the charges and that Mr Allen gave him only limited information.⁵⁰² Further, it is inconceivable that Bishop Holland would not have discussed the nature of the criminal allegations with Mr Allen.

Mr Allen also said that Bishop Holland and Bishop Appleby were both aware of the criminal charges against Hatley Gray.⁵⁰³

There was media attention at the time concerning an Anglican parish priest who had sexually assaulted a 15-year-old boy at a rectory on the New South Wales Central Coast. There is also evidence before us that it was common knowledge in the Diocese at the time.⁵⁰⁴

Finally, Reverend Williams said in his pre-sentencing report to the court that he had discussed the matter with Bishop Holland on three occasions and that Bishop Holland's view was that the matter would not necessarily prevent Hatley Gray from returning to the ministry in the future.

We also find it inconceivable that the two most senior officers of the Diocese – Bishop Holland and Assistant Bishop Appleby – would not have discussed the matter amongst themselves, particularly since Bishop Holland had requested Assistant Bishop Appleby to procure Hatley Gray's resignation and because both had been asked to write character references in criminal proceedings concerning Hatley Gray.

We are satisfied that Bishop Holland and Assistant Bishop Appleby were aware in 1990 that Hatley Gray had been charged with and convicted of sexually assaulting a boy. Their implausible denials in this respect mean that we have treated the balance of their evidence with caution.

Previous warning to Bishop Holland from Bishop Reid

The letter of 14 February 1990 from Bishop Reid of the Diocese of Sydney to Bishop Holland responding to news of Hatley Gray's resignation also gives rise to the question of whether Bishop Holland had received any kind of warning about Hatley Gray before the offence took place.

Bishop Reid wrote that, when he had originally recommended Hatley Gray to the Diocese, he had informed Bishop Holland in good faith that he believed Hatley Gray's 'problems with his sexuality had been resolved'.⁵⁰⁵

Bishop Holland gave evidence that he had no memory of talking to Bishop Reid about Hatley Gray before appointing him as a priest in the Diocese.⁵⁰⁶ Bishop Holland stated that he understood that Bishop Reid's reference to Hatley Gray 'having problems with his sexuality' was a reference to Hatley Gray's latent homosexuality, of which Bishop Holland said he had not previously been aware.⁵⁰⁷

Bishop Holland said that, if he had talked with Bishop Reid before appointing Hatley Gray regarding Hatley Gray's problems with his sexuality, it was 'highly unlikely' that he would have appointed him as rector of Wyong.⁵⁰⁸ Bishop Holland also submitted that he did not know what those problems were and that, as far as he knew, Hatley Gray was a married priest with four children.⁵⁰⁹

However, Bishop Holland agreed that he had some idea from prior discussion with Bishop Reid that Hatley Gray may have engaged in sexually inappropriate behaviour.⁵¹⁰ Despite that agreement, Bishop Holland maintained that he had no recollection of a conversation with Bishop Reid regarding issues with Hatley Gray's sexuality and that he would not have appointed Hatley Gray in the Diocese if he had known that Hatley Gray had 'sexual difficulties'.⁵¹¹

We found Bishop Holland's evidence difficult to follow. However, because the letter used vague language and did not state precisely what Bishop Reid was referring to – and we cannot obtain Bishop Reid's version of events, as he is now deceased⁵¹² – there is insufficient evidence

to find that before Bishop Holland licensed Hatley Gray he was aware of any prior sexual offending against boys on the part of Hatley Gray. However, clearly Bishop Holland had notice that Hatley Gray had ‘problems with his sexuality’.

Falsification of the date of Hatley Gray’s resignation

Police documents show that the victim of Hatley Gray reported the assault to police at about 5 am on 12 February 1990.⁵¹³ Bishop Appleby said that after the incident Bishop Holland told him to go to Wyong rectory to procure Hatley Gray’s resignation⁵¹⁴ and that Hatley Gray wrote a resignation letter in front of him.⁵¹⁵ However, a handwritten resignation letter from Hatley Gray bears the date ‘11 February 1990’.⁵¹⁶ A question arises regarding the accuracy of the date in this letter.

In evidence before us were two file notes prepared by Mr Cleary, in which Mr Allen purportedly told him in early 2015 that he had assisted Hatley Gray to falsify his resignation letter in order to ‘cause less problems for the diocese’.⁵¹⁷ In his submissions, Mr Allen challenged the accuracy of those file notes.⁵¹⁸ However the file notes demonstrate that, prior to this hearing, Mr Allen had knowledge that some kind of falsification of the date on the resignation letter had occurred.

In any event, Mr Allen admitted in oral evidence that he had ‘destroyed’ the original resignation.⁵¹⁹ Bishop Appleby denied any knowledge that the original resignation had been destroyed or bore a false date.⁵²⁰

During the public hearing it was put to Mr Allen that his actions looked like a fraud. He accepted his actions could be described as a false representation as to Mr Gray’s status. He did not accept that they looked like a fraud:

Q. You were party to the circumstances in which the false document was created, weren’t you?

A. Yes, I certainly destroyed the first resignation.

Q. Do you see, in ordinary language, it looks like a fraud, doesn’t it?

A. No. It facilitated Mr Gray’s status and whether it is a fraud –

Q. It is a false representation as to his status, isn’t it?

A. It could be described as that, sir.⁵²¹

The 1990 diocesan yearbook states that Hatley Gray resigned ‘as from 11 February 1990’.⁵²² Mr Allen agreed that, on its face, the 1990 yearbook was false⁵²³ and would allow a false representation to be made to another diocese.⁵²⁴ Moreover, a clear inference is that it would also have protected the Diocese’s reputation to some extent by asserting that Hatley Gray resigned as a priest before perpetrating the sexual abuse.

We are satisfied that Hatley Gray resigned on 12 February 1990 after committing the offence and that, to the extent that his resignation letter represents that it was dated 11 February 1990, it is false. We are also satisfied that Mr Allen played at least some role in the falsification of the date of the resignation – at least to the extent that he destroyed the original resignation letter.

We find that, because a second resignation letter was written and dated 11 February 1990, the diocesan yearbook of 1990 falsely represented that Hatley Gray had resigned on 11 February 1990, which was before he had committed the offence.

Bishop Holland's failure to warn other dioceses about Hatley Gray's conduct

We do not accept Bishop Holland's claim in his statement that he 'immediately delicensed' Hatley Gray because of the damage he caused to the rectory.⁵²⁵ There is no evidence that Bishop Holland withdrew Hatley Gray's licence. Rather, Hatley Gray resigned. That is consistent with the letter of resignation (albeit bearing a false date) and Bishop Appleby's account of events.

The fact that Hatley Gray was permitted to resign and was not dealt with under the Diocese's disciplinary process had the effect, as Assistant Bishop Appleby had told Reverend Manuel, of dealing with the matter 'quietly'.

There is no evidence that Bishop Holland took any steps to warn other dioceses of the offence that Hatley Gray had committed or of the risk he may pose to children. The evidence was that he was subsequently licensed in another diocese. In this regard, Reverend Bright and Reverend Manuel gave evidence that, in 1992, Hatley Gray presided over the memorial service in the Belanglo Forest for two of Ivan Milat's victims.⁵²⁶ Further, according to a file note prepared by Mr Cleary, Mr Allen told him in 2015 that, after leaving the Central Coast, Hatley Gray worked as a youth worker in another diocese.⁵²⁷

Bishop Holland submitted that, as Hatley Gray had been convicted for child sexual abuse, a police check would have disclosed this to any future employer.⁵²⁸ It was not until July 2000 that employers were required to ascertain if an employee undertaking child-related employment had been convicted of a child sexual abuse offence.⁵²⁹

3.5 Disclosures to the Diocese of allegations against Father Rushton and Brown

Relationship between Father Rushton and Brown

Father Rushton and Brown were close associates for much of the 1970s and 1980s. Father Rushton and Brown appear to have formed a relationship following Father Rushton's transfer to Weston as priest in charge in 1968.⁵³⁰ According to Brown, this extended to a sexual relationship.⁵³¹ Brown assumed the position of lay synod representative of Weston under Father Rushton in 1972.⁵³²

Also in the late 1960s or early 1970s, Father Rushton and Brown began their association with St Alban's Home for Boys. In the late 1960s, possibly when he became priest in charge at Weston, Father Rushton became chaplain of St Alban's.⁵³³ Brown was appointed to the management committee of St Alban's in or about 1977.⁵³⁴

In 1979, Father Rushton was the rector at Wallsend parish in the Diocese. At that time, Brown was a lay reader and youth group leader at the Kurri Kurri Anglican Church in the Diocese.⁵³⁵

Disclosures by Ms Suzan Aslin concerning Father Rushton and Brown in around 1979

Ms Suzan Aslin gave written and oral evidence to the Royal Commission. She said that, in around 1977, two of her sons became involved in the Church through their involvement with a Venturer unit in Kurri Kurri. She was approached by Brown, who suggested her sons and their Venturer unit join with a Church youth group run by Brown.⁵³⁶ Ms Aslin's sons then began attending a weekly meeting at the church at Kurri Kurri.⁵³⁷

Ms Aslin told us that on one occasion she met Father Rushton, who attended a weekend gathering at Morpeth College involving some of the Venturer and church groups. Brown and some younger priests also attended. Ms Aslin observed that Father Rushton seemed to be at the centre of the group and that as a group they all agreed to any suggestion from Father Rushton.⁵³⁸

In or about late 1978, Ms Aslin's son, Ian, who was then 15 years old,⁵³⁹ told her that he believed that Brown was pursuing him. Shortly after that, Ms Aslin and Ian went to dinner at Brown's house. During the evening, Brown kissed Ian on the lips. Ms Aslin was unaware of this until her son told her later that evening.⁵⁴⁰

By the time of this dinner, Ms Aslin was concerned that Brown was pursuing her son.⁵⁴¹

She found male homosexual pornography in Brown's room and confronted him with it.⁵⁴² They had an argument and a physical scuffle, and Brown told Ian, 'You will be mine', before Ms Aslin and Ian left.⁵⁴³

In around early 1979, Ms Aslin became aware that Brown was fostering a boy from St Alban's Home for Boys and was going to become his guardian. She told us that she was 'horrified' when she heard this.⁵⁴⁴ That boy was Mr D'Ammond.⁵⁴⁵

Ms Aslin gave evidence that Brown told her in around early 1979 that Father Rushton was also fostering boys from St Alban's.⁵⁴⁶ Brown also told her that he and Father Rushton were going on a tour together of gay bars in Europe and showed her a brochure.⁵⁴⁷

Shortly thereafter, in early 1979, Ms Aslin approached Professor David Frost, a member of the diocesan synod and a lecturer at the University of Newcastle, where she was studying.⁵⁴⁸ She told Professor Frost that Brown and Father Rushton were fostering boys from St Alban's and that they were intending to travel to Europe together on a 'sex trip'.⁵⁴⁹ Ms Aslin also told him that Brown was pursuing her son.⁵⁵⁰ Professor Frost said he would contact Bishop Holland regarding her concerns.⁵⁵¹

Professor Frost gave a written statement to the Royal Commission. In his statement he said he recalled a female mature-age student approaching him after class sometime in the late 1970s to discuss her concerns with respect to the Diocese. He did not recall her name but, as no other student ever raised such concerns with him, he had no reason to doubt it was Ms Aslin.⁵⁵²

Professor Frost said that shortly afterwards he went to see Bishop Holland at his residence and told him that Ms Aslin was concerned about her son and that there had been some homosexual contact with some clergy. Professor Frost stated that Bishop Holland asked Professor Frost to leave the matter 'entirely with him'.⁵⁵³

Professor Frost gave evidence that Bishop Holland rang him about a week after their meeting and told him that he had had an interview with Ms Aslin. Professor Frost did not recall being told anything further.⁵⁵⁴

Ms Aslin gave evidence that, sometime after her meeting with Professor Frost, she received a telephone call at home from Bishop Holland. She said she vividly recalled the circumstances of the telephone call.⁵⁵⁵ Ms Aslin said she had not ever previously spoken with Bishop Holland.⁵⁵⁶ However, Bishop Holland told her who he was during the call. In addition, she later saw him on television and recognised his voice as belonging to the person with whom she had spoken during the telephone call.⁵⁵⁷

Ms Aslin says that during their call she told Bishop Holland that Father Rushton and Brown were fostering boys from St Alban's and that Father Rushton and Brown were travelling together to Europe on a 'sex trip'.⁵⁵⁸ She also told him that Brown had pursued her son.⁵⁵⁹ Ms Aslin said that Bishop Holland told her he was 'appalled' and asked her to leave the matter with him.⁵⁶⁰ She never heard from him again.⁵⁶¹

Ms Aslin's son, Mr Ian Ross-Gowan, provided a written statement to us. In his statement he said he recalled being aware in or around 1978 that Ms Aslin had reported her concerns to Professor Frost and Bishop Holland.⁵⁶²

Bishop Holland told us that he had no recollection of any conversation with Professor Frost concerning Ms Aslin.⁵⁶³ Bishop Holland also emphatically denied that he ever telephoned Ms Aslin.⁵⁶⁴ Bishop Holland said that, if he had been made aware of Ms Aslin's allegations, he would have asked her to come and see him and that he would not have discussed such a grave matter over the telephone.⁵⁶⁵

We prefer the accounts of Ms Aslin and Professor Frost to that of Bishop Holland. Ms Aslin and Professor Frost have specific memories of their conversations with Bishop Holland and of the circumstances in which they had them. It was, for both of them, a serious and memorable occasion to be speaking to their bishop about such matters. There is no motive for them to lie.

Counsel for Bishop Holland submitted that the call to Ms Aslin may not have been made by Bishop Holland.⁵⁶⁶ We reject this submission. There is no basis on which to speculate that someone other than Bishop Holland would impersonate him when speaking to Ms Aslin. Ms Aslin's evidence was that Bishop Holland identified himself during the call. This submission also ignores the evidence of Professor Frost, who was at that time a member of the diocesan synod and who knew Bishop Holland personally.⁵⁶⁷ Professor Frost stated that he had raised Ms Aslin's concerns with Bishop Holland and the bishop had subsequently reported to Professor Frost that he had spoken with Ms Aslin.⁵⁶⁸

There is no evidence that Bishop Holland took any steps in relation to these revelations about Father Rushton and Brown. He denied any knowledge of the matter. We do not accept this evidence.

3.6 Disclosures concerning Father Rushton's alleged abuse of COE in 1980

There is evidence that in the early 1980s Bishop Holland was informed of an allegation that Father Rushton had sexually abused COE, the young son of an assistant priest, COA, in the Wallsend parish.⁵⁶⁹ In 1980, Father Rushton was the parish priest at Wallsend.⁵⁷⁰

During the public hearing of this case study the Royal Commission heard oral evidence from Ms Pamela Wilson about an alleged meeting between COE's parents and Bishop Holland during which they told him about the abuse of COE by Father Rushton.⁵⁷¹ Bishop Holland denied this allegation in his oral evidence.⁵⁷²

Following the oral evidence of Ms Wilson and Bishop Holland, statements were obtained from COE, his mother, COC, Mr and Mrs Hall and Ms Leslie Danger. All of these statements were tendered during the public hearing. However, a direction not to publish was made in relation to the statements of COC and COE. The direction allowed those statements to be provided to parties with leave to appear at the public hearing, including Bishop Holland.

The statements of COC, COE, Mr and Mrs Hall and Ms Danger were provided to Bishop Holland to give him an opportunity to comment. He affirmed his evidence in a supplementary statement that he did not recall any person reporting child sexual abuse to him during his tenure as Bishop of Newcastle.⁵⁷³

Alleged meeting with Bishop Holland

Christopher and Valerie Hall were good friends of COC and COA.⁵⁷⁴ Mr and Mrs Hall provided statements to the Royal Commission. Mr Hall said that in '1978 or 1979' COC told him that Father Rushton had masturbated in front of COE. He said that he and his wife accompanied COA and COC to the meeting with Bishop Holland in which COC advised Bishop Holland that Father Rushton had sexually abused her son.⁵⁷⁵

Mr Hall said that Bishop Holland told them that unless there was 'definite evidence' there was nothing he could do. Mr Hall told the Royal Commission that he got the impression that there would be repercussions if the allegations were repeated. He felt that Bishop Holland dismissed them like naughty school children.⁵⁷⁶

Mrs Hall also said the four of them had met with Bishop Holland in '1978 or 1979'. She said Bishop Holland was dismissive of COC's account and told them they needed 'photographic evidence to prove things like that, and until then, there was nothing he could do'. There was no offer of assistance or commitment to do anything. She said they were all shocked by Bishop Holland's response.⁵⁷⁷

The Royal Commission received a statement and heard oral evidence from Ms Wilson. She told us that she became a parishioner in the Parish of Wallsend in 1973, where Father Rushton was the parish priest. She was active in the Diocese as a Sunday school teacher, scripture teacher, mothers' union president and chair of the Pastoral Care Committee.⁵⁷⁸

Ms Wilson said that, in around 1980, COA and COC told her that their son had been abused by Father Rushton.⁵⁷⁹ She thought that COE was around four or five years old at the time of the abuse.⁵⁸⁰ COA and COC told her that they had told Bishop Holland, but they had not been believed.⁵⁸¹ They told her that Bishop Holland described the allegations as ‘lies’ and said that Father Rushton would never do anything like that.⁵⁸²

Ms Wilson gave evidence that she was ‘horrified’ at what COA and COC had told her, so she decided to write a letter to Bishop Holland.⁵⁸³ However, after some reflection she did not write the letter, as she thought that Bishop Holland was unlikely to believe her if he did not believe one of his own priests.⁵⁸⁴ Ms Wilson never spoke to Bishop Holland about the allegations.⁵⁸⁵ However, she explained in oral evidence that she had told COC over the telephone of her intention to write the letter, and COC told her that Father Rushton had access to the telephone line they were speaking on.⁵⁸⁶

Ms Wilson said that shortly afterwards she received a telephone call from Father Rushton. She said that he told her to destroy her letter to Bishop Holland or he would take legal action.⁵⁸⁷ He also demanded that Ms Wilson remove COC from her pastoral care team.⁵⁸⁸

Report to Bishop Holland by Ms Lesley Danger in 1980

We also received a statement from Ms Danger, who was an active member of the Church in the Diocese during the period of Bishop Holland’s episcopate.⁵⁸⁹

Ms Danger stated that in early 1980 she met with Bishop Holland in the diocesan registry office to discuss a personal matter with him. She said that during this meeting she also raised the allegations that Father Rushton had ‘interfered with’ COE. Ms Danger stated that Bishop Holland responded that he could do nothing in relation to the allegations, as Father Rushton had threatened legal action.⁵⁹⁰

Bishop Holland’s evidence

Bishop Holland initially denied that he was ever told by COA that his son had been abused by Father Rushton.⁵⁹¹ He later told us that he had ‘no memory’ of this allegation being made. He stated that, if he had received such an allegation, he would have ‘automatically brought the two priests in and discussed the matter with them’.⁵⁹² He said had such a disclosure been made he was ‘almost bound’ to have acted on it.⁵⁹³

Bishop Holland was certain he never met with COA and COC or anyone else on the subject of the sexual abuse of COE.⁵⁹⁴ He states that the ‘parties concerned’ were mistaken about a meeting where the abuse of COE was raised with him. In support of this statement, Bishop Holland referred to ‘conflicting statements about where the meeting took place and who was present’.⁵⁹⁵

Bishop Holland agreed in oral evidence that it would be an extraordinary revelation if he had been made aware that a priest within his Diocese was abusing a child, but he maintained that he had no memory of any fellow priest making an allegation of that nature about Father Rushton.⁵⁹⁶

Bishop Holland also told us that he had no knowledge of Ms Danger bringing this allegation to him. He believed this could not have occurred, as it ‘beggars belief I would not have taken action when told of a priest sexually abusing the son of another priest let alone any other child’.⁵⁹⁷ He denied ever telling anyone that he could do nothing because Father Rushton threatened legal action.⁵⁹⁸

Bishop Holland also gave evidence that he did not know either Mr Hall or Mrs Hall and had no recollection of ever meeting with them at any time.⁵⁹⁹ He stated he had never had an office in the Cathedral, which was where they believed he had met with them.⁶⁰⁰

Conclusions

Mr Hall, Mrs Hall and Ms Danger gave evidence that they reported to Bishop Holland the allegation that Father Rushton sexually abused COE. Their accounts had an overall consistency and, to the extent that there are minor inconsistencies, they are of no moment given the events occurred over 30 years ago. It is not plausible that so many witnesses – with no apparent motive to lie – would give the same false account. Each witness reported a similar impression that Bishop Holland’s response was dismissive or defensive and that he focused on the inability to substantiate the allegation.

We are satisfied that in around 1980 Bishop Holland was told that Father Rushton had sexually abused COE. We are also satisfied that Bishop Holland failed to take any action to report or risk manage Father Rushton once he was made aware of this allegation. This is of particular concern in light of the fact that Ms Aslin had previously made Bishop Holland aware of her concerns about Father Rushton’s dealings with boys.

In view of the gravity of the allegations, it is difficult to understand how Bishop Holland does not recall this matter. We do not accept Bishop Holland’s evidence on this issue.

We are also satisfied that Bishop Holland failed to take any action to ensure that appropriate support was provided to COE and his family. It must have been readily apparent to Bishop Holland that, as COA was a junior priest under the supervision of Father Rushton, who was a more senior priest, COA and his family were in a particularly vulnerable situation.

It is impossible to understand how a bishop with pastoral responsibilities to his diocese and the children within that diocese could regard the alleged sexual abuse of a five-year-old by a senior cleric to be anything other than a police matter or, at the very least, a matter for

the board of enquiry and possibly the diocesan tribunal. However, there is no evidence that any steps at all were taken in relation to Father Rushton following these disclosures. On the contrary: in 1983, Bishop Holland promoted Father Rushton to the position of Archdeacon of Maitland,⁶⁰¹ which meant he formed part of the leadership team within the Diocese.⁶⁰²

3.7 Alleged disclosure of allegations concerning Brown in 1987

A witness who had been a youth worker in the Diocese in 1987 gave oral evidence that she had been present at a meeting in 1987 with then Assistant Bishop Appleby. The subject of the meeting was allegations that Brown had misconducted himself with a boy. Bishop Appleby strenuously denied knowledge of an allegation that Brown had sexually abused a child. While we do not doubt the honesty of the former youth worker's evidence, for the reasons that follow we are not able to find to the *Briginshaw* standard that such a disclosure was made to Assistant Bishop Appleby in 1987.

The former youth worker gave evidence that in 1987 she developed a friendship with a young man who disclosed to her that some years earlier he had been sexually abused by Brown when he was still a boy.⁶⁰³ She said that later in 1987 she was called into a meeting at which then Assistant Bishop Appleby and another man were present.⁶⁰⁴ The other man said that he knew what the young man had told her about Brown. However, the allegation was not expressly stated.⁶⁰⁵ She said that Assistant Bishop Appleby said that Brown would be moved to the Maitland parish.⁶⁰⁶ At that time, Father Rushton was the rector of Maitland parish.⁶⁰⁷

The former youth worker also said she was told at the meeting not to discuss the allegations against Brown with anyone.⁶⁰⁸

In oral evidence, Bishop Appleby told us that he had no recollection of the meeting attended by the former youth worker, although it was possible a meeting occurred.⁶⁰⁹ However, Bishop Appleby said that, if a meeting did occur, no allegations of inappropriate behaviour by Brown were raised.⁶¹⁰

Bishop Appleby also gave evidence that, as Brown was a lay member of the Church, he was free to attend whichever parish he liked. Bishop Appleby had no power to move Brown to another parish.⁶¹¹ This explanation is not a convincing one. Brown was licensed by the bishop as a lay reader on around 31 January 1986.⁶¹² Given that he held the bishop's licence, Brown was subject to the bishop's direction if he wanted to continue as a lay reader.

Bishop Appleby said that, while he had no recollection of a meeting occurring, discussion of 'abusive behaviour by James Brown' was something he would not have forgotten.

He said he would have acted upon such allegations if they had been made.⁶¹³ As he had not taken any 'decisive action', it suggested to him that no such issue was raised.⁶¹⁴ However, as Bishop Appleby had no recollection of what was discussed at any meeting if it did occur, he was not in a position to deny that a particular discussion took place.

Following Bishop Appleby's oral evidence in August 2016, he produced his diaries to the Royal Commission and then gave further oral evidence in November 2016. The 1987 diary showed an appointment on 12 February 1987 with the young man who had disclosed his alleged abuse to the youth worker.⁶¹⁵ The diary also showed that Assistant Bishop Appleby had scheduled a meeting with Brown four days later, on 16 February 1987, and a further meeting with Brown on 12 June 1987.⁶¹⁶ These were the only recorded appointments that Assistant Bishop Appleby had with Brown in the years 1984, 1985 and 1987.

In oral evidence, Bishop Appleby said that the young man who was allegedly abused was an adult by February 1987 and the diary indicated that the appointment was with him.⁶¹⁷ Bishop Appleby said he did have that appointment with the young man at the time and also other meetings with him at around that time, as they were discussing the possibility of the man's ordination.⁶¹⁸ The former youth worker did not suggest that the young man had been present at the meeting she had attended with Assistant Bishop Appleby and another man. The diarised appointment cannot in any way corroborate the former youth worker's evidence of the meeting she attended.

Bishop Appleby said he had no recollection of what was said at the two meetings with Brown.⁶¹⁹ However, he also stated that 'the almost certain explanation for him coming to see me on those occasions was that many young men come to see me and talk about the question of ordination'.⁶²⁰ Given that Bishop Appleby said he had no recollection of either meeting, his evidence as to what the meetings were about is speculation. However, there is no proper basis for reasoning that the fact of diarised appointments with Brown in some way indicates that Bishop Appleby had received allegations that Brown had sexually abused a boy.

We are satisfied that the former youth worker did meet with Assistant Bishop Appleby and another man in 1987. Bishop Appleby conceded that the meeting with the youth worker could have occurred.⁶²¹ The youth worker presented as a frank and credible witness with no motive to lie. When the youth worker became aware through a news report that Brown had been arrested and charged in 2010, she contacted Mr Michael Elliott, the Diocese's professional standards director, and told him what she knew.⁶²² The youth worker also gave a formal statement to the NSW Police on 10 January 2011.⁶²³

The former youth worker said that the allegations that Brown had abused the young man were not raised expressly at the meeting with Assistant Bishop Appleby and the other man. To the best of her memory, the other man said to her that he knew what the young man had told her.⁶²⁴ However, she stated that it was her perception that Assistant Bishop Appleby and the other man 'clearly understood' that the young man had told her that Brown had sexually assaulted him.⁶²⁵

We accept that, while the allegations against Brown were not stated expressly at the meeting, it was logical for the youth worker in her circumstances to make the presumption that both Assistant Bishop Appleby and the other man were aware of those allegations. However, we are not able to find to the *Briginshaw* standard that Assistant Bishop Appleby knew that the young man had made an allegation of sexual assault against Brown based only on the other man at the meeting stating to the youth worker that he knew what the young man had told her.

3.8 Disclosures to the Diocese of allegations against Father Parker

As detailed in section 2.3 above, we received evidence from survivors CKA and CKB regarding the sexual abuse they say they suffered at the hands of their parish priest, Father Parker, while they served as altar boys in the Diocese during the 1970s.

CKA gave evidence that he first disclosed his abuse at the hands of Father Parker to the Diocese when he met with the Assistant Bishop Appleby in 'June 1984'. CKA said the purpose of that meeting was to complain about the business practices of Father Arthur Bridge, with whom he had just ceased working.⁶²⁶ CKA said that the meeting occurred at Assistant Bishop Appleby's house.⁶²⁷

CKA said that, after he had explained his concerns about Father Bridge, Assistant Bishop Appleby said, 'we'll deal with this'. CKA said, 'Yeah, I know how you blokes deal with things'. CKA said Assistant Bishop Appleby then asked CKA what he was talking about. CKA said he then disclosed that he had been sexually abused over several years by Father Parker when he was a child. He said he also named Father Rushton, Father Brown and another priest. CKA said that Assistant Bishop Appleby told him he would 'look into it' but that he never heard back from the Church about the matter.⁶²⁸ CKA also said in evidence that 'it was commonly accepted amongst the altar servers that [Father Rushton] was molesting boys'.⁶²⁹

CKA said that, following his disclosure to Assistant Bishop Appleby in 1984, he was distressed to find that, instead of being sanctioned by the Church, Father Parker was in fact promoted.⁶³⁰ Evidence before us confirms that Father Parker was promoted in the Diocese shortly after CKA's alleged disclosure.⁶³¹

In 1999 CKA told Dean Lawrence that he had disclosed his abuse by Father Parker to Assistant Bishop Appleby in 1984. Dean Lawrence recorded this in a contemporaneous file note. The file note recorded CKA's account that he had previously disclosed the abuse to then Assistant Bishop Appleby and the matter had been 'swept under the carpet'.⁶³²

During the August 2016 sitting of the hearing in this case study, Bishop Appleby denied any recollection of knowing CKA or having any meeting with CKA at any time, although he accepted that he may well have met with CKA and his family in relation to matters involving Father Bridge.⁶³³

Bishop Appleby told us that he would have acted ‘decisively’ upon receipt of such allegations, first, by informing Bishop Holland and giving him a file note of the conversation; and, second, by following up on how the matter was being handled.⁶³⁴

Bishop Appleby said in his statement dated 18 July 2016 that he confirmed his recollection by checking his appointment diaries from 1983 to 1985 with ‘great care’ and found ‘absolutely no entry showing that CKA came to see [him]’.⁶³⁵

On 5 August 2016, Bishop Appleby reiterated in oral evidence that he had checked his diaries closely for any records of relevant meetings and that ‘there is no single entry for CKA having made a time to come and see [him]’.⁶³⁶

In answer to a summons served by the Royal Commission, Bishop Appleby produced those diaries on 8 August 2016.⁶³⁷ The diaries contain a reference to a meeting on 12 July 1984 with CKA’s father and stepmother at their home.⁶³⁸ Also, contrary to Bishop Appleby’s written and oral evidence to the Royal Commission, they also showed an appointment with CKA on 13 August 1984 at Bishop Appleby’s then residence at 48 Newcombe Street, Newcastle.⁶³⁹ In a supplementary statement, Bishop Appleby apologised to the Royal Commission for any misleading impression arising from his earlier evidence.⁶⁴⁰

Bishop Appleby explained that his practice was to use his diary as a reminder of future appointments and events rather than to record appointments after the event.⁶⁴¹ Consequently, Bishop Appleby said that his diary showed that at some stage he arranged to meet CKA at the bishop’s residence on 13 August 1984.⁶⁴² He maintained that he could not recall this meeting taking place but accepted that it probably did take place.⁶⁴³

When Bishop Appleby was interviewed by police in September 2014, he denied meeting with CKA. Bishop Appleby explained that he overlooked his 13 August 1984 meeting with CKA because the detective who interviewed him suggested the meeting took place at the diocesan office and this did not trigger a memory for Bishop Appleby.⁶⁴⁴

In a supplementary statement to the Royal Commission, Bishop Appleby said that his diary seemed to confirm an intended meeting with CKA’s family at their home on 12 July 1984. Bishop Appleby said that the timing of this meeting accorded with his memory of the issues surrounding Father Bridge at the time.⁶⁴⁵

We are satisfied that Assistant Bishop Appleby met with CKA at Assistant Bishop Appleby’s home on 13 August 1984. CKA had a clear memory of the meeting and described both the location of the home and the location of the office/study where the meeting took place.⁶⁴⁶ The diary entry corroborates CKA’s evidence that a meeting occurred.

We are also satisfied that during that meeting CKA disclosed to Bishop Appleby that as a child he had been sexually abused by Father Parker over a period of years. Bishop Appleby is not in a position to deny the conversation because he cannot recollect whether or not the meeting occurred. Moreover, our rejection of Bishop Appleby's account regarding his knowledge of the criminal charge against Hatley Gray and his incorrect evidence about carefully reviewing his diaries and finding no evidence of the meetings with CKA and CKA's family have caused us to proceed with caution in assessing Bishop Appleby's evidence.

As against this, CKA presented as a truthful and compelling witness who gave a clear and precise account of the circumstances in which he disclosed his abuse to Assistant Bishop Appleby. No reason was suggested as to why CKA would fabricate an account that he disclosed his abuse to Assistant Bishop Appleby and that the assistant bishop told CKA that he would look into it.

CKA's account was also consistent with a statement he made to Dean Lawrence in 1999 that he had disclosed his abuse by Father Parker to Bishop Appleby in 1984. Dean Lawrence recorded this in a contemporaneous file note. This was many years before this Royal Commission commenced.

We acknowledge that CKA had identified the meeting with Assistant Bishop Appleby as occurring in June 1984 rather than in August 1984, but nothing turns on this point after so many years.

We are also satisfied that Assistant Bishop Appleby took no steps in relation to Father Parker after being advised in 1984 of the allegations he had sexually abused a child many years earlier. After this time, Father Parker remained licensed as a priest in the Diocese until February 1996⁶⁴⁷

There is insufficient evidence for us to make a finding as to what CKA disclosed to Assistant Bishop Appleby about Father Rushton. CKA gave evidence that he 'named' Father Rushton. However, this is not clear and direct evidence that CKA disclosed that Father Rushton had sexually abused children.

3.9 Concluding remarks

In a candid conversation with Bishop Thompson and Mr Cleary in early 2015, which Mr Cleary recorded by way of a file note, Mr Allen said that Bishop Holland had a 'do nothing approach' to allegations of child sexual abuse.⁶⁴⁸ This is an accurate description of Bishop Holland's approach for the reasons set out below.

Bishop Holland gave evidence he was now aware that there were many allegations that Father Rushton had abused boys during his tenure as priest in Wallsend and Maitland.⁶⁴⁹ Bishop Holland now accepts that Father Rushton sexually abused a large number of boys in the Diocese.⁶⁵⁰

Bishop Holland also agreed that he had licensed Father Rushton as a priest in the Diocese and this had given Father Rushton access to many children.⁶⁵¹ However, Bishop Holland did not accept any responsibility in having failed to exercise his management responsibilities as head of the Diocese, because he said he did not know of any allegations against Father Rushton.⁶⁵²

Six witnesses gave evidence to the Royal Commission that they personally reported allegations of child sexual abuse against Father Rushton to Bishop Holland between 1979 and 1980. Bishop Holland's evidence was that he either had no recollection of such reports or that no such reports were made. We do not accept his evidence.

In submissions, Bishop Holland relied heavily on a 20 October 2010 email he sent to Bishop Farran in which he disclaimed knowledge of child sexual abuse allegations in the Diocese while he was the bishop.⁶⁵³ In our view, this adds nothing to the evidence Bishop Holland gave to us. It was not in Bishop Holland's interest to acknowledge in his email to Bishop Farran that he had prior knowledge of such allegations.

Three people provided information to the Royal Commission that as children they were sexually abused by Father Rushton after 1979.⁶⁵⁴ Bishop Holland's failure to act on the allegations he received regarding abuse by Father Rushton between 1979 and 1980 was a tragic lost opportunity to prevent further abuse being perpetrated by Father Rushton. Bishop Holland promoted Father Rushton to the position of Archdeacon of Maitland in 1983.⁶⁵⁵

Bishop Holland also gave evidence that he never spoke with Professor Frost and Ms Aslin about Ms Aslin's allegations concerning Brown in 1979. We prefer the evidence of Ms Aslin and Professor Frost that they both spoke to Bishop Holland about Brown at that time.

As it turns out, in 2012, Brown was convicted of sexually abusing 20 children. Thirteen of those children were abused after 1979.⁶⁵⁶ Bishop Holland's failure to act at the time in relation to Brown was another tragic lost opportunity to prevent further abuse by Brown.

4 Institutional Response under Bishop Roger Herft (May 1993 – February 2005)

4.1 Introduction

This section of the report considers the response of the Diocese to allegations of child sexual abuse during the episcopacy of Bishop Herft, who was the Bishop of Newcastle from May 1993 to February 2005. At the time of this report, he was the Archbishop of Perth. He retired on 7 July 2017.⁶⁵⁷

Throughout Bishop Herft's term in the Diocese, Mr Lawrence was dean of the Cathedral. Father Rushton was the Archdeacon of Maitland until 1998. From 2001, Father Rushton held a permission to officiate within the Diocese.⁶⁵⁸

During Bishop Herft's tenure as Bishop of Newcastle, paedophilia generally, and paedophilia within the Church in particular, was a live issue.⁶⁵⁹ Bishop Herft agreed that, in light of the findings of the Royal Commission into the New South Wales Police Service (Wood Royal Commission) in 1997 and the report on paedophilia within the Diocese of Tasmania released in 1998, paedophilia was a great concern within the Church during his tenure as Bishop of Newcastle.⁶⁶⁰ He agreed that, by 1996, paedophilia in the Church was 'well on his radar'.⁶⁶¹

Archbishop Herft acknowledged that, as the person responsible for licensing clergy during his term as bishop, it was important that he was aware of any allegations of child sexual abuse against members of the clergy in his Diocese.⁶⁶² He also told us that he accepted that part of his role as bishop was to manage the risk that his clergy may present if allegations were made against them.⁶⁶³

Archbishop Herft told the Royal Commission that, by the time he took over as Bishop of Newcastle, Bishop Holland had left the Diocese and had appointed Dean Lawrence as the commissary.⁶⁶⁴ Bishop Herft received no notification from Dean Lawrence of any allegations of child sexual abuse made against members of the clergy or lay people associated with the Diocese.⁶⁶⁵

Archbishop Herft said that Bishop Appleby, who had been assistant bishop under Bishop Holland, did not make him aware of any allegations of child sexual abuse against clergy or lay people in the Diocese.⁶⁶⁶ Bishop Appleby had left the Diocese about two years before Archbishop Herft's appointment.⁶⁶⁷

This section of the report:

- describes how policies were developed for handling allegations of sexual misconduct, including child sexual abuse and when the police were to be notified of allegations of child sexual abuse
- discusses the 1998 advice of then deputy chancellor, Mr Rosser QC, to Bishop Herft to seek to avoid hearing allegations of child sexual abuse where it was possible to do so
- outlines the Diocese's complaint management and recordkeeping practices, including the development of the so-called 'yellow envelope' system
- discusses the Diocese's screening practices in relation to its clergy and lay officials
- considers the way in which Bishop Herft and others in the Diocese handled allegations that the following individuals had perpetrated child sexual abuse:
 - [REDACTED]
 - Brown
 - Father Rushton
 - Father Parker
 - Barrack.

4.2 Framework for handling allegations of child sexual abuse

Disciplinary framework

The disciplinary framework for clergy in the Diocese under Bishop Herft was the same as that which applied during the episcopates of Bishop Shevill and Bishop Holland, being that constituted by the General Synod's Offences Canon 1962⁶⁶⁸ and the Diocese's Clergy Discipline Ordinance 1966.⁶⁶⁹ This framework was discussed in section 2.2 above.

While Bishop Herft agreed that it was appropriate to prosecute allegations of child sexual abuse against clergy under the formal disciplinary mechanisms, he conceded that no allegations of child sexual abuse were prosecuted before the diocesan tribunal during his episcopate.⁶⁷⁰

Part of the reason why Bishop Herft did not take action through the formal disciplinary framework in response to child sexual abuse allegations was that a high degree of proof was required in order to proceed against clergy.⁶⁷¹ He said that the formal process was 'very cumbersome'.⁶⁷² The only matter pursued in the disciplinary tribunal during his tenure was unsuccessful. It did not relate to allegations of child sexual abuse.⁶⁷³

Introduction of policy for dealing with sexual harassment in 1993

During his tenure as Bishop of Newcastle, Bishop Herft sponsored the implementation of a number of initiatives that had implications for the way in which the Diocese handled allegations of child sexual abuse.

In October 1993, the Diocese published a policy called 'Principles and Procedures for Dealing with Sexual Harassment by Ministers in the Diocese of Newcastle' (1993 Sexual Harassment Policy).⁶⁷⁴ This policy applied to all of those who were licensed by the bishop, be they clergy or lay people.⁶⁷⁵

Key features of the policy were as follows:

- The definition of 'sexual harassment' was wide enough to include child sexual abuse: it was defined as unwelcome behaviour or sexual relationships in a pastoral context, including 'any behaviour which has as its purpose some form of sexual gratification'.⁶⁷⁶ The 1993 Sexual Harassment Policy expressly acknowledged that 'sexual harassment' could include conduct by an adult towards a child, which was illegal.⁶⁷⁷
- The scheme of the policy was that, first, an attempt should be made to conciliate the complaint. In this regard, sexual harassment conciliators were to be appointed by the bishop and the archdeacons, and the bishop should not be involved in the early stage of dealing with a complaint.⁶⁷⁸
- If the complaint could not be conciliated, it was to be referred to the bishop.⁶⁷⁹
- If the bishop could not resolve the complaint, it was open to refer the complaint to the board of enquiry, which could then decide whether to refer the complaint to the diocesan tribunal to be dealt with under the Clergy Discipline Ordinance 1966.⁶⁸⁰
- The Diocese was under an 'obligation' to provide pastoral support to complainants and respondents.⁶⁸¹

Of note, the 1993 Sexual Harassment Policy:

- provided that no complaint would be proceeded with unless the complainant was prepared to have his or her name and details of the complaint referred to the respondent⁶⁸²
- made no reference to any reporting requirements or guidelines as to when or how such incidents should be reported to the police or DOCS.⁶⁸³

In March 1995, the Diocese revised the 1993 Sexual Harassment Policy by making minor amendments to the complaint-handling procedure. It then published 'Principles and Procedures for Dealing with Sexual Harassment by Ministers in the Diocese of Newcastle' (1995 Sexual Harassment Policy).⁶⁸⁴

Diocesan Monitoring Committee – CASM

In around 1994, the Diocese established the Diocesan Monitoring Committee to Consider Issues of Sexual Harassment,⁶⁸⁵ which eventually became known as CASM (which is how we will refer to it).⁶⁸⁶ The purpose of CASM was to deal with allegations relating to sexual harassment under the 1993 Sexual Harassment Policy, as revised in 1995.⁶⁸⁷

The original membership of CASM included Ms Deirdre Anderson, as chair,⁶⁸⁸ and Mr Caddies, who was a solicitor with law firm Rankin and Nathan, as the committee's legal adviser.⁶⁸⁹ In 2001, Mrs Jean Sanders became the chair.⁶⁹⁰

Limitations of the 'sexual harassment' framework

The 1993 Sexual Harassment Policy, as revised in 1995, was essentially directed towards adult sexual harassment and not sexual offending against children.⁶⁹¹ We are satisfied that it was poorly adapted to, and unsuitable for, handling allegations of child sexual abuse. In particular:

- The emphasis on attempting to conciliate a complaint was not an appropriate way of dealing with child sexual abuse – a proposition with which Bishop Herft agreed with the benefit of hindsight.⁶⁹²
- There was no express stipulation in the policy or elsewhere that the bishop was to be made aware of allegations of child sexual abuse.⁶⁹³ The policy required the conciliators to exclude the archdeacons and bishop from the complaint management process in relation to sexual harassment complaints.⁶⁹⁴ However, Bishop Herft told us his expectation was that he would be made aware of any child sexual abuse allegations.⁶⁹⁵ Mrs Sanders gave evidence that it was part of her role as chair of CASM to keep the bishop advised on any such complaints.⁶⁹⁶
- No complaint would be proceeded with unless the complainant was prepared to be named.
- There was no express requirement to report allegations of child sexual abuse to the police.

Guidelines for Care in Working with Children and Youth in the Anglican Diocese in Newcastle 1995

In 1995, the Diocese also introduced a policy entitled 'Guidelines for Care in Working with Children and Youth in the Anglican Diocese of Newcastle' (1995 Guidelines), which was a manual for those involved in running children's and youth activities or programs in the Diocese.⁶⁹⁷ The 1995 Guidelines contained a section on how team members should respond

in a situation where a child or another person disclosed child sexual abuse allegations⁶⁹⁸ and a section on what to do if it was suspected that another team member had sexually abused a child.⁶⁹⁹

The 1995 Guidelines required the person who had the suspicion or received the disclosure to report the matter to the relevant body responsible for the activity or program. In some cases, this would be the parish priest; otherwise, it would be a diocesan organisation.⁷⁰⁰ After receiving the report, the responsible body was to then contact the appropriate government department or agency. If the abuse had just occurred or the responsible body could not be contacted, the person was to report the matter directly to the relevant government authority.⁷⁰¹

1999 Ethics in Ministry Code

In August 1999, the 'Ethics in Ministry' Code was introduced in the Diocese (1999 Ethics in Ministry Code).⁷⁰² This code applied to all clergy, lay employees and lay volunteers serving in the Diocese.⁷⁰³ Bishop Herft told us that it operated like a code of conduct.⁷⁰⁴

The 1999 Ethics in Ministry Code prescribed certain guidelines for different aspects of life, including maintaining proper relationships, sexual behaviour and working with children and youth. It provided that '[a]ny physical activity which is or may be construed as sexually stimulating for the adult or child is inappropriate and must be avoided'.⁷⁰⁵

The 1999 Ethics in Ministry Code provided that '[c]ertain sexual behaviour with children constitutes a criminal offence'.⁷⁰⁶ The code also provided that, when sexual misconduct was suspected, the 1995 Sexual Harassment Policy should be consulted.⁷⁰⁷

The 1999 Ethics in Ministry Code provided that the need for confidentiality could not override the duty of care for members of the Church and wider community and stated that 'like all types of secrecy, confidentiality can cover up as well as protect'. Clause 4.5 provided:

There may be situations where there is no legal obligation to disclose, but where disclosure in view of the clergy or church worker, is necessary in order to avoid the risk of physical, financial or emotional harm or hardship to the parishioner or other person. In light of community expectations that clergy and church workers maintain confidentiality ... clergy and church workers should consider obtaining advice from the Diocesan Registrar in such situations.⁷⁰⁸

The 1999 Ethics in Ministry Code also made specific reference to section 316 of the *Crimes Act 1900* (NSW) (Crimes Act), which is discussed in further detail below.

Principles and Procedures for Dealing with Allegations of Sexual Misconduct 2002

In September 2002, the Diocese published a new policy called 'Principles and Procedures for Dealing with Allegations of Sexual Misconduct' (2002 Sexual Misconduct Policy).⁷⁰⁹ The policy applied to 'all who work in paid or voluntary positions in the Diocese of Newcastle, both clergy and laity'.⁷¹⁰

The 2002 Sexual Misconduct Policy defined 'sexual misconduct' as including 'sexual harassment or sexual abuse or any other behaviour of a sexual nature that is inconsistent with ethical pastoral care'.⁷¹¹ The policy provided that child sexual abuse was to be reported to the authorities. The policy stated:

Any form of sexual behaviour with a minor (that is under the age of 16 years) ... is regarded as sexual abuse and is illegal and will not be dealt with by the procedures outlined in this document. Such allegations must be referred to the Department of Community Services.⁷¹²

The 2002 Sexual Misconduct Policy relevantly stated under the 'Procedures' heading that:

When the complaint concerns an allegation of child abuse this matter must be referred immediately to the Diocesan Reporting Authority who will implement action according to the Diocesan Policy for Child Protection.⁷¹³

It is clear that by September 2002 the Diocese had in place a specific child protection policy.

Obligations at law for notifying the authorities of child sexual abuse allegations

Obligation to report a felony under common law and statute

Until November 1990, a common law offence known as 'misprision of a felony' existed in New South Wales. This offence consisted of knowing that a felony had been committed and failing to disclose that knowledge to the authorities within a reasonable time, having had a reasonable opportunity to do so. In November 1990, this common law offence was abolished and replaced with a statutory offence under section 316 of the Crimes Act.⁷¹⁴

Under section 316 of the Crimes Act, it is an offence for any person who 'knows or believes' that a 'serious indictable offence' has been committed, and has information which might be of material assistance in apprehending or prosecuting the offender, to fail to bring that

information to the attention of the police or appropriate authority.⁷¹⁵ A ‘serious indictable offence’ is an indictable offence that is punishable by imprisonment for life or for five or more years.⁷¹⁶

Belief was not an element of a misprision offence. It follows that the introduction of a category of ‘belief’ in section 316 broadened the circumstances in which a concealment offence could be committed.⁷¹⁷ For the purposes of section 316, ‘belief’ is ‘a state of mind which can be reached as the result of a mix of knowledge [the accused] has come to possess, as well as suspicions and opinions which he or she has come to hold and conclusions which he or she has reached’.⁷¹⁸

Since 2000, where the knowledge or belief was formed by a member of the clergy ‘in the course of practising’ [his or her] calling’, an offence under section 316 could not be prosecuted without the consent of the Attorney General.⁷¹⁹ This requirement focused consideration of whether the knowledge or belief came about in the member of the clergy’s ‘course of practising’ or otherwise.⁷²⁰

The Diocese’s 1999 Ethics in Ministry Code made specific reference to section 316 of the Crimes Act.⁷²¹ Bishop Herft accepted that by 1999 he was aware of the legal obligation under section 316.⁷²²

However, it is most probable that he was aware of the provision earlier than that. In this regard, in evidence is a written address dated 10 June 1995, which Mr Caddies gave to members of CASM.⁷²³ That address commenced by stating:

I understand that many of you are concerned about the legal implications that could flow as a consequence of your being involved in receiving reports or complaints and acting on such information.⁷²⁴

In this address, Mr Caddies referred to section 316 of the Crimes Act and quoted it.⁷²⁵ We infer that this important address, which provided guidance on legal obligations and defamation, was in all likelihood brought to Bishop Herft’s attention at the time.

Mandatory reporting obligations under statute

Mandatory reporting was first introduced in New South Wales in 1977.⁷²⁶ Initially, only medical practitioners were required to report ‘reasonable grounds to suspect that a child [had] been assaulted, ill-treated or exposed’.⁷²⁷ A decade later, mandatory reporting obligations were extended to teachers and other school staff under the *Children (Care and Protection) Act 1987* (NSW) (1987 Act).⁷²⁸

Under section 22 of the 1987 Act, prescribed persons, including doctors, nurses and school teachers, were required to report to the Director-General of the Department of Youth and Community Services⁷²⁹ (Community Services)⁷³⁰ if they had ‘reasonable grounds to suspect that a child [had] been sexually assaulted’.⁷³¹ For the purposes of section 22 of the 1987 Act, a ‘child’ was a person under the age of 16 years.⁷³²

On 18 December 2000, the *Children and Young Persons (Care and Protection) Act 1998* (NSW) (1998 Act) commenced.⁷³³ The 1998 Act set out a new legislative reporting framework and expanded the mandatory obligation to a broad range of reporter groups.

Under section 27 of the 1998 Act, people who deliver services to children as part of their paid or professional work in such areas as healthcare, welfare and education,⁷³⁴ including managers of organisations delivering such services,⁷³⁵ are required to report to the secretary of FACS if they have ‘reasonable grounds to suspect that a child is at risk of significant harm’.⁷³⁶ A child ‘is at risk of significant harm’ if current concerns exist for the safety, welfare or wellbeing of the child because of a suspicion of the child having been, or being at risk of being, sexually abused.⁷³⁷ For the purposes of section 27 of the 1998 Act, a ‘child’ is a person under the age of 16 years.⁷³⁸

The 1998 Act does not apply the reporting duty to members of clergy. South Australia is the only jurisdiction to include members of clergy as mandated reporters, although the duty does not extend to suspicions developed through confession.⁷³⁹

Bishop Herft’s understanding of the obligations for notifying the authorities of child sexual abuse allegations

Bishop Herft gave evidence that from 1993 he understood ‘that any matters of child abuse should be reported to the police’.⁷⁴⁰ However, he understood his obligation to report child sexual abuse allegations only arose when he had received a ‘complaint of some substance’.⁷⁴¹ He said that during his time as Bishop of Newcastle he did not consider he owed an obligation to report allegations of child sexual abuse to the police unless he knew the name of the complainant.⁷⁴²

Bishop Herft also gave evidence that before 2002, if someone making an allegation of child sexual abuse would not put the allegation in writing, the Diocese would take no further action.⁷⁴³

In hindsight, he accepted that this left children at risk and was ‘totally unacceptable’.⁷⁴⁴ He also accepted that, during his tenure as bishop, he did not discharge his responsibility to manage the risk that his clergy might present if allegations were made against them.⁷⁴⁵

4.3 Deputy chancellor's 1998 advice to the bishop regarding the response to 'sexual harassment' complaints

In evidence is a file note prepared by Mr Mitchell, then the diocesan registrar, of a meeting he had with Bishop Herft, deputy chancellor Mr Rosser QC and the then chair of CASM, Ms Anderson, on 13 May 1998.⁷⁴⁶ The purpose of the meeting, according to the opening words of the file note, was to 'discuss an appropriate response when individuals provide information to the Bishop regarding allegations of sexual misconduct and then insist that they do not wish the matter to go any further'.⁷⁴⁷

According to the file note, Mr Rosser QC advised the bishop that:

wherever pastorally possible, he ought to decline to accept information or to read any reports. In declining, he should advise the person making the complaint that if the matter is one of a criminal offence, then he may be obliged to do something under criminal law, and equally if the matter is one of a serious breach of the professional standards expected of clergy, then he may have to weigh up the pastoral implications of leaving a priest in a position where he may do further harm as opposed to the pastoral considerations of the person making the allegations. In terms of an interview, it would be prudent for the Bishop to make such an explanation as early as possible in the conversation so that the person making the allegations is well aware that they place the Bishop in an invidious position and it might be more appropriate to make the complaint to one of the sexual harassment Contact Persons.⁷⁴⁸

Bishop Herft accepted that Mr Mitchell's file note was an accurate account of what was discussed at the meeting in May 1998.⁷⁴⁹ Mr Rosser QC also accepted that he gave Bishop Herft advice essentially as set out in Mr Mitchell's file note but said that the emphasis of that advice was missed in the document. He said the emphasis of his advice was for Bishop Herft to make it clear to complainants at the outset that he may not be able to comply with their wishes to keep a matter confidential.⁷⁵⁰ Mr Mitchell did not suggest that his own file note was in any way inaccurate. We accept that the file note accurately records the discussion at the meeting.

Mr Rosser QC gave evidence that Bishop Herft was 'well and truly aware' of his obligation to report information to the police about serious indictable offences as at May 1998, as this obligation was the basis upon which Bishop Herft sought and received legal advice from Mr Rosser QC at that time.⁷⁵¹ We accept that evidence.

Mr Rosser QC told us that his advice was not given in the context of child sexual abuse, although he conceded that he understood at the time that he was providing advice on what the bishop should do where allegations of sexual abuse were raised.⁷⁵² It is clear to us that the advice was provided on the understanding that some of the allegations could amount to criminal offences. This is the language of the file note.⁷⁵³

Bishop Herft told us that, at the time of receiving Mr Rosser QC's advice, he understood that Mr Rosser QC was encouraging him to avoid coming into possession of information about complaints of 'sexual harassment' if possession of such information would require him to respond.⁷⁵⁴

On the other hand, Mr Rosser QC did not accept that the effect of his advice was to encourage the bishop to remain wilfully blind to persons who posed potential risks in the Diocese and he did not believe his advice was understood that way.⁷⁵⁵

We reject Mr Rosser QC's explanation of his advice. We rely on the clear terms of the file note together with Bishop Herft's understanding of the advice with which he was provided. We are satisfied that, as deputy chancellor, Mr Rosser QC advised Bishop Herft to avoid receiving disclosures which constituted allegations of offences (which could include child sexual abuse) in order to avoid placing him in a situation where he was obliged to report to the police or take disciplinary action. We are further satisfied that the effect of this advice was to encourage Bishop Herft to remain wilfully blind to the criminal misconduct of his clergy.

Bishop Herft accepted in hindsight that:

- the advice that Mr Rosser QC gave to him – to avoid hearing complaints – was not appropriate⁷⁵⁶
- his overriding obligation ought to have been to take action where people potentially posed dangers to others⁷⁵⁷
- the practice adopted in the Diocese as at May 1998 of taking no action in response to allegations of child sexual abuse unless the complaint was first put in writing was an ineffective risk management strategy.⁷⁵⁸

Bishop Herft gave evidence that he did not in fact follow Mr Rosser QC's advice.⁷⁵⁹

4.4 Complaints management and recordkeeping

Recordkeeping prior to 2002

Bishop Herft said that in May 1993, when he commenced his tenure as Bishop of Newcastle, the Diocese maintained ‘very little records of any form or shape’ in relation to complaints of sexual misconduct.⁷⁶⁰ When he became bishop he did not receive a handover of any sexual misconduct complaints and was never made aware by the preceding bishop, the commissary (who was then Dean Lawrence) or any other senior members of clergy of any allegations of sexual misconduct against priests associated with the Diocese.⁷⁶¹

Mr Tim Mawson worked in the Diocese from 1968 until 2008, initially as an administrative assistant and later as diocesan secretary and acting registrar.⁷⁶² He gave evidence that recordkeeping practices in the Diocese were ‘lax’ and that ‘people within the Diocese did not understand the importance of keeping proper records’. He also said that documents were sometimes missing from files.⁷⁶³

There is limited evidence before the Royal Commission as to recordkeeping in relation to child sexual abuse allegations between 1993 and around October 2001.

The 13 May 1998 file note of the meeting between Bishop Herft, Ms Anderson, Mr Mitchell and Mr Rosser QC, discussed in section 4.3 above, recorded a discussion about potential gaps in recordkeeping, since the contact people initially held the records and then passed them on to the chair of CASM.⁷⁶⁴ It was suggested that:

- The contact person should prepare a file note of each visit or contact relating to sexual harassment and send a coded notification form to the chair of CASM each month.⁷⁶⁵
- The chair and registrar should be the only people with access to the codes and reports, which should be sealed in a safe in the registry.⁷⁶⁶
- The chair and registrar should liaise at regular intervals to determine whether there were ‘any patterns of behaviour’ emerging which required further investigation.⁷⁶⁷

We assume that the ‘codes’ referred to in the file note were coded references to complainants and alleged perpetrators that were used in an attempt to preserve the confidentiality of complaints.

Mr Mitchell, who was at that time the registrar, told us that he ‘could not recall’ whether he ever participated in meetings with the chair of CASM to identify patterns of behaviour which might require further investigation.⁷⁶⁸ This claimed lack of memory is implausible. Bishop Herft gave evidence that ‘he thought’ the chair of CASM and ‘the Registrar’ did review the records and then advise him of any steps he needed to take.⁷⁶⁹

Mrs Sanders gave evidence that when she became chair of CASM in October 2001 she found some records of complaints managed by CASM were loosely stored in an unlocked filing cabinet in Mr Mitchell's office.⁷⁷⁰

Mrs Sanders told us that when she became chair of CASM she rewrote the procedures for handling complaints.⁷⁷¹ Under the amended procedure, where a complainant made contact with a contact person, the contact person would notify the chair of CASM that a complaint might be lodged. No complaint would be proceeded with if the complainant was not prepared to provide a written statement.⁷⁷²

Where a complaint was received, Mrs Sanders would advise Bishop Herft if she thought it was necessary to obtain legal advice from Mr Caddies. Bishop Herft would then advise the police or DOCS of the complaint if he considered it appropriate to do so.⁷⁷³ Mrs Sanders said that any complaint of child sexual abuse went straight to Bishop Herft.⁷⁷⁴ Bishop Herft agreed that Mrs Sanders' account was correct.⁷⁷⁵

Mrs Sanders said that in September 2002 the procedure changed so that any allegation of child sexual abuse was first directed to her as the chair. She would then advise the bishop of the complaint and the complaint would be passed immediately to DOCS.⁷⁷⁶

Mrs Sanders gave evidence that during her time as chair, which was from October 2001 to late 2004, CASM received approximately 30 complaints involving child sexual abuse. In contrast, CASM received only one complaint of harassment.⁷⁷⁷

Mrs Sanders says that, in around August 2003, the diocesan council resolved that CASM would only deal with harassment complaints and that all allegations of criminal conduct would be directed to Mr Bruce Hockman, the then diocesan business manager.⁷⁷⁸ Mrs Sanders felt this was a 'retrograde step' which 'flew in the face' of the work she had done during her chairmanship.⁷⁷⁹

Mrs Sanders resigned as chair with effect from late 2004. She gave evidence that, by the time she ceased involvement in CASM, she had lost faith in the Church and had no trust in the Church hierarchy.⁷⁸⁰

In contrast to Mrs Sanders' evidence, Mr Hockman, who was the diocesan business manager from September 2002 until November 2004,⁷⁸¹ said in a statement that he had no direct role in managing complaints about sexual misconduct. He said that records of such matters were stored in 'brown envelopes' that were stored in the bishop's office.⁷⁸² A question arises, which was left unanswered in the evidence before us, as to who was responsible for managing allegations of child sexual abuse in the Diocese after that function was taken away from CASM in around August 2003.

The yellow envelope system

The Diocese's recordkeeping procedures changed when Mrs Sanders was appointed chair of CASM in October 2001.⁷⁸³ Following her appointment, Mrs Sanders rewrote the procedures and manuals for handling complaints.⁷⁸⁴ In June 2002, Mrs Sanders implemented a Protocol for Storage of Records Managed by CASM.⁷⁸⁵ This protocol gave rise to the yellow envelope system. Witnesses variously referred to documents being stored in 'yellow' or 'brown' envelopes.⁷⁸⁶

Under the yellow envelope system, records of complaints before CASM were placed in separate sealed yellow envelopes which were stored in a locked cabinet in the diocesan offices. Access to the records was restricted to the bishop, the commissary (who was Dean Lawrence) and the bishop's representative, and the chair of CASM.⁸⁷

Mrs Sanders gave evidence that there were only two keys to the locked cabinet containing the CASM records. One key was held by Mrs Sanders as chair or her nominated representative and the second was held by the bishop's secretary on behalf of the bishop.⁷⁸⁸ Any access to an envelope was required to be recorded on the envelope. Mrs Sanders monitored access to the envelopes by reviewing the records approximately monthly.⁷⁸⁹

Mrs Sanders said that Bishop Herft asked to make a second set of records, which he kept in his office.⁷⁹⁰ Bishop Herft agreed that he had access to all the CASM records, but he could not recollect if he had a duplicate set of records.⁷⁹¹

Mr Michael Elliott told us that, shortly after he commenced as the Director of Professional Standards in 2009, Bishop Farran handed him 36 envelopes and said they related to professional standards and complaints matters. Bishop Farran told him the envelopes had been stored in a safe in his office.⁷⁹² Mr Elliott said that, when he reviewed them, there were issues with a lot of them which concerned him. Some envelopes contained information relating to his other investigations. He reviewed the envelopes from time to time.⁷⁹³

In 2015, Mr Michael Elliott prepared a report on the yellow envelopes at the request of Bishop Thompson (Yellow Envelopes Report).⁷⁹⁴ In the report, Mr Michael Elliott created a schedule summarising some of the details of the 36 complaints stored in envelopes and setting out his opinions.⁷⁹⁵ The dates of the alleged incidents ranged from 1950 to February 2004.⁷⁹⁶ CASM was told in 2003 that it would no longer be responsible for handling complaints of child sexual abuse.⁷⁹⁷

There may have been earlier iterations of the yellow envelope system, but there is insufficient evidence before us to make any findings about a previous system. In response to questions about how and where the records of CASM were stored prior to the yellow envelope system, Bishop Herft told us that he thought they were kept somewhere safe but could not specify where or how.⁷⁹⁸

Contents of the yellow envelope documents

On 12 August 2016, at very short notice, Mr Michael Elliott produced to the Royal Commission two compact archive boxes containing yellow envelope material:

- The first archive box contained three red A4 cardboard folders and one A4 manila folder, each of which contained documents relating to CKU's complaint against Barrack (which is discussed in further detail at section 4.6 of this report). In his Yellow Envelope Report, Mr Elliott reported that the complaint against Barrack was contained in yellow envelope 12. Mr Elliott provided a statement that indicated the material had exceeded the storage capacity of a yellow envelope.⁷⁹⁹
- The second archive box contained 29 A4 yellow envelopes which comprised 27 separate yellow envelope matters numbered between 1 and 35, as well as copies of documents comprising Mr Elliott's reconstruction of yellow envelope 9, including copies of the front and back of the labelled envelope.⁸⁰⁰

We are grateful to Mr Michael Elliott for preparing and providing these documents to the Royal Commission at such short notice. Mr Michael Elliott gave evidence that over the years he had integrated the yellow envelopes and their contents into his own professional standards filing system. However, he was confident that he had faithfully reconstructed the contents of the yellow envelopes.⁸⁰¹ We found Mr Michael Elliott to be a truthful witness who was extremely diligent in the way he approached his work. Accordingly, we are satisfied that the yellow envelopes which he produced are a faithful reconstruction of what Bishop Farran provided to him.

The documents contained in yellow envelope 11, as reconstructed by Mr Elliott, were scanned and produced to the Royal Commission in electronic copy on or about 15 August 2016 and subsequently produced in hard copy on 29 August 2016.⁸⁰²

In total, 30 yellow envelope files were produced to the Royal Commission. They were the 30 files out of the 36 original envelopes which related to allegations of child sexual abuse.⁸⁰³ Yellow envelopes 3, 17, 18, 21, 28 and 36 (all of which were referred to in the Yellow Envelopes Report) were not produced because they did not relate to child sexual abuse.⁸⁰⁴

Bishop Herft was given the opportunity to view what Mr Elliott produced to us.⁸⁰⁵ He confirmed that the yellow envelopes that Mr Elliott produced were the yellow envelopes stored under the yellow envelope system.⁸⁰⁶

Lodgement dates recorded on white sticker labels on the yellow envelopes ranged from 1993 to 2005. This suggests that the Diocese kept at least some records on complaints made between 1993 and June 2002 and transferred them into the yellow envelopes following the institution of the June 2002 Protocol for Storage of Records Managed by CASM.

Correspondence and/or notations within the yellow envelopes themselves indicate that Bishop Herft was put on notice of at least 24 matters relating to alleged child sexual abuse.⁸⁰⁷ The documents suggest that Bishop Herft caused the police to be notified in three of those cases.⁸⁰⁸

Of the remaining 21 cases where there is no evidence of that the Diocese notified the police, the documents show that:

- in four cases, Bishop Herft was notified after the police had already been notified⁸⁰⁹
- one case concerned a matter between parties who were both underage at the time of the alleged abuse. The records show that Mrs Sanders notified DOCS in relation to the matter shortly after receiving notice of the complaint⁸¹⁰
- one case concerned a matter where the victim did not identify the perpetrator. Nothing in the envelope suggests this allegation was referred to the authorities⁸¹¹
- two matters showed no clear allegations of child sexual abuse⁸¹²
- eight envelopes concerned complaints about conduct which, on the face of the documents, may have constituted child sexual abuse. There is no record that these matters were reported⁸¹³
- one matter involved allegations of child sexual abuse against an Anglican priest who at the time of the complaint had transferred to another diocese. In 1998, the police informed Bishop Herft of allegations that had been made against the priest and advised that the police would take no further action at that stage. In this regard, the child complainant had told police she did not wish to make a statement or go to court.⁸¹⁴ However, the police requested feedback from Bishop Herft as to what action may be taken against the priest.⁸¹⁵ Bishop Herft replied that he 'had no way of ascertaining the truth or otherwise of the allegations' but advised that he had met with the priest to discuss the allegations, organised for the priest to meet with a supervisor and counsellor and requested two church wardens to monitor the priest's ministry to children.⁸¹⁶ Rankin and Nathan Solicitors provided advice to the Diocese dated 28 May 1999 that it did not have grounds for an action against DOCS for the way in which the investigation had been handled, which suggests to us that the Diocese had been critical of DOCS.⁸¹⁷ Three years later, in 2002, a different complainant made further allegations to the Diocese about the priest. The same day, Bishop Herft reported these allegations to DOCS⁸¹⁸
- one matter involved allegations of child sexual abuse against a person recorded to be a Catholic priest. In that matter, the diocesan business manager was directed to notify the Catholic Church of this file. It is unclear whether this was done on the face of the documents⁸¹⁹
- the documents indicate that steps were taken to transfer or refer three of the matters to other dioceses for investigation.⁸²⁰

Three of the yellow envelopes – yellow envelopes 20, 27 and 29 – contained information relating to Father Rushton. These yellow envelopes are discussed in further detail below in the context of consideration of how the Diocese responded to allegations against Father Rushton.

Having reviewed the contents of the yellow envelopes that Mr Elliott produced, we are satisfied that the Diocese did keep a number of contemporaneous records relating to allegations of child sexual abuse received by CASM, including communications from Mrs Sanders, file notes of Bishop Herft, records of legal advice and correspondence with various government authorities. However, there were inconsistencies in what records were maintained as between files, leading us to doubt the comprehensiveness of the records. In particular, there were seldom any records of whether any risk management strategies were pursued in relation to alleged perpetrators.

4.5 Screening

The ‘caveat list’ and ‘black books’

There were no formal screening mechanisms in place in the Diocese until 1999. Before that time, it appears there was a loose and informal consultation process between the bishops of dioceses in which problematic clergy had been identified.

Bishop Appleby told the Royal Commission that up until 1985 there was a ‘caveat list’, which was discussed at the annual bishops’ conference.⁸²¹ The ‘caveat list’ was a list of clergy that all bishops should be warned about, as they had convictions or serious charges against them.⁸²² It was up to each bishop to determine if a name should be added to the list.⁸²³ Bishop Appleby’s recollection was that generally there were 25 to 30 names on the list.⁸²⁴ The list was distributed to all bishops so they could reference it whenever they were approached by clergy seeking a job within their diocese.⁸²⁵

Bishop Appleby said that in 1985 the then Primate, Archbishop Sir John Grindrod, informed the bishops that, on the basis of legal advice, they should abandon the list.⁸²⁶ Bishop Appleby told us that from 1985 until about 2005 the bishops had no ‘caveat list’ of clergy, and that exposed the Church to ‘significant risks’.⁸²⁷

Bishop Appleby could not recall if bishops discussed at their national conference how to respond to or manage the risk of priests abusing children, but he accepted that, as there was effectively a register of clergy of whom to be wary, they were conscious of the risk.⁸²⁸

Bishop Herft told us that until about the late 1990s bishops used a ‘black book’ system to screen potential clergy candidates. A ‘black book’ was a book in which a bishop recorded the names of people ‘whom bishops found difficult to deal with, who were obstructionist in terms of the way that they engaged with bishops et cetera, and bishops would usually inform another bishop, if they were going to proceed with an appointment, that in fact this person could prove to be quite a difficult customer’.⁸²⁹

Bishop Herft told us that he was aware of the ‘black books’. However, early in his tenure at Newcastle, bishops were told they could no longer maintain ‘black books’ because of concerns in relation to a lack of fairness and natural justice in the procedure.⁸³⁰

Bishop Herft said that during his tenure as Bishop of Newcastle there was a general (in the sense of informal) protocol within the Church whereby, before making an appointment, bishops would check with each other as to whether a candidate was ‘safe to receive’. Bishops would then inform each other if they were aware that the person had ‘offended or was the subject of a court case’.⁸³¹

Mr Michael Elliott told us that, despite extensive searches conducted since his appointment in 2009, to date he has been unable to locate any black book within the records of the Diocese.⁸³²

However, included in the yellow envelopes compiled by Mr Elliott and produced as part of his Yellow Envelopes Report was a document containing an alphabetical list of names titled ‘S11 – SEXUAL HARRASSMENT – SENSITIVE INFORMATION’. A subheading under that title states: ‘IN SMALL ENVELOPES IN FRONT OF THIS BLACK BOOK.’⁸³³ This document appears to be an index of persons of concern.

Throughout this alphabetical list of names are notes referencing the location of specific files in Bishop Herft’s office (for example, there is a note that reads ‘see his personal file in R/H drawer of Brown Filing’). It is likely that this list, or black book, belonged to Bishop Herft specifically. We do not accept Bishop Herft’s submission that there is no evidence to support this.⁸³⁴ Bishop Herft gave evidence that he could not recall seeing the list or a ‘black book’.⁸³⁵ The presence in that list of a file for Kitchingman (yellow envelope 13),⁸³⁶ concerning Kitchingman’s criminal proceedings in 2002, suggests that the list, or ‘black book’, was being updated in the later years of Bishop Herft’s episcopate. We are satisfied that the index that Mr Elliott uncovered was the index to a black book maintained by Bishop Herft.

1999 Ethics in Ministry Code screening procedures

As noted above, the Diocese introduced the Ethics in Ministry Code in August 1999. It applied as a code of conduct for clergy, lay employees and lay volunteers serving within the Diocese.⁸³⁷

In relation to screening potential candidates for ministry, the 1999 Ethics in Ministry Code provided that ‘anyone who exercises any form of ministry in the church should be chosen with care’, provided for a thorough interview process for any person considered for a position of ministry who had been convicted of an offence, and prohibited any appointment which ‘may be seen to provide an opportunity for reoffending’.⁸³⁸

Pursuant to clause 6.6 of the 1999 Ethics in Ministry Code, where a court, church or other disciplinary procedure had upheld allegations of child abuse against a person, that person was prohibited from any ministry appointment to do with children or adolescents.⁸³⁹

The 1999 Ethics in Ministry Code remained the applicable code for clergy, lay persons and volunteers serving in the Diocese until 2005, when the diocesan council and the synod of the Diocese adopted ‘Faithfulness in Service’ as the applicable code of conduct. ‘Faithfulness in Service’ is discussed in more detail at section 5.2 of his report.

Post July 2000 – mandatory screening obligations

Commencing from July 2000, the *Child Protection (Prohibited Employment) Act 1998* (NSW) and the *Commission for Children and Young People Act 1998* (NSW) imposed mandatory screening obligations on the Diocese when it is acting in its capacity as an employer.⁸⁴⁰

On or about 2 July 2002, the Diocese obtained legal advice from Mr Caddies of Rankin and Nathan Solicitors which set out the obligations of the Diocese under the Acts.⁸⁴¹ Mr Caddies advised that ministers and volunteers in a religious organisation were specifically deemed to be employees for the purposes of the obligations imposed.⁸⁴²

The Diocese, as an employer, had a duty to obtain a declaration from any person who was seeking or currently working in paid or voluntary employment, where that work primarily involved unsupervised direct contact with children, that they were not ‘prohibited persons’ in relation to their employment.⁸⁴³ A ‘prohibited person’ was a person who had been convicted of a serious sexual offence.⁸⁴⁴ The Diocese also had a duty to activate an official police check on all prospective employees and to notify the Commission for Children and Young People of any ‘relevant disciplinary proceeding’ in the last five years and in the future.⁸⁴⁵ Official police checks were conducted by an approved screening agency such as the Commission for Children and Young People.⁸⁴⁶

All paid employees whose employment primarily involved direct contact with children where that contact was not directly supervised, including fostering of children and ministers of religion, were to undertake a Working with Children Check (WWCC). The Commission for Children and Young People was to be notified of any person whose application for child-related employment had been rejected because of risk assessment during employment screening.⁸⁴⁷

Mr Hockman told us in a statement that, in his role as diocesan business manager from September 2002 until November 2004, he was responsible for implementing a WWCC procedure as required under New South Wales legislation.⁸⁴⁸

Mr Hockman gave evidence that during the period of his appointment all clergy, including those already working for the Diocese, were required to undergo a WWCC and sign a declaration that they were not ‘prohibited persons’ in child-related employment.⁸⁴⁹ While the Diocese did not undertake a WWCC for volunteers, all volunteers were required to complete a prohibited person declaration and authorise a WWCC.⁸⁵⁰

4.6 Awareness and management of child sexual abuse allegations

In this section of our report, we consider the evidence of certain allegations of child sexual abuse made known to the Diocese during the tenure of Bishop Herft.

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Defamation advice

From the inception of CASM in 1993, the diocesan policies identified defamation as an area of potential legal risk for CASM members and conciliators who heard and communicated allegations of sexual harassment.⁸⁷⁴ In 1995, Mr Caddies gave a presentation to conciliators engaged by CASM on legal implications and risks that arose in relation to their performance as conciliators who heard and responded to allegations of sexual misconduct by clergy and other persons within the Diocese.⁸⁷⁵ One of the key issues dealt with in Mr Caddies' presentation was defamation.

On or about 2 April 1996, Bishop Herft received a fax from Mr Caddies attaching an advice from Mr Stuart Littlemore QC dated 1 April 1996 in relation to potential actions in defamation against persons lodging complaints of sexual harassment.⁸⁷⁶

In his evidence to the Royal Commission, Bishop Herft denied that his desire to obtain advice on defamation law at that time was in any way motivated by dealings he had regarding allegations of child abuse against [REDACTED].⁸⁷⁷

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Allegations against Jim Brown

As discussed in section 1.3 above, Brown was a youth worker and was licensed as a lay preacher in the Diocese until approximately 1992. This preceded Bishop Herft's tenure as Bishop of Newcastle. However, in 1996, Brown was charged with the sexual abuse of Mr D'Ammond many years earlier.⁹²⁸ Mr D'Ammond's experiences were recounted in section 2.3 above.

Committal proceedings against Brown took place in 1997.⁹²⁹ Mr Rosser QC acted on behalf of Brown in these proceedings.⁹³⁰ At that time, Mr Rosser QC was the deputy chancellor of the Diocese. Brown pleaded not guilty and was discharged following the committal hearing.⁹³¹

Bishop Herft told us that, before reviewing and hearing evidence in this case study, he was not aware of the existence of Brown or that Brown had faced committal proceedings in 1997.⁹³²

Bishop Herft also told us that he was not aware at the time that Mr Rosser QC had acted as defence counsel for Brown in 1997.⁹³³ Bishop Herft said that this was something Mr Rosser QC ought to have brought to his attention.⁹³⁴ He agreed that not being aware of the criminal proceeding made it impossible for him to provide pastoral care to Mr D'Ammond.⁹³⁵

Mr Rosser QC gave evidence that he did not believe his representation of Brown related in any way to his role at that time as deputy chancellor of the Diocese.⁹³⁶ Mr Rosser QC said that he did not inform anyone in the Diocese that he was acting for Brown and that it did not cross his mind to do so.⁹³⁷

Mr Rosser QC accepted that a perception could have been created in the minds of members of the public that, in accepting the brief to represent Brown while he was also an official of the Church, the Church might appear to be at odds with those who alleged they had been abused.⁹³⁸ However, Mr Rosser QC said he did not believe he owed any duty to anyone, other than the bishop, that conflicted with his representation of Brown.⁹³⁹

While there was not a conflict in the duties that Mr Rosser QC owed Brown as his client and the duties that he owed the Diocese as deputy chancellor, it should have been obvious to Mr Rosser QC that it could readily appear to outsiders that the Diocese, through one of its senior officers, was defending a person accused of sexually assaulting a child in the Diocese.

Mr Rosser QC clearly gave no consideration to any perception that the victim may have had that the Diocese was 'protecting its own' rather than offering him pastoral support. Mr D'Ammond gave evidence that at the committal proceedings Mr Rosser QC, who he knew at the time was the bishop's former legal adviser, 'ripped [him] apart' and had 'made [him] out to be like the devil'.⁹⁴⁰

This perception was shared by the diocesan insurer. Mr Cleary gave oral evidence that, in around 2013, the diocesan insurer declined to pay out a claim concerning one of Brown's victims. The insurer reached this determination on the basis that, given Mr Rosser QC had represented Brown in 1997 while deputy chancellor, the Church was effectively put on notice of the risk posed by Brown from the mid-1990s and took no steps to mitigate that risk.⁹⁴¹ The insurer, at least, treated Mr Rosser QC as an agent of the Church.

Mr Cleary said that many claims for compensation were subsequently made to the Diocese relating to Brown, but he did not bother lodging them with the diocesan insurer.⁹⁴²

It is also difficult to understand why Mr Rosser QC, as deputy chancellor of the Diocese, did not bring the matter to the bishop's attention. Clearly enough, it would have been a matter of considerable concern to the bishop to learn that a Church volunteer had been accused of sexually abusing a child in the Diocese in the past. As the deputy chancellor, Mr Rosser QC can be taken to be aware of the Diocese's 1993 Sexual Harassment Policy (revised in 1995), which required pastoral support to be provided to complainants.

In accepting the brief to appear for Brown at the committal in 1997, Mr Rosser QC gave no consideration to the possibility that, because he held the position of deputy chancellor, members of the public and the alleged victim could reasonably perceive that the Diocese was supporting the alleged perpetrator and disbelieving the alleged victim.

Allegations against Father Rushton

Introduction

There is evidence that in 1998 the Diocese was made aware of an allegation that Father Rushton was in possession of child pornography, although this allegation was quickly withdrawn. Bishop Herft was led to believe that Father Rushton only possessed large quantities of adult homosexual pornography. There is also evidence that Bishop Herft was made aware of allegations that Father Rushton had sexually abused boys in 2002 and again in 2003. However, no disciplinary action or other investigations were taken against him in respect of these matters.

Bishop Herft told us that he had a professional relationship with Father Rushton but not a close association.⁹⁴³ As Archdeacon of Maitland, Father Rushton held a position of leadership within the Diocese.⁹⁴⁴ Bishop Herft said there was some tension in their relationship, as Father Rushton was a strong Anglo-Catholic and was opposed to the ordination of women.⁹⁴⁵ Bishop Herft had ordained women in New Zealand as priests and bishops.⁹⁴⁶ Father Rushton and other Anglo-Catholic clergy believed Bishop Herft had 'tainted hands' as a result. As a consequence, Father Rushton would not permit Bishop Herft to preside at the Eucharist in his parish.⁹⁴⁷

The November 1998 Father Rushton pornography incident

On about 25 November 1998, Farragher Removals was engaged to pack up and move Father Rushton's belongings from the rectory at Maitland to the rectory at Hamilton. While packing, the removalists found a quantity of homosexual pornographic magazines, videos and books.

Mr Gary Askie, one of the removalists, gave oral evidence before the Royal Commission. He said that, while packing in Father Rushton's bedroom, he found some videos that depicted males having sex with each other on the covers and one that showed pictures of a naked young boy. He estimated the age of the boy to be approximately 12 years.⁹⁴⁸ Mr Askie was quite certain the image was not that of an adult and he felt 'shocked and horrified' when he saw it.⁹⁴⁹ This is the only direct eyewitness account in evidence before us.

On 25 November 1998, Reverend Colvin Ford, who was the Archdeacon of the Upper Hunter in the Diocese from 1992 to 1999, received a phone call from Mr J m Jackson, the human resources manager of Farragher Removals. Mr Jackson reported that his men had called, as they thought they had found child pornography amongst Father Rushton's belongings.⁹⁵⁰

Mr Jackson told Archdeacon Ford that the removalists were 'no angels' but they had been shocked and upset by what they had found.⁹⁵¹ Mr Jackson was concerned about any repercussions for Farragher Removals and the implications of 'paedophilia' in a community leader like Father Rushton.⁹⁵²

On 26 November 1998, Archdeacon Ford informed Bishop Herft that the removalists had discovered child pornography amongst Father Rushton's possessions, and he understood that the possession of child pornography was a criminal offence.⁹⁵³

On 27 November 1998, Bishop Herft consulted the diocesan solicitor, Mr Caddies. Mr Caddies advised that the possession of child pornography was a criminal offence. It was also a reportable offence which carried a penalty of up to five years' imprisonment if there was a failure to report.⁹⁵⁴ Mr Caddies advised Bishop Herft to find out more information about the allegations before reporting the matter to the police.⁹⁵⁵

Later that day, Bishop Herft met with Father Rushton, Archdeacon Ford and Bishop Beal at the diocesan offices.⁹⁵⁶ Bishop Herft requested Bishop Beal, a retired bishop residing in the Diocese, to be present to provide pastoral support for Father Rushton.⁹⁵⁷ Bishop Beal is now deceased.⁹⁵⁸

Bishop Herft described the meeting as 'fractious', and Father Rushton was insistent that a lawyer be present for him.⁹⁵⁹ At the meeting, he asked Father Rushton for an explanation and a reason why he should not remove Father Rushton's licence.⁹⁶⁰ He told Father Rushton that, in addition to a possible criminal offence, under the Clergy Discipline Ordinance 1966 the possession of pornography could be construed as 'conduct unbecoming of a priest' and negligence in duty that brought out scandal.⁹⁶¹

Father Rushton denied possessing child pornography or any pornographic magazines. However, he admitted to packing four X-rated homosexual videos himself rather than leaving them for the removalists to pack.⁹⁶² Bishop Herft told Father Rushton to give Bishop Beal the material that the removalists had described so it could be examined and advice obtained about whether it constituted an offence requiring reporting to the police or if the material constituted an offence under the Clergy Discipline Ordinance requiring it to be taken before a tribunal.⁹⁶³

Bishop Herft requested Archdeacon Ford to obtain statements from the removalists about what they had found.⁹⁶⁴

Archdeacon Ford spoke with Mr Jackson later that evening. Mr Jackson reported that the removalists now said that there was no child pornography, but they were disgusted at the material they had seen and did not want to return to finish the job.⁹⁶⁵ Archdeacon Ford updated Bishop Herft accordingly.⁹⁶⁶ Mr Caddies gave evidence that, upon receiving this information from Archdeacon Ford, 'we breathed a huge sigh of relief because we were poised at that point to go to the police'.⁹⁶⁷ However Bishop Herft then took further steps to try to ascertain the true nature of the materia

On 30 December 1998, Bishop Herft wrote to Bishop Beal and requested that he meet with Father Rushton and create a list of the material in Father Rushton's possession that could have caused offence to the removalists, including the material Father Rushton had packed himself. Bishop Beal was to package and seal all the material.⁹⁶⁸

Also on 30 December 1998, Bishop Herft wrote to Father Rushton to inform him that he had asked Bishop Beal to obtain a list of the material and that the removalists had also been asked to provide a list of material they had seen that had caused offence to them. Bishop Herft would be taking advice from the diocesan solicitors and meeting with the management of Farragher Removals to ascertain their intentions. Following this, Bishop Herft would inform Father Rushton of what action he intended to take.⁹⁶⁹

On 1 December 1998, Bishop Beal reported to Bishop Herft that he had visited Father Rushton that day and viewed a poster, a calendar, video catalogues and some books. However, Father Rushton refused to allow Bishop Beal to view the videos that Father Rushton had said he packed himself.⁹⁷⁰

Also on 1 December 1998, Mr Jackson told Archdeacon Ford that he had taken written statements from the removalists involved. Archdeacon Ford informed Bishop Herft.⁹⁷¹

On 3 December 1998, Bishop Herft met with Mr Greg Hansen and Mr Mitchell, then the diocesan registrar. Mr Hansen was a former solicitor who had been the diocesan solicitor under Bishop Holland.⁹⁷² Mr Hansen advised Bishop Herft that he had not practised law for a decade and he was present as a friend of Father Rushton as an 'honest broker' in the matter.

Mr Hansen reported that Father Rushton was now more repentant and prepared to work with Bishop Herft.⁹⁷³

Bishop Herft informed Mr Hansen that there was uncertainty as to whether the material involved children. This was an issue which needed to be resolved before the Church knew whether it was dealing with a legal issue or an ecclesiastical/spiritual issue. Father Rushton's refusal to show the videos to Bishop Beal compounded that uncertainty.⁹⁷⁴ Mr Hansen undertook to view the pornographic material and advise Bishop Herft on its nature.⁹⁷⁵

Mr Hansen provided a statement in which he stated that he did not have any professional relationship with Father Rushton other than possibly advising Father Rushton regarding his will at some time.⁹⁷⁶ However, both Bishop Herft and Mr Mitchell said in evidence that they believed Mr Hansen was acting as Father Rushton's solicitor at the 3 December 1998 meeting.⁹⁷⁷

Bishop Herft trusted Mr Hansen, 'as Father Rushton's legal representative', to provide him with advice and that, if there was any suggestion that any of the material was child pornography, Mr Hansen would bring it to his attention.⁹⁷⁸

Mr Mitchell agreed that it was an extraordinary position that the investigation of a matter that was possibly a serious crime by Father Rushton had been handed over to Father Rushton's solicitor.⁹⁷⁹ However, Mr Mitchell and Bishop Herft both believed that a solicitor would be trustworthy in conducting the investigation.⁹⁸⁰

On 3 December 1998, Mr Hansen wrote to Bishop Herft that he had examined 'certain material' in the possession of Father Rushton and, while he did not purport to give legal advice, he was of the view that the material was legal to possess or view in private.⁹⁸¹ Mr Hansen said that the videos he inspected appeared to be commercially available homosexual pornography. He did not view the videos but only looked at the covers.⁹⁸²

On 4 December 1998, Mr Mitchell received a carton of 19 videos that had been removed from Father Rushton's house.⁹⁸³ Mr Mitchell looked at the covers, checked that the labelling on the videos matched the video covers and made a list of their titles. He did not view their actual contents.⁹⁸⁴

It did not occur to either Bishop Herft or Mr Mitchell that Father Rushton might not have provided all the videos or materials that the removalists had complained of.⁹⁸⁵

Bishop Herft gave evidence that it was clear in his mind at the time that he had to be sure that Father Rushton did not possess any child pornography.⁹⁸⁶ He agreed that, as of the meeting on 3 December 1998, he still felt uncertain as to whether there was child pornography.⁹⁸⁷ Bishop Herft also agreed that the fact that Father Rushton had refused to allow Bishop Beal to view the material and the quantity of pornography in his possession was a concern.⁹⁸⁸

Bishop Herft said his belief at all relevant times was that Father Rushton had a 'serious addiction to pornography' and he agreed this called Father Rushton's integrity into account.⁹⁸⁹ However, Bishop Herft was prepared to rely on Father Rushton to disclose to him and Mr Hansen material that showed Father Rushton had committed a criminal offence. He believed at the time that Mr Mitchell had reviewed the material that had caused offence to the removalists and Mr Hansen had reviewed the material that Father Rushton had refused to show to Bishop Beal. On that basis, Bishop Herft felt assured that, as there was no child pornography, he did not need to consider notifying the police.⁹⁹⁰

Mr Askie, the removalist, told us that he was asked to sign a statement at the time of the incident.⁹⁹¹ He believed the statement described what he had seen, although he could not recall if he had written it himself.⁹⁹² He was not provided with a copy of the statement at the time. He says he was told not to talk about it.⁹⁹³

The Diocese did not obtain the statements that were obtained from the Farragher removalists.⁹⁹⁴ On 7 December 1998, Sparke Helmore lawyers acting for Farragher Removals, wrote to Mr Caddies to advise that, upon further investigation, their client withdrew any suggestion that child pornography had been found in Father Rushton's belongings and apologised for any distress caused. Farragher Removals was only prepared to provide the removalists' statements if the Diocese agreed to indemnify Farragher Removals and its employees against any costs or liabilities arising from any action that Father Rushton might take against them.⁹⁹⁵

On 8 December 1998, Mr Mitchell wrote to Mr Caddies and advised that Father Rushton had handed over the relevant material. Father Rushton had acknowledged that he had possession of explicit sexual material, but he asserted that it was not paedophilic in nature. Mr Mitchell advised that the Diocese would maintain the confidentiality of the removalists' statements but said that, as the material that had given offence had now been seen, it was not reasonable to consent to indemnify Farragher Removals.⁹⁹⁶

On 10 December 1998, Mr Caddies wrote to Sparke Helmore advising that the Diocese would not provide an indemnity in return for receiving the statements.⁹⁹⁷ Bishop Herft did not see the statements.⁹⁹⁸ At no stage did the Diocese have direct recourse to the evidence of the removalists. Bishop Herft agreed that it would have been a good idea to obtain a copy of the statements from the men who had actually seen the material.⁹⁹⁹

In hindsight, Bishop Herft agreed that it was a logical conclusion that Father Rushton may not have provided all the pornographic material to Mr Mitchell or Mr Hansen.¹⁰⁰⁰

On 17 December 1998, Bishop Herft telephoned Mr John Farragher, the managing director of Farragher Removals. Bishop Herft expressed regret that offence had been caused to his employees and thanked him for bringing the matter to his notice so that action could be taken. Bishop Herft informed Mr Farragher that on solicitor's advice it was not advisable to provide the indemnity requested and a list of that material from the men was not required.

Bishop Herft expressed his thanks. He recorded in a file note that Mr Farragher was grateful the matter had been taken seriously and acted upon, but he did not wish any further action to be taken.¹⁰⁰¹

Mr Farragher provided a statement to us in which he said that Bishop Herft contacted him shortly after the incident. Mr Farragher stated that Bishop Herft seemed to be concentrating on potential reputation damage to the Church rather than on the question of whether Father Rushton had child pornography in his house or on the welfare of Mr Farragher's employees.¹⁰⁰²

Mr Farragher believed that the material discovered was child pornography, as his employees were experienced removalists and not easily offended.¹⁰⁰³ However, Mr Farragher did not see the offending material himself. Mr Farragher was not tested through cross-examination.

Archdeacon Ford told the Royal Commission that, sometime later in 1999 Archdeacon David Simpson, who was then the rector of Islington/Carrington parish, told him that Father Rushton asked him to collect hundreds of video tapes from the rectory at Hamilton and destroy them. Archdeacon Simpson reported that he burnt them and that some of the video covers depicted men and boys. Archdeacon Ford took this to mean primary school aged children.¹⁰⁰⁴ Archdeacon Simpson is now deceased.¹⁰⁰⁵

Bishop Herft told us that he was surprised by the evidence that Archdeacon Simpson had destroyed hundreds of videos for Father Rushton, as he would have expected Archdeacon Simpson to bring this to his attention immediately.¹⁰⁰⁶

Bishop Herft submitted that the hearsay evidence of Archdeacon Ford was not a sufficient basis on which to conclude the material was child pornography.¹⁰⁰⁷ We agree that in isolation such evidence would not be sufficient to found such a conclusion. However, with due allowance to the hearsay nature of the evidence and the consideration that Archdeacon Simpson is deceased, we do take it into account in light of other evidence, including the direct eyewitness account of removalist Mr Askie.

Bishop Herft submitted that Father Rushton's refusal to cooperate and his request to Archdeacon Simpson to destroy the videos was consistent with an intention by Father Rushton to conceal his predilection for adult homosexual pornography – a propensity which was at odds with his position as a priest and archdeacon.¹⁰⁰⁸

We are satisfied that in 1998 removalists located child pornography at Father Rushton's home. Mr Askie, one of the removalists, provided direct evidence that he had seen child pornography at Father Rushton's home during the move. Further, it is most unlikely that the removalist company would risk its reputation and business by making an allegation 'out of the blue' against a paying customer. The evidence of Archdeacon Ford as to Archdeacon Simpson's observations of child pornography strengthens this conclusion. However, in fairness to Bishop Herft, it must be acknowledged that the removalist company later withdrew the allegation.

Bishop Herft did not confirm directly with the removalists who had seen the material at Father Rushton's home that there was no child pornography. Bishop Herft was prepared to rely on Father Rushton to give all of the pornography in his possession to Mr Hansen. If Father Rushton did possess child pornography, Bishop Herft was relying on Father Rushton to make disclosures of his own criminal behaviour.

Bishop Herft submitted that the investigation he instigated was thorough and reasonable in the circumstances. Bishop Herft did not rely on Father Rushton to make disclosures and it was reasonable and appropriate for him to rely on the fact that Sparke Helmore, acting for Farragher Removals, had formed the view that the material was not child pornography.¹⁰⁰⁹

Sparke Helmore did not express this view. They were instructed by Farragher Removals to withdraw the allegations that the removalists had made. Sparke Helmore's letter to Mr Caddies stated that they held copies of the removalists' statements.¹⁰¹⁰

Bishop Herft also submitted that it was not open for him to compulsorily gain access to Father Rushton's home to collect the pornographic materials.¹⁰¹¹ That may be so. But, given a serious criminal offence was alleged, it was always open to Bishop Herft to report the allegations to police at the time he was first notified and allow them to investigate.

The approach to the investigation that Bishop Herft initiated was inadequate since it was reliant on Father Rushton telling the truth and cooperating fully. The police were far better equipped to investigate the matter than the Diocese.

Creation of yellow envelope regarding the Father Rushton pornography incident

A comprehensive record of file notes and correspondence between individuals involved in the incident, including Bishop Herft, Bishop Beal, Archdeacon Ford, Mr Caddies, Mr Mitchell and Father Rushton, was stored as part of the Diocese's complaints-handling 'yellow envelope' system in yellow envelope 20.¹⁰¹²

Management in 1998 of disciplinary process against Father Rushton

Bishop Herft told us that the quantity of (adult) pornography and Father Rushton's possession of it suggested a pattern of behaviour of addiction that pointed to a more serious spiritual problem.¹⁰¹³ Bishop Herft believed it cast doubt upon whether he should commission Father Rushton as the rector in his new parish.¹⁰¹⁴

On 6 December 1998, Father Rushton wrote to Bishop Herft and agreed to place himself under the spiritual direction of Bishop Beal. He informed Bishop Herft that he had made an appointment to see Dr Howard Johnson, a psychologist. Father Rushton stated that 'all

materials considered offensive in any way' had been destroyed. He also apologised to Bishop Herft and those who had been concerned in the matter.¹⁰¹⁵ Bishop Herft told the Royal Commission that he had told Father Rushton to take those actions.¹⁰¹⁶

On 8 December 1998, Dr Johnson advised Bishop Herft that nothing had come to light during his interview with Father Rushton that suggested Father Rushton's possession of this quantity of pornographic video material might be associated with behaviours that could put 'trusting young people' at risk.¹⁰¹⁷ Bishop Herft took some comfort from Dr Johnson's assessment of risk and from the assurances that Father Rushton had given.¹⁰¹⁸

On 14 December 1998, Bishop Herft wrote to Father Rushton thanking him for the assurances he had given him in his letter of 6 December 1998. Bishop Herft suggested that Father Rushton consider a 30-day retreat with a spiritual director early in 1999.^{1 19}

Bishop Herft told us that, after the initial meeting with Father Rushton, he found Father Rushton's whole demeanour changed. Bishop Herft believed that Father Rushton had repented as a result of the discovery of the pornography.¹⁰²⁰

However, there was also evidence that Father Rushton threatened the Diocese with legal action if Bishop Herft acted against him.¹⁰²¹ Bishop Herft conceded that part of the reason he did not take further steps to discipline Father Rushton when the pornography issue was raised was that he was concerned Father Rushton would take the Diocese to court.¹⁰²²

Bishop Herft submitted that his approach to the investigation of the complaint was not affected by any wish to avoid litigation; rather, the evidence established there was no reason to take any action to delicense Father Rushton, as only adult gay pornography was found.¹⁰²³

Bishop Herft acknowledged that at the time of the pornography incident he was 'very keen' to revoke Father Rushton's licence and, in retrospect, he should have done so at that time.¹⁰²⁴ However, Bishop Herft submitted that, while his initial response was to delicense Father Rushton, Mr Caddies counselled him against this until further investigations were completed.¹⁰²⁵ We accept this evidence.

Bishop Herft said that after the pornography incident Father Rushton's demeanour changed significantly.¹⁰²⁶ However, Bishop Herft admitted he had been 'deeply fooled'.¹⁰²⁷

Father Rushton was the Archdeacon of Maitland from 1983 until 1998, when he was appointed team rector of Hamilton.¹⁰²⁸ Father Rushton resigned as the team rector of Hamilton parish in August 2001 due to ill health.¹⁰²⁹ Despite the pornography incident in late 1998, Bishop Herft granted Father Rushton permission to officiate in the Diocese.¹⁰³⁰

Bishop Herft submitted that, having concluded there was no basis to remove Father Rushton's licence, he had no basis to 'remove' Father Rushton's permission to officiate.¹⁰³¹ We do not accept this submission. It was not a matter of 'removing' the permission to officiate. As a retired priest, Father Rushton had no automatic entitlement to a permission to officiate. It had to be granted by Bishop Herft, and Bishop Herft had full discretion not to grant it.

In considering whether Bishop Herft was under a legal obligation to report the allegations against Father Rushton to the police, we are mindful of the important consideration that the removalist company withdrew the allegation. However, in view of the very serious nature of the allegation and the initially recalcitrant attitude that Father Rushton showed, we consider that it would have been prudent to report the matter to the police even if Bishop Herft was not obliged to do so.

[Allegations against Father Rushton disclosed in October 2002](#)

We received a statement from Reverend Graham Jackson. Reverend Jackson was ordained an Anglican priest in the Diocese of Adelaide in 1970.¹⁰³ He obtained a permission to officiate in the Diocese in 1992.¹⁰³³

Reverend Jackson stated that, in or about October 2002, he was informed by an acquaintance that his son had been abused by Father Rushton when he was a child in the 1980s. Reverend Jackson told his acquaintance that he would speak to Bishop Herft.¹⁰³⁴

Reverend Jackson told us he met with Bishop Herft on 15 October 2002 and informed him of the allegation regarding Father Rushton. Bishop Herft asked him to inquire whether the man's son would make a formal complaint and said there was little he could do without one.¹⁰³⁵

Bishop Herft recorded in a file note at the time:

I intimated to the Rev'd Jackson that this information that had been shared left me in an unenviable position. Fr Peter had my licence and if he re-offended I would be held liable as I now had prior knowledge of his alleged behaviour.¹⁰³⁶

On 11 December 2002, Reverend Jackson wrote to Bishop Herft that the complainant's father was still discussing with his son whether he wished to make a formal complaint and he would keep the bishop informed.¹⁰³⁷ Reverend Jackson had no further involvement in the matter.¹⁰³⁸ Bishop Herft told the Royal Commission he had no further records regarding any outcome from this complaint.¹⁰³⁹ There is no evidence that any further action was taken by the Diocese in relation to Father Rushton at that time.

Bishop Herft submitted that his approach to the complaint that Reverend Jackson raised was consistent with his practice and the Diocese's then policy that a complainant needed to come forward before a matter could be reported to the NSW Police for investigation.

Bishop Herft's then approach was that it was the survivor's story, and for the Church to take over that story from the survivor would be akin to 'further abuse' on the survivor.¹⁰⁴⁰ Bishop Herft also submitted that he requested that Reverend Jackson follow the matter up and encourage the survivor to make a complaint. However, a complaint was not forthcoming.¹⁰⁴¹

Bishop Herft further submitted that the background to his actions in this matter was that Father Rushton had been in possession of adult gay pornography, not child pornography. However, as an allegation of child sexual abuse was now made, it could not have escaped Bishop Herft's attention that Father Rushton had originally been accused of being in possession of child pornography. Taken together, the allegations at least suggested a sexual interest in children, which warranted consideration of whether risk management procedures were necessary.

Bishop Herft conceded that he could have revoked Father Rushton's permission to officiate at will without requiring any diocesan tribunal procedure.¹⁰⁴² We consider that Bishop Herft should have taken further action in relation to Father Rushton at that time.

In hindsight, he agreed that the allegation should have been referred to the police.¹⁰⁴³

Multiple allegations against Father Rushton disclosed in February 2003

In February 2003, Mrs Sanders, in her capacity as chair of CASM, reported to Bishop Herft that an allegation had been received that Father Rushton had abused the son of a priest and another boy in or about 1979.¹⁰⁴⁴

Bishop Herft agreed that, at the time these allegations concerning Father Rushton were reported to him by Mrs Sanders, he already had cause for concern about Father Rushton because of his possession of pornography.¹⁰⁴⁵

Bishop Herft said that, when he was told in 2003 that Father Rushton had abused a priest's son, he was on 'high alert', but he was prevented from investigating further without a complaint from the person allegedly abused.¹⁰⁴⁶ Bishop Herft accepted he could have pursued the matter by speaking with Father Rushton¹⁰⁴⁷ and, in hindsight, it was remiss of him not to have done so.¹⁰⁴⁸

Further, in February 2003, a different allegation involving Father Rushton was made known to Bishop Herft.¹⁰⁴⁹ This came by way of a complaint forwarded from the Diocese of Sydney. The complaint concerned the behaviour of four clergy associated with the Diocese of Newcastle in 1976, one of whom was identified as 'Father Peter Rushkin' of Wallsend.¹⁰⁵⁰ Father Rushton was the priest at Wallsend in 1976.¹⁰⁵¹ The complainant had gone to Charlestown police.¹⁰⁵² The Diocese of Sydney had also forwarded the complaint to the Archdiocese of Brisbane, where one of the four priests was then licensed.¹⁰⁵³

The complainant was an altar boy in the Diocese of Newcastle in 1976. He stated that he had concerns about Father Rushton's relationships with young boys at that time. The complainant's own observations as well as comments by another priest at the time led the complainant to believe that Father Rushton had 'his own group of boys'.¹⁰⁵⁴

On 21 February 2003, Mrs Sanders wrote to Bishop Herft and passed on the file received from the Diocese of Sydney concerning this complaint.¹⁰⁵⁵ She created yellow envelope 27.¹⁰⁵⁶

Bishop Herft had a meeting with Mrs Sanders and Mr Caddies about this complaint.¹⁰⁵⁷ Bishop Herft said that 'Mr Caddies and Mrs Sanders were right over the review and they brought certain matters to my attention as to how they were following it up'.¹⁰⁵⁸ Mrs Sanders was aware by 26 February 2003 that the complaint related to four clergy. She said in a letter of that date that 'I also note that three other persons are mentioned in the document entitled "Report of Abuse"'.¹⁰⁵⁹ It is inconceivable that she would not have mentioned this to Bishop Herft and Mr Caddies in her 25 February 2013 meeting with them.

Bishop Herft told us that he could not recall being advised of an allegation that Father Rushton 'had his own group of boys'.¹⁰⁶⁰ Bishop Herft accepted that the allegation that Father Rushton had 'his own group of boys' was an allegation of sexual impropriety.¹⁰⁶¹

Bishop Herft said that Mrs Sanders always acted in a diligent manner in bringing allegations to his attention¹⁰⁶² and that it was likely that she told him that one of the allegations concerned Father Rushton.¹⁰⁶³ A file note prepared by Bishop Herft dated 21 July 2004 indicates his awareness that the complaint related to multiple people who presently lived in Newcastle.¹⁰⁶⁴

We are satisfied this allegation was brought to Bishop Herft's attention. There is no evidence that Bishop Herft took any steps after being made aware of this allegation even though it came on top of the child pornography allegations, the 2002 allegations and the other February 2003 allegations. He did not seek to discuss the allegations with Father Rushton or implement any other risk strategies in relation to Father Rushton. He did not take any steps to remove Father Rushton's permission to officiate or instigate any other disciplinary measure in respect of him. We are satisfied that he should have taken further steps to investigate and minimise the risk that Father Rushton posed to children.¹⁰⁶⁵

We cannot accept Bishop Herft's suggestion that he took any action insofar as the allegations against Father Rushton were concerned.¹⁰⁶⁶ On the contrary: in a letter dated 26 February 2003, Mrs Sanders advised the Diocese of Sydney that, if the complainant wished to pursue the complaint against the three other priests, he would need to follow the protocol of the Diocese.¹⁰⁶⁷ There is no evidence that this protocol was followed in relation to Father Rushton and no evidence that any further steps were taken with respect to Father Rushton.

Conclusions on Herft's response to allegations concerning Father Rushton

Bishop Herft's evidence on his response to the history of allegations concerning Father Rushton was as follows:

- He has asked himself a number of times why he was not more alert. He should have acted more effectively when he received allegations against Father Rushton.¹⁰⁶⁸
- He could not account for why he missed that there was a serious problem of child sexual abuse within the Diocese, but he said that no one had come to him or other senior staff to make them more attentive to what was occurring.¹⁰⁶⁹
- Even though he was made aware of allegations that Father Rushton had sexually abused children and there were other allegations of child sexual abuse being reported to CASM, he did not attempt to investigate these matters.¹⁰⁷⁰
- It was now known that Father Rushton was a prolific paedophile who abused a large number of boys over many years. He should have acted more effectively in 1998, but he failed to do so.¹⁰⁷¹

Bishop Herft said that in 2003 there would have been 'not only alerts but alarm bells ringing' that Father Rushton should have been brought to the attention of the police and also taken before a disciplinary tribunal or had his permission to officiate removed.¹⁰⁷²

Although (as set out above) he had been 'deeply fooled' into believing that Father Rushton had changed his life, Bishop Herft accepted that this did not preclude him from looking seriously at Father Rushton's past record and dealing with it. However, he failed to do this.¹⁰⁷³

We are satisfied that, by the end of February 2003, Bishop Herft could have been in no doubt that Father Rushton had a history of behaviour that required further investigation. We reject Bishop Herft's submission that this is a matter of hindsight.

Bishop Herft's inaction with respect to Father Rushton contributed to the systematic failure of the Diocese to make perpetrators accountable for their conduct. Bishop Herft showed no regard for risk management.

Allegations against Father Parker

Introduction

The experiences of survivors CKA and CKB were recounted in section 2.3 above. They allege that they were sexually abused by Father Parker while they served as altar boys in the mid-1970s. At that time, Father Parker was a priest in the Diocese.

As discussed in section 3.8 above, we are satisfied that CKA disclosed his abuse by Father Parker to then Assistant Bishop Appleby in 1984. No steps were taken with respect to Father Parker following that disclosure.

In February 1996, Father Parker transferred from the Diocese of Newcastle to the Diocese of Ballarat.¹⁰⁷⁴ There is evidence, discussed below, that CKA contacted the Diocese in 1996 and again in 1999 to report the abuse by Father Parker. In each case, CKA spoke with Dean Lawrence.

Ultimately, CKA and CKB reported the alleged abuse to the police in 2000, and Father Parker was charged with child sex offences. He was committed to stand trial and he was represented by Mr Allen and Mr Rosser QC (then the deputy chancellor of the Diocese). However, during the course of the prosecution the matter was ‘no-billed’ and the prosecution was withdrawn. These events are described in more detail below.

The conduct of various diocesan officials during the course of and in the aftermath of the criminal proceedings is explored in detail, as it provides a useful study of the culture of conflicts of interest within the Diocese; the inability of officers to recognise those conflicts; the closing of ranks behind Father Parker by members of the Diocese; and the lack of compassion and pastoral care shown to CKA and CKB.

CKA’s disclosure to the Diocese in 1996

According to a contemporaneous file note of Dean Lawrence, CKA telephoned him on 24 April 1996. CKA disclosed his identity and reported that he was sexually abused by ‘an Anglican Priest’ in 1970.¹⁰⁷⁵ At the time of the call, Dean Lawrence was the commissary of the Diocese, as Bishop Herft was absent from the Diocese.¹⁰⁷⁶

CKA telephoned the Church’s ‘confidential helpline’ for victims of sexual abuse.¹⁰⁷⁷ Mr Lawrence said that CKA telephoned him on his personal line.¹⁰⁷⁸ Bishop Herft gave evidence that there was no helpline at the time.¹⁰⁷⁹ He said that the call was probably directed to Dean Lawrence as the commissary in Bishop Herft’s absence.¹⁰⁸⁰ No other evidence supports the proposition that there was a confidential helpline in 1996. It is most likely that Dean Lawrence was contacted at that point because he was the commissary of the Diocese.

In response to CKA’s call, Dean Lawrence scheduled a meeting with CKA on 27 April 1996.¹⁰⁸¹ Dean Lawrence noted that CKA was dubious about attending this meeting because he felt it might be ‘like an inquisition’.¹⁰⁸² CKA gave evidence that he did not attend the scheduled meeting because he did not trust Dean Lawrence. CKA said that the Diocese did not conduct any follow-up.¹⁰⁸³

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

We are satisfied that, following CKA's telephone call to Dean Lawrence in April 1996, Dean Lawrence was aware that it was alleged that Father Parker had sexually abused two boys in 1970.

On 17 May 1996, Dean Lawrence sent Bishop Herft a letter in which he enclosed the file note of his conversation with CKA regarding his allegations of sexual abuse.¹⁰⁸⁸

Bishop Herft agreed that this letter made him aware of allegations of sexual abuse against one of his clergy, but he said he did not know who the allegations were against.¹⁰⁸⁹ The relevant parish was named, but Bishop Herft did not try to find out who the priest was. He gave evidence that, in hindsight, he ought to have done so.¹⁰⁹⁰

[REDACTED]

Mr Lawrence gave evidence that his relationship with Father Parker was 'a very fleeting one; not a close one'.¹⁰⁹² However, Father Parker was Dean Lawrence's assistant dean at the Cathedral for nine years, from 1986 to 1995.¹⁰⁹³

[REDACTED]

On 22 May 1996, Bishop Herft thanked Dean Lawrence for his report and stated, 'I believe since there has been no further contact from [CKA] that it will have to remain on file'.¹⁰⁹⁴

Bishop Herft gave evidence that, as of 1993, there was a clear policy in the Diocese that matters of child abuse should be reported to the police.¹⁰⁹⁵ Despite agreeing that he received sufficient detail from CKA's initial complaint to report to the police,¹⁰⁹⁶ Bishop Herft told us that he neither contacted the police nor conducted any follow-up investigation.¹⁰⁹⁷ We are satisfied that in 1996 Bishop Herft took no further action.

At that time, Father Parker remained licensed as a priest in the Diocese of Ballarat.¹⁰⁹⁸ Bishop Herft accepted in his submissions that no steps were taken at the time to make the Diocese of Ballarat aware of the allegations.¹⁰⁹⁹

We are satisfied that neither Bishop Herft nor [REDACTED] informed the Diocese of Ballarat of the allegations against Father Parker despite the fact that Father Parker was licensed as a priest in the Diocese of Ballarat in 1996.

Further, neither Bishop Herft nor [REDACTED] informed the police of the allegations made to them in 1996. In failing to inform the police Bishop Herft [REDACTED] did not act in accordance with the diocesan policy that allegations of child sexual abuse be reported to the police.

CKA's disclosure to the Diocese in 1999

On 8 January 1999, CKA called the Diocese again to allege that he had been sexually abused by Father Parker when he was a boy.¹¹⁰⁰ He again spoke to then Dean Lawrence, who made a file note of the conversation on 12 January 1999.¹¹⁰¹

Consistent with this file note, during his oral evidence Mr Lawrence agreed that on this occasion CKA disclosed that Father Parker was the alleged perpetrator. He asserted that Father Parker had sexually abused him when he was 14 years old and also that Father Parker had sexually abused other boys as well.¹¹⁰²

Mr Lawrence also confirmed that CKA had told him that CKA's mother had brought the matter to the attention of Bishop Shevill. This accords with Mr Lawrence's file note, which stated:

CKA said that his Mother had brought this to the attention of Bishop Shevill and that he had spoken to Bishop Appleby but that 'the matter had been swept under the carpet'.¹¹⁰³

The file note records that CKA enquired about the nature of Dean Lawrence's relationship with Father Parker and that Dean Lawrence advised that he knew Father Parker but that they were not close friends.¹¹⁰⁴ Dean Lawrence recognised that he had spoken with CKA previously and explained that he was unable to contact CKA after he failed to keep his appointment because CKA did not provide any contact details.¹¹⁰⁵

Dean Lawrence forwarded his file note to Bishop Herft on 12 January 1999 and noted that 'these conversations were verbally reported to you on Monday January 11th 1999'.¹¹⁰⁶

A file note prepared by Bishop Herft on 12 January 1999 indicates that he spoke with Dean Lawrence on 9 and 11 January 1999 about CKA's allegations. The file note also indicates that CKA alleged that he had reported the matter to Assistant Bishop Appleby and that Bishop Herft had telephoned Assistant Bishop Appleby, who made it 'absolutely clear that no one had contacted him about the complaint'.¹¹⁰⁷ As we found in section 3.8 of his report, in fact CKA did make then Assistant Bishop Appleby aware of his complaint in 1984.

On 11 January 1999, Dean Lawrence made further contact with CKA. CKA told Dean Lawrence that he did not want to see anyone but the bishop. A meeting was scheduled for 14 January 1999.¹¹⁰⁸ CKA asked to speak with someone independent of the Church, but Dean Lawrence said the Church had a procedure and would take care of it.¹¹⁰⁹

CKA did not attend the meeting that had been scheduled for 14 January 1999.¹¹¹⁰ CKA told us that he did not attend the proposed meeting because he did not trust the Church.¹¹¹¹

Mr Rosser QC's advice to the Diocese regarding its response to CKA's complaint

Following CKA's non-attendance at the proposed meeting, Bishop Herft consulted Mr Rosser QC, then the deputy chancellor, at a meeting on 20 January 1999.¹¹¹²

Mr Rosser QC advised Bishop Herft that the matter needed to be 'firmed up by the Dean writing to [CKA] outlining his options'.¹¹¹³ Mr Rosser QC told the Royal Commission that he considered it important for the Diocese to record that it was willing to talk to CKA but at the same time to acknowledge CKA's right to report to the police.¹¹¹⁴

Mr Rosser QC met with Dean Lawrence on 21 January 1999. Following the meeting, Dean Lawrence wrote a letter to CKA dated 22 January 1999.¹¹¹⁵ Dean Lawrence advised Bishop Herft that Mr Rosser QC had 'looked at' the letter and 'approved' it.¹¹¹⁶ It is clear that Mr Rosser QC provided advice to the Diocese about how to deal with CKA's allegations.

In the 22 January 1999 letter, Dean Lawrence acknowledged CKA's right to report to the police but encouraged him to consider 'counselling and advice from some source' before taking such course.¹¹¹⁷ The letter also stated:

Let me once again affirm to you that the Church has no intention to run away from or hide from the matters which you raise. We are prepared to offer as much help as the circumstances require.¹¹¹⁸

Mr Rosser QC accepted that, in his capacity as deputy chancellor, he was content for the Diocese to represent, by way of this letter, that the Diocese would not sweep CKA's matter under the carpet and that the Diocese would offer as much help as the circumstances required.¹¹¹⁹

While the letter acknowledged CKA's right to report the matter to the police,¹¹²⁰ CKA said that he felt the Church was encouraging him to resolve the matter through the Church's processes.¹¹²¹ Bishop Herft agreed that this letter was very egalistic in tone, lacked compassion and failed to address the concerns raised in CKA's complaint to Dean Lawrence.¹¹²²

On 22 January 1999, Dean Lawrence forwarded Bishop Herft a copy of his letter to CKA for the Bishop's 'sexual harassment file'.¹¹²³ Bishop Herft agreed that, upon receiving Dean Lawrence's file note of CKA's second complaint, he was aware that CKA alleged that Father Parker had sexually abused him and others as boys.^{11 4} He accepted that this was more than enough detail to go to the police with but that, once again, he decided not to follow the Diocese's 'clear policy' to report matters of child abuse to the police.¹¹²⁵

Bishop Herft told us that he did not report the allegations against Father Parker to the police following CKA's complaints in 1996 and 1999 because at that time he did not wish to abrogate an adult survivor's right to control their story.¹¹²⁶ However, Bishop Herft said that he now believes that police should always be informed of allegations of child sexual abuse, regardless of whether adult or child survivors are involved.¹¹²⁷ This concession is clearly correct. Bishop Herft's approach left children at risk of harm by an alleged perpetrator of child sexual abuse.

We are satisfied that, by not informing the police, Bishop Herft [REDACTED] failed to act in accordance with the diocesan policy that allegations of child sexual abuse were to be reported to the police.

Further, following the 1999 disclosures by CKA, neither Bishop Herft nor [REDACTED] informed the Diocese of Ballarat of the allegations against Father Parker, despite the fact that Father Parker was licensed as a priest in the Diocese of Ballarat in 1999 and may have had access to children.

Bishop Herft submitted to us that his approach to handling CKA's complaints at the time was consistent with the advice he received from Mr Rosser QC.¹¹²⁸ There is no evidence that Mr Rosser QC advised Bishop Herft not to make a report to the police or notify the Diocese of Ballarat of the allegations. In any event, even if Mr Rosser QC did provide such advice, that does not abrogate Bishop Herft's responsibility for his own actions, particularly since he was the leader of the Diocese.

We are satisfied that Bishop Herft's response to CKA's allegations in 1999 fell far short of what ought reasonably to have happened. While he spoke with Bishop Appleby and may have taken advice from Mr Rosser QC, he did not report the matter to the police or make the diocese within which Father Parker then ministered aware of these most serious allegations. Also, he did not take any investigative or disciplinary steps against Father Parker. Overall, Bishop Herft's omissions in this regard meant that there was no consideration for the protection of children (in respect of whom Father Parker may still have posed a risk) and demonstrated a lack of pastoral care and compassion for CKA.

CKA and CKB report to the police in February 2000

In February 2000, both CKA and CKB reported Father Parker's alleged abuse to the police.¹¹²⁹ CKA said he reported the matter to the police due to his frustration at the Diocese's inaction.¹¹³⁰

On 18 August 2000, Father Parker was charged with child sexual abuse offences in relation to CKA and CKB in 1974.¹¹³¹

At that time, CKA did not disclose to police the full extent of abuse he said he suffered at the hands of Father Parker. He gave evidence that at the time he felt unable to cope emotionally with the full extent of Father Parker's abuse and therefore limited his disclosure.¹¹³²

CKA only disclosed to the police the sexual abuse that he said had occurred over one weekend when he and his brother stayed at Father Parker's rectory at Gateshead. CKA identified this weekend as being one week after Father Parker was transferred to a new parish.¹¹³³

CKB says he was also abused that weekend. CKB says they stayed at Father Parker's new rectory that weekend so that they could act as altar boys for Father Parker. As Father Parker was new to the parish, he did not yet have his own altar boys.¹¹³⁴

There was some initial confusion over the year that the alleged offences were perpetrated. Both CKA and CKB reported that the incident occurred in 1974.¹¹³⁵ As will be seen, they later corrected their account and specified that the offending had occurred in 1975. A key issue in the criminal proceedings was identifying the first week that Father Parker served in the new parish.

The Diocese's dealings with the police about Father Parker

Shortly after CKA reported the allegations to the police, on 7 February 2000 the police contacted 'W Brown', the receptionist at the diocesan registrar's office, to ascertain the current whereabouts of Father Parker.¹¹³⁶ When the detective explained that his inquiry was in relation to allegations of assault, the receptionist referred the detective to the chair of CASM, Ms Lyn Douglas. The receptionist made a file note of this conversation, which was received by Mr Mitchell, the diocesan registrar, on 14 February 2000.¹¹³⁷

On 9 February 2000, the police contacted the dean's office but the dean's secretary, Ms Theresa Kerr, advised them that the dean was unavailable.¹¹³⁸ According to Ms Kerr's file note, she advised the detective that Father Parker was no longer in the Diocese and then told the detective to contact the diocesan registry, which would be able to assist.¹¹³⁹

Mr Lawrence agreed in oral evidence that he was made aware of this telephone call at the time. However, he claimed that, because the detective did not leave his name, he believed this call to be a 'hoax'.¹¹⁴⁰ This explanation is not credible, particularly in view of the fact that in Mr Lawrence's 22 January 1999 letter to CKA he expressly referred to CKA's option to report the matter to the police. It could hardly have come as a surprise that CKA did report the matter to the police and the police were investigating the allegations.

Dean Lawrence's secretary did not obtain the detective's name, but she was given the name of the police station at which the detective was located and she recorded this in her file note. It would have been easy enough for Dean Lawrence to contact that station and provide correct information about Father Parker's whereabouts.

[REDACTED]

While Dean Lawrence did not contact the police, he did speak with Mr Mitchell about the allegations. On 15 February 2000, Dean Lawrence and Mr Mitchell had a telephone conversation regarding the allegations of sexual abuse against Father Parker.¹¹⁴² Following this conversation, Dean Lawrence forwarded to Mr Mitchell his secretary's file note.¹¹⁴³ It follows that from mid-February 2000 both Mr Mitchell and Dean Lawrence were aware that CKA had reported the matter to the police.

Mr Mitchell told us that Dean Lawrence was sharing this information because it was a serious matter and Dean Lawrence wanted Mr Mitchell to know that the dean's office had been contacted.¹¹⁴⁴ Mr Mitchell agreed that, as at mid-February 2000, he was in no doubt that Father Parker was the subject of allegations of child sexual abuse and that the police were seeking information regarding Father Parker.¹¹⁴⁵

Mr Mitchell was close friends with Father Parker at the time of his criminal prosecution.¹¹⁴⁶ Father Parker was godfather to his only daughter.¹¹⁴⁷ However, Mr Mitchell denied being aware of the allegations against Father Parker until he received the above file notes in February 2000.¹¹⁴⁸ This is despite the fact that Mr Mitchell worked closely with Dean Lawrence, Bishop Herft and Mr Rosser QC, all of whom had knowledge of the allegations against Father Parker by 1999 at the latest.¹¹⁴⁹ It is difficult to accept Mr Mitchell's claim. Having regard to the circumstances we have outlined, it would be surprising if he was not also aware of the allegations by 1999.

Mr Mitchell told us that as registrar of the Diocese he considered he had an obligation to assist the police in their investigations of a priest formerly licensed in the Diocese.¹¹⁵⁰ He said that it was out of the ordinary for the registrar's office to be contacted by police regarding a priest who formerly served in the Diocese.¹¹⁵¹

Mr Mitchell gave evidence that he knew Father Parker's whereabouts at that time, but he made no attempt to inform the police because he understood that the police had been referred to the chair of CASM.¹¹⁵² Initially, Mr Mitchell said he did not have the police officer's contact details, so he could not inform them of Father Parker's whereabouts. He subsequently accepted that he did in fact have the police officer's name and the police station he was located at.¹¹⁵³

Mr Mitchell well knew the whereabouts of Father Parker since he was close friends with Father Parker. It would have been easy enough for Mr Mitchell to contact the police and inform them of Father Parker's whereabouts. However, he failed to do this.

Despite failing to make available to the police information known to be held by the Diocese in relation to Father Parker,¹¹⁵⁴ Mr Mitchell denied adopting a deliberately obstructive attitude, or an approach lacking candour, towards police inquiries.¹¹⁵⁵

We are satisfied that Mr Mitchell adopted a deliberately obstructive approach when police enquired of the diocesan registry as to Father Parker's whereabouts.

Representation of Father Parker by Mr Allen and Mr Rosser QC

Mr Allen acted as Father Parker's solicitor during the criminal proceedings against Father Parker. Mr Allen said that before this time he had a friendship with Father Parker and used to see Father Parker at synod and diocesan council meetings and socially as well.¹¹⁵⁶

Mr Allen told us that Father Parker asked him to act as his solicitor after he was charged,¹¹⁵⁷ which was in August 2000. However, based on a letter from Mr Mitchell to Mr Allen dated 17 February 2000 in which Mr Mitchell advised of the times at which Father Parker held various priest licences,¹¹⁵⁸ we conclude that Mr Allen was assisting Father Parker before Father Parker was charged.

Mr Allen suggested in submissions that this letter was wrongly dated '2000' rather than '2001', as the chronology otherwise makes no sense.¹¹⁵⁹ We disagree. Mr Mitchell, the author of the letter, made no such submission. Further, the allegations were reported to police on 7 February 2000 and the evidence shows the police were making enquiries to locate Father Parker very shortly after this. The more likely scenario is that police spoke with Father Parker about the matter in February 2000 and, as would naturally be expected when such serious allegations were raised, Father Parker sought legal assistance at that time.

Mr Allen's longstanding involvement in the governance of the Diocese was described in section 1.5 above.

Mr Allen retained Mr Rosser QC to act on behalf of Father Parker. Mr Rosser QC told us that he was not on the roll of barristers at the time and instead worked as a solicitor with Many Rivers Aboriginal Legal Service.¹¹⁶⁰ Nevertheless, he agreed to represent Father Parker in the criminal proceedings. Mr Rosser QC's representation of Father Parker was out of the ordinary rather than an application of the 'cab rank' rule, as Mr Rosser QC had claimed.¹¹⁶¹ As Mr Rosser QC was not a barrister at the time, the 'cab rank' rule did not apply. His decision to accept instructions from Father Parker was outside the course of his ordinary work at that time.

At the time, Mr Rosser QC was also the deputy chancellor of the Diocese.¹¹⁶² By this time, he had also been a member of the diocesan synod, a lay member of the Diocese's board of enquiry and a diocesan representative of the Church's General Synod.¹¹⁶³

CKA gave evidence that he found it 'unconscionable' that Mr Allen and Mr Rosser QC could defend an alleged perpetrator of child sexual abuse while holding positions in the Church.¹¹⁶⁴

Mr Allen said that, when Father Parker asked for legal assistance, Mr Allen did not give any consideration to whether it was appropriate for him to act for Father Parker in a criminal prosecution given the various governance roles he held in the Diocese at the time.¹¹⁶⁵ Mr Allen told us that he gave absolutely no consideration to whether there was any conflict between his obligations to the Diocese and his obligations to Father Parker as his legal representative.¹¹⁶⁶

As a person with longstanding involvement in the Diocese, Mr Allen agreed that he owed the Diocese a duty to protect its interests and to care for the Diocese.¹¹⁶⁷ He agreed that, at all times, he has tried to act in a manner that discharged the obligations of the Diocese.¹¹⁶⁸ He agreed that he had a duty to act consistently with the duties that the Diocese owed to other people.¹¹⁶⁹

Mr Allen agreed that, as a member of the diocesan council at this time, his obligation was to assist the bishop to bring about the fundamental charter of the Church, which was to provide pastoral and emotional support for vulnerable people.¹¹⁷⁰ He accepted that survivors who come forward after many years are in a position of vulnerability.¹¹⁷¹

Mr Allen agreed that, given Father Parker had denied CKA and CKB's allegations, in order for Mr Allen to discharge his ethical obligations to Father Parker as his client it was inevitable that Mr Allen would have to take the position that CKA and CKB were not telling the truth.¹¹⁷²

Mr Allen accepted that, instead of sending a message that the Church would support and believe survivors of abuse, the image that he sent out, as a leading figure in the Church, was that survivors would not be believed by the Church.¹¹⁷³

Mr Allen accepted that perceptions are important and that, by acting for Father Parker, he may have given CKA and CKB the impression that the Church was supporting Father Parker over them.¹¹⁷⁴ He also accepted that there may have been a perception that the defence team had an advantage because the defence team could access documents and information given Mr Allen's connections with the Diocese.¹¹⁷⁵

Mr Allen accepted that, in hindsight, his representation of Father Parker was a 'bad look' given his governance roles within the Church.¹¹⁷⁶ He said that he only came to this view upon receipt of the Royal Commission summons just before the commencement of the public hearing in this case study.¹¹⁷⁷

We are satisfied that Mr Allen did not consider whether it was appropriate to act for Father Parker in a criminal prosecution given the various governance roles he held in the Diocese at the time. Mr Allen accepted that, by acting for Father Parker, he may have given CKA and CKB the impression that the Church was supporting Father Parker over them. Mr Allen's decision to act for Father Parker represented poor judgment on his part.

Mr Allen told us that he did not consider it inappropriate to retain Mr Rosser QC as Father Parker's defence counsel despite knowing that Mr Rosser QC was deputy chancellor in the Diocese at the time.¹¹⁷⁸

Mr Allen told us that, before he retained Mr Rosser QC, Mr Rosser QC did not disclose to him that he had previously advised the Diocese on the handling of CKA's complaint against Father Parker.¹¹⁷⁹ Mr Allen told us that he 'probably [would] not' have retained Mr Rosser QC had he known this because he would have considered it inappropriate for Mr Rosser QC to act.¹¹⁸⁰

Ms Rosser QC told us that at the time Mr Allen retained him to act on Father Parker's behalf he did not give any thought to the appearance that may have been created by the deputy chancellor of the Diocese acting for an alleged perpetrator of child sexual abuse.¹¹⁸¹

Mr Rosser QC also eventually conceded that there was a manifest conflict in him representing Father Parker after the Diocese had told CKA, in a letter that he settled, that the Diocese was prepared to offer CKA 'as much help as the circumstances require'.¹¹⁸²

Mr Rosser QC accepted the perception that, as the Bishop's adviser, his settling of the Diocese's offer to assist CKA conflicted with him later challenging CKA's account of the abuse in cross-examination.¹¹⁸³ However, Mr Rosser QC maintained that he did not see a problem with acting for Father Parker in circumstances where CKA had not availed himself of the Diocese's offer to help and instead had chosen the alternative option of reporting to the police.¹¹⁸⁴ While denying a conflict of interest in a legal sense, Mr Rosser QC accepted the basis for the criticism of his judgment and appeared to us to acknowledge a perceived conflict of interest.¹¹⁸⁵

We are satisfied that, at the time, Mr Rosser QC did not consider whether it was appropriate to act for Father Parker in a criminal prosecution given he was the deputy chancellor of the Diocese. By acting for Father Parker at the time he was deputy chancellor, it was inevitable that the impression would be given that the Church was supporting Father Parker and disbelieving CKA and CKB. Mr Rosser QC's decision to act for Father Parker represented poor judgment on his part.

We are also mindful that Mr Rosser QC had provided advice to the Diocese on how to handle the allegations that CKA had made against Father Parker and had settled a letter to CKA in which the Diocese offered him 'as much help as the circumstances require'. Mr Rosser QC subsequently accepted instructions to appear for Father Parker at the criminal prosecution for offences against CKA and his brother. Despite Mr Rosser QC's submission to the contrary,¹¹⁸⁶ we are satisfied this was a clear conflict of interest between his duty to the Diocese and his duty to his client, Father Parker. In his capacity as deputy chancellor, he was involved in sending a message to CKA that the Diocese would help him. In his capacity as Father Parker's legal representative, he was involved in undermining CKA's allegations.

Bishop Herft's knowledge that Mr Allen and Mr Rosser QC were acting for Father Parker

On 18 September 2000, Mr Allen wrote to Mr Rosser QC regarding the brief for Father Parker's criminal prosecution and advised that the Diocese was 'aware' of the proceedings.¹¹⁸⁷ No specific people in the Diocese were identified as having such knowledge.

Bishop Herft told us that he was not aware that Mr Allen was acting for Father Parker until Mr Allen wrote to Bishop Herft on 30 May 2001.¹¹⁸⁸ Nothing turns on whether Bishop Herft learned this in May 2001 or after September 2000. Accordingly, we do not make a finding either way.

Mr Rosser QC said he never spoke directly with Bishop Herft regarding his legal representation of Father Parker or about the progress of the Father Parker matter.¹¹⁸⁹ However, Mr Rosser QC said that he assumed that Bishop Herft was aware that he was acting for Father Parker based on Mr Allen's role within the Diocese.¹¹⁹⁰ He explained that he understood Mr Allen to be at the centre of the 'Church's counsels', with the bishop's knowledge.¹¹⁹¹ Mr Rosser QC said he 'believed' that Mr Allen was keeping Bishop Herft informed of the proceedings.¹¹⁹²

On 25 August 2000, Dean Lawrence wrote to Bishop Herft and advised that CKA's complaint had been reported to police.¹¹⁹³ Bishop Herft accepted that he was kept aware of the developments in Father Parker's matter.¹¹⁹⁴

Bishop Herft agreed in evidence that the Diocese retained a public relations firm to deal with Father Parker's prosecution and that the media adviser kept him informed of the developments in the media in relation to Father Parker's proceedings.¹¹⁹⁵

Bishop Herft told us that he does not recall Mr Rosser QC informing him that he was acting as Father Parker's defence counsel and believes he only became aware of this through the media after the case had been dismissed.¹¹⁹⁶ Bishop Herft maintained this position despite accepting that he was kept informed of Father Parker's matter by way of weekly meetings with Mr Mitchell and the public relations firm.¹¹⁹⁷

It is inconceivable that Bishop Herft was not aware that Mr Rosser QC was acting for Father Parker given:

- Mr Allen's involvement in the affairs of the Diocese
- Mr Mitchell's knowledge that Mr Allen and Mr Rosser QC were acting for Father Parker
- the weekly meetings between Mr Mitchell and Bishop Herft about the Father Parker matter
- the fact that a public relations firm kept the Diocese advised of developments in the media regarding the Father Parker matter.

Bishop Herft accepted that he never raised any conflict of interest concerns with Mr Rosser QC.¹¹⁹⁸ Despite this, he agreed that it was 'completely and utterly unacceptable' for Mr Rosser QC to be acting as Father Parker's defence counsel,¹¹⁹⁹ particularly given he was involved in the Diocese's initial response to CKA's complaint.¹²⁰⁰ Bishop Herft accepted that he failed to discharge his responsibility to ensure that officers within the Diocese were not acting inappropriately in Father Parker's matter.¹²⁰¹ He said he was 'deeply distressed' that he was unable to stop people within the Diocese from taking the roles that they did in Father Parker's proceedings.¹²⁰²

Registrar Mitchell's assistance to Father Parker's defence team

As registrar of the Diocese, Mr Mitchell was responsible for managing the documents held by the Diocese, which included details of when priests were licensed.¹²⁰³ On 17 February 2000, in response to Mr Allen's enquiries, Mr Mitchell wrote to Mr Allen about the licences that the Diocese had issued to Father Parker between 1970 and 1980.¹²⁰⁴

Mr Mitchell told the Royal Commission that he was writing to Mr Allen because of the allegations against Father Parker¹²⁰⁵ and that this information was readily available to him in the registry's office.¹²⁰⁶ Mr Rosser QC told the Royal Commission that this letter provided an 'alibi' for Father Parker because it showed that Father Parker was not in the relevant parish at the time of the alleged offences. At that stage, the offences were alleged to have occurred in 1974.¹²⁰⁷

Mr Allen said he could not recall why he was making inquiries with Mr Mitchell about the dates that Father Parker was licensed at various parishes.¹²⁰⁸ He agreed that Mr Mitchell had ready access to the diocesan records, and this enabled Mr Mitchell to provide Mr Allen the advice contained in the letter.¹²⁰⁹

Mr Allen said that, upon receiving Mr Mitchell's letter on 17 February 2000, he was well aware of the precise dates that Father Parker was licensed at particular parishes in the Diocese.¹²¹⁰

Further police inquiries with the Dean's office prior to Father Parker being charged

On 11 August 2000, shortly before Father Parker was charged, the police again contacted the dean's office. This time, the police requested dates that Father Parker may have been appointed to the relevant parish where the offences were alleged to have been perpetrated.¹²¹¹ The police recorded that the dean's office was 'unable to assist. May be 1974'.¹²¹²

Mr Mitchell conceded that it was surprising that the dean's office was unable to assist the police with their query about the time at which Father Parker was appointed to the parish given that the dean's office held copies of the diocesan yearbooks. The yearbooks indicate when priests are licensed at various parishes.¹²¹³ Mr Allen also gave evidence that the diocesan yearbooks show when priests move between parishes.¹²¹⁴

On 18 August 2000, Father Parker was charged with child sexual abuse offences against CKA and CKB in 1974.¹²¹⁵

A file note made by the detective investigating the matter indicates that, in formulating the charges against Father Parker, the police specified 1974 as the year of the offence following the police's unsuccessful attempts to obtain information from the Diocese.¹²¹⁶ The file note records that the Diocese advised the police that they could not find records to confirm when Father Parker was at the relevant parish but that it could have been 1974.¹²¹⁷

It would seem that the deanery adopted a deliberately obstructive attitude towards police enquiries regarding the date that Father Parker was licensed at the relevant parish by not providing information that:

- was readily available to the Diocese and the deanery
- had been already provided to Father Parker's defence team.

The 2001 committal and events leading up to it

As noted above, the Crown's case was initially based on CKA's and CKB's allegations that the offences took place while Father Parker was at a particular parish in 1974.¹²¹⁸

In April 2001, Mr Allen caused a subpoena to be served on the diocesan registry in relation to the criminal proceedings against Father Parker.¹²¹⁹ The subpoena relevantly sought production of 'Any notes, letters, correspondence or copy in possession of the Bishop or Diocese relating to any complaint of sexual misconduct by any person against CKA and CKB'.¹²²⁰

Mr Mitchell accepted that, upon receipt of this subpoena, it was incumbent upon him, as the registrar, to find all material that was producible under the terms of the subpoena.¹²²¹ He gave evidence that he is 'quite sure' that he obtained legal advice from the solicitor firm Rankin and Nathan at this time as to what could be produced under subpoena and whether he needed to withhold any material for reasons of confidentiality or privilege.¹²²² The Royal Commission has not located any written correspondence evidencing such consultation.

On 26 April 2001, Mr Mitchell wrote to Mr Allen enclosing copies of documents produced in response to the subpoena.^{12 3} Amongst the enclosures, Mr Mitchell included a schedule of all documents that the Diocese held in relation to a complaint by CKA against Father Parker.¹²²⁴ This schedule showed that Mr Mitchell produced the 1996 and 1999 file notes made by Dean Lawrence and correspondence between Dean Lawrence and Bishop Herft about CKA's contact with him in 1996 and 1999.¹²²⁵

Mr Allen denied that he had had discussions with anyone in the Diocese about whether such records existed before he issued the subpoena.¹²²⁶ Mr Mitchell also denied having conversations with Mr Allen about documents held by the registry.¹²²⁷

In response to the subpoena, Mr Mitchell did not produce his letter to Mr Allen dated 17 February 2000, which confirmed the dates of licences that Father Parker held in the Diocese.¹²²⁸ This letter established that Father Parker was not at the relevant parish in 1974.

Mr Mitchell agreed during oral evidence that he knew this letter was created because of the allegations against Father Parker.¹²²⁹ However, he could not recall whether he formed the view that this letter did not fall within the terms of the subpoena or whether he did not give any consideration to this issue.¹²³⁰ Mr Allen conceded that this letter should have been produced under the subpoena.¹²³¹

In answering an April 2001 subpoena to the registry seeking ‘any notes, letters, correspondence or copy in possession of the Bishop or Diocese relating to any complaint of sexual misconduct by any person against CKA and CKB’, Mr Mitchell failed to produce a letter that he had written to Mr Allen in February 2000 which set out the dates upon which Father Parker held licences at various parishes. The letter properly fell within the scope of the subpoena and ought to have been produced. We reject Mr Mitchell’s submission that the letter did not fall within the subpoena. He submitted that emphasis should be placed on the word ‘complaint’.¹²³² We disagree. Emphasis should be placed on the words ‘relating to’, which are words of broad connection. Mr Mitchell was well aware that his 17 February 2000 letter related to a complaint of sexual misconduct against CKA.

We reject Mr Mitchell’s submission that the evidence does not establish that the letter was not produced under subpoena. In evidence before us is a list of documents that was prepared in answer to the subpoena.¹²³³ We infer that this list was enclosed with Mr Mitchell’s 26 April 2001 letter to Mr Allen producing documents in answer to the subpoena since that letter referred to nine attached documents, as did the list.¹²³⁴ That list does not include the 17 February 2000 letter

During the committal hearing in May 2001, both CKA and CKB gave evidence confirming their belief that the offences occurred in 1974.¹²³⁵ Mr Rosser QC informed the court that the purpose of the complainants giving evidence at the committal was ‘to pin down the dates’.¹²³⁶

Mr Allen agreed that at the time of the committal hearing, by virtue of Mr Mitchell’s 17 February 2000 letter to him, he was well aware that Father Parker was not licensed at the relevant parish at the time of the alleged offence.¹²³⁷ Despite this knowledge, Mr Allen said that he did not think any attempts were made at the committal hearing to make anyone aware of the dates upon which Father Parker was licensed at the relevant parish.¹²³⁸

Following the committal hearing, CKA and CKB realised their mistake and reported to the police that the alleged abuse occurred in 1975.¹²³⁹ CKA was able to find out information about when Father Parker moved to the relevant parish from an internet search.¹²⁴⁰

On 31 July 2001, Mr Allen wrote to the New South Wales Director of Public Prosecutions (DPP) and advised that Father Parker was not appointed to the relevant parish until the year after the alleged offence.¹²⁴¹ Mr Allen enclosed Mr Mitchell’s letter dated 17 February 2000 and advised that information regarding Father Parker’s appointment could be obtained from the diocesan yearbooks held at the registry.¹²⁴² Mr Allen could not explain why this information

was not made known to the DPP until this time but agreed that, as a defence lawyer, he was under no obligation to show his hand to the prosecution.¹²⁴³

The trial judge, Judge Coolahan

Judge Coolahan of the District Court presided over Father Parker's criminal proceedings. The evidence shows that in 1998 Mr Coolahan (then a barrister) was appointed by the Diocese to act as its advocate in a disciplinary matter before the Panel of Triers.¹²⁴⁴ He did not recuse himself from sitting in Father Parker's matter.

Mr Coolahan died in 2011.¹²⁴⁵

On 12 June 2001, Mr Allen sought Mr Rosser QC's advice on his concern that Judge Coolahan had acted for the Diocese before the Panel of Triers a couple years previously.¹²⁴⁶ Mr Allen said he did not raise the matter directly with Judge Coolahan because Mr Rosser QC was briefed as counsel.¹²⁴⁷ Mr Allen could not recall whether Mr Rosser QC ever raised this letter with him.¹²⁴⁸

Mr Rosser QC gave evidence that, despite his knowledge that Judge Coolahan previously represented the Diocese, he did not make any applications to him to recuse himself from hearing the matter.¹²⁴⁹

Reasonable minds may differ about whether it was appropriate for Judge Coolahan to recuse himself on the basis of an appearance of bias. In the absence of more detailed evidence regarding Judge Coolahan's history with the Diocese, we do not make a finding either way. It should also be recalled that the prosecution was against Father Parker, not against the Diocese.

Mr Mitchell's character reference for Father Parker

On 3 July 2001, Mr Allen wrote to Mr Mitchell enclosing a draft character reference that Mr Allen had written on Mr Mitchell's behalf for Father Parker.¹²⁵⁰ The final version signed by Mr Mitchell showed that Mr Mitchell and Father Parker had a relationship spanning 20 years and that Father Parker was close to Mr Mitchell's family. It further stated that Mr Mitchell had 'the care, custody and control of the records of the Diocese of Newcastle and I know of no complaint of a sexual nature ever made against Father Parker'.¹²⁵¹

Mr Allen could not recall any discussion with Mr Rosser QC at the time about whether asking the current registrar of the Diocese to provide a character reference might present any sort of conflict of interest.¹²⁵² However, Mr Allen agreed that, as registrar, Mr Mitchell would be the natural contact person for the DPP or the police in obtaining documents about Father Parker.¹²⁵³ With hindsight, Mr Allen said it did 'raise issues', but in his mind he was viewing Mr Mitchell as a worshipper in Father Parker's former parish.¹²⁵⁴

The criminal trial in September 2001

In August 2001, on the day that the trial was listed to commence, the Crown presented an amended indictment against Father Parker changing the year of the offence from 1974 to 1975.¹²⁵⁵ It is unclear why the Crown did not take steps to amend the indictment earlier than this given that CKA advised the DPP after the May 2001 committal that the date of the offences was in fact 1975 and Mr Allen had written to the DPP in July 2001 about the date that Father Parker was licensed in the relevant parish.

The defence sought an adjournment so that Father Parker could apply for a permanent stay on the basis that the defence was ‘taken by surprise’ and prejudiced.¹²⁵⁶

The transcript of proceedings shows that the trial judge, Judge Coolahan, was highly critical of the Crown’s failure to notify the defence of its intention to amend the indictment. Judge Coolahan stated that it was ‘a disgrace’ that Father Parker had been brought to trial 26 years after the alleged offences. Judge Coolahan was critical of the complainants, stating that it was ‘truly ridiculous’ that they had waited 20 years, from the time they turned 18 years of age, to bring these proceedings. He described the entire matter as ‘a real farce’.¹²⁵⁷ His comments were intemperate.

Ultimately, the criminal trial commenced in September 2001. Both CKA and CKB gave evidence before the jury that:¹²⁵⁸

- the offences occurred on a Saturday afternoon/night
- on Sunday morning after breakfast they and Father Parker walked to the adjoining church at Gateshead, where Father Parker conducted a service and they acted as altar boys
- after the church service there was a morning tea on the church grounds, which Father Parker attended
- their mother picked them up from that church mid-morning.

After that evidence was given, the defence gave the Crown prosecutor a ledger called the Register of Services, which covered the period 1 January 1975 to 1982. It recorded the dates and times of all services, the name of the officiant, the number of communion attendees and the location of the services.¹²⁵⁹ Mr Allen told us that most Anglican lay people who have a role in parishes would be aware of the existence of service registers.¹²⁶⁰ He assumed that both the diocesan registry and the office of the dean of the Cathedral would also be aware of their existence.¹²⁶¹

On its face, the Register of Services showed that, on the weekend of the first week that Father Parker was licensed in the Parish of Gateshead, he presided at a first service at a church in Mount Hutton, then at a second service at a church in Gateshead and then at a third service

at a church in Windale.¹²⁶² On one possible view, this tended to undermine the account that CKA and CKB had given – that Father Parker had walked with them to the service at the church where he resided and remained after the service until mid-morning for a morning tea.¹²⁶³ Mr Rosser QC told us that, while the Register of Services did not itself provide an alibi for Father Parker, it contradicted CKA's and CKB's evidence about what happened the morning after the alleged offences.¹²⁶⁴

On 12 September 2001, the Crown prosecutor spoke with the DPP about the Register of Services. The DPP directed that the matter proceed no further and the charges were withdrawn. Later that day, Judge Coolahan discharged the jury.¹²⁶⁵

The parties appeared before the court the following day. Mr Rosser QC told the court that Mr Allen was able to obtain a copy of the Register of Services because he 'has some connection with the church' and 'knew precisely what sort of records to look for and where'.¹²⁶⁶

Mr Rosser QC further informed the court that the register was 'completely destructive to the Crown case'.¹²⁶⁷ Mr Allen told us that the Register of Services assumed some significance in the prosecution and said that he believed the service times were critical.¹²⁶⁸

Once again, Judge Coolahan was highly critical of the Crown. He expressed 'great concern that the Director saw fit on the unsubstantiated allegations of these complainants ... not to make any investigation to try and confirm those dates, but to simply let this matter run to trial'.¹²⁶⁹

In response to Judge Coolahan's suggestion that the DPP had engaged in 'an abusive process', the Crown informed the court that both police and the DPP had made inquiries with the diocesan offices throughout the proceedings regarding relevant dates and records but were told that records did not exist. Having been told that there were no records, the DPP took the view that it would be an abusive process to subpoena records that did not exist.¹²⁷⁰

The Register of Services

The Register of Services was pivotal to the prosecution being withdrawn.

Mr Allen attended the Gateshead parish rectory on about 14 August 2001 and inspected the Register of Services.¹²⁷¹ The parish priest who resided at the rectory at that time – Reverend Sonia Roulston – confirmed that Mr Allen inspected the Register of Services that evening.¹²⁷² Reverend Roulston said that she went about her own business within the house while Mr Allen inspected the register in the dining room.¹²⁷³

Different witnesses gave different accounts of how the Register of Services came to be in the court on 11 September 2001 and whether Mr Mitchell was involved in producing the document that day.¹²⁷⁴

In subsequent years, allegations have emerged that the Register of Services was falsified. The Register of Services was produced to us during the public hearing, and we have carefully reviewed it.¹²⁷⁵ Consistent with our own observations, Mr Allen accepted that there were a number of irregularities on the relevant page of the Register of Services:¹²⁷⁶

- It is the only page in the register extract containing deletions or corrections.¹²⁷⁷
- The parish priest's signatures under the 'Officiant' column appear to be different despite recording the same name.¹²⁷⁸
- The numbers reflecting total 'Collections' have been altered.¹²⁷⁹ All 'collections', which appears in fact to be a reference to the number of persons attending church, were originally recorded as having been at the same church. However, for the second and third church entries, these were crossed out and the numbers were transposed to the second and third churches respectively.¹²⁸⁰
- There is an entry on that page which is out of chronological order. It is the only date within the extract that is out of chronological order.¹²⁸¹ Mr Allen agreed that the entries in the Register of Services extract were in fairly strict chronological order and that there were very few alterations throughout.¹²⁸²

Mr Allen denied that he had altered the Register of Services.¹²⁸³ He said he did not know whether the document was a forgery or fraudulent.¹²⁸⁴

In evidence is a somewhat elliptical letter from Mr Allen to Bishop Herft dated 28 April 2003 in relation to the Father Parker matter, in which Mr Allen stated that the diocesan yearbooks 'provide an exact public record which may produce problems in connection with the documents produced [by the Diocese] under subpoena'.¹²⁸⁵

Mr Allen initially told us that, from memory, the issue he was concerned about when he wrote this letter was that [REDACTED] had been involved in 'certain matters' that had been put in writing and produced under subpoena.¹²⁸⁶ When challenged that the matter of concern he wanted to raise with Bishop Herft had nothing to do with file notes made by Dean Lawrence, Mr Allen said he could not remember the nature of this particular letter.¹²⁸⁷ He denied he was concerned that any documents used in the Father Parker prosecution had been altered in any way.¹²⁸⁸

Mr Allen denied that he was seeking to draw the bishop's attention to the Diocese having records that were inconsistent.¹²⁸⁹

Bishop Herft replied to Mr Allen on 6 May 2003 and proposed a meeting 'to consider the risk aspects and the channels of information sharing'.¹²⁹⁰ Bishop Herft told us that he did not understand Mr Allen's point about the yearbooks.¹²⁹¹ He was not asked about whether the proposed meeting with Mr Allen ultimately took place.

Mr Mitchell told us that he first became aware of the purported irregularities in the Register of Services when he was interviewed by police about two years ago.¹²⁹² He accepted that he had been convicted of a fraud offence of misusing his authority to steal money from the Diocese.¹²⁹³ He agreed that his offences involved serious dishonesty and an egregious breach of trust.¹²⁹⁴ However, Mr Mitchell denied that he was the type of person who might fraudulently record material in a services register to protect his friend.¹²⁹⁵ Mr Mitchell denied altering, and being involved in any attempt to alter, the Register of Services.¹²⁹⁶

Until the Royal Commission's public hearing, both Mr Rosser QC and Bishop Herft also denied having any awareness of the allegations that the Register of Services may have been altered.¹²⁹⁷

In our view, the irregularities in the Register of Services which we have identified above do not establish that the relevant entries relating to Father Parker were altered. There is insufficient evidence to make a finding that the Register of Services was altered. In view of this, it is not necessary for us to make a finding about whether Mr Allen or Mr Mitchell had unsupervised access to the Register of Services at any time.

Allegation that documents went missing during the criminal proceedings against Father Parker

We received a written statement from Mr Timothy Mawson, who was the diocesan secretary in 1981. While Mr Mawson was registrar, he reported to Mr Mitchell until 2002.¹²⁹⁸ Mr Mawson gave evidence that on one occasion when he travelled in a vehicle with Mr Allen and Mr Mitchell he heard Mr Mitchell say, 'Yeah, it's funny how those documents went missing'.¹²⁹⁹ Mr Mawson said that Mr Allen murmured in agreement and then they sniggered.¹³⁰⁰

Mr Mawson could not recall when this car journey took place. Mr Mawson had no idea what they were talking about at the time, but he said he later formed the view, based on gossip in the Diocese, that the conversation he overheard between Mr Allen and Mr Mitchell related to Father Parker's criminal proceedings.¹³⁰¹

Mr Allen accepted that he travelled in the car with Mr Mawson and Mr Mitchell from time to time.¹³⁰² However, both Mr Allen and Mr Mitchell denied that the conversation alleged by Mr Mawson took place.¹³⁰³ Mr Mitchell denied that he had an arrangement with Mr Allen regarding documents going missing in relation to Father Parker's matter.¹³⁰⁴ Mr Allen denied that he or Mr Mitchell tampered with the Register of Services and denied harbouring any suspicions that anybody had tampered with the register.¹³⁰⁵

It is not possible to infer from the conversation that Mr Mawson says he overheard that Mr Allen and Mr Mitchell deliberately concealed documents during the criminal proceedings against Father Parker. Mr Allen and Mr Mitchell firmly deny this allegation. There is insufficient evidence to make such a finding.

Actions of the Diocese following the withdrawal of the prosecution of Father Parker

CKA gave evidence that when the trial ‘fell over’ he walked out of the courthouse to find Mr Rosser QC, [REDACTED] and Father Parker laughing at CKA and CKB from the opposite side of the road.¹³⁰⁶ [REDACTED] denied being present at the court.¹³⁰⁷ Mr Rosser QC agreed that it is ‘very likely’ that he was standing on the steps of the courthouse with [REDACTED] Father Parker for a period of time after the trial.¹³⁰⁸ However, he denied laughing at CKA and his family at that time or at any time in his professional career.¹³⁰⁹

CKA said that he felt exhausted and hopeless and resigned himself to the fact that he could not beat the Church.¹³¹⁰ CKB gave evidence that, when the criminal proceedings ceased, he was distraught and felt helpless.¹³¹¹

On the day that Father Parker’s proceedings were withdrawn, the Diocese released a media statement which stated, incorrectly, that Father Parker had been ‘acquitted’ of all charges.¹³¹² The statement quoted Bishop Herft asking the people of the Diocese to ‘pray for Father Parker as he travels through this difficult stage of his life’.¹³¹³ CKA gave evidence that this upset him greatly because it prompted a common misunderstanding in the community that Father Parker had been acquitted.¹³¹⁴

On 17 September 2001, Mr Allen wrote to Mr Mitchell thanking him for the assistance that he had provided to Father Parker.¹³¹⁵

Also on 17 September 2001, Dean Lawrence forwarded a draft of a letter he had prepared to NBN Television to Mr Mitchell for his comments.¹³¹⁶ The subject of this draft letter was the NBN’s reporting of the DPP’s statement in court that the dean’s office was ‘unable to assist’. In the draft letter, Dean Lawrence stated that this comment was ‘patently untrue’ and ‘defamatory’ given that ‘[n]o request was received by [the dean’s office] from the DPP for any information regarding Father Parker’.¹³¹⁷ While it is correct that the DPP made no request of the dean’s office, the evidence, discussed above, shows that in February and in August 2000 the police made enquiries with the dean’s office and the dean’s office did not assist.

On 18 September 2001, Mr Allen wrote to Bishop Herft to confirm that Father Parker’s charges had been ‘no-billed’ and thanked him for the ‘consideration and care’ that he had shown Father Parker in the past months.¹³¹⁸ Bishop Herft said he could not recall providing Father Parker with pastoral care during that period.¹³¹⁹ However, Bishop Herft said that he had telephoned Father Parker and acknowledged the stress that Father Parker had been under.¹³²⁰

In October 2001, the Diocese's *Anglican Encounter* magazine published an article by Mr Mitchell entitled 'Confusion over false action'.¹³²¹ In that article, Mr Mitchell criticised the Crown's prosecution of Father Parker and defended Father Parker and the Church's actions.¹³²² CKA gave evidence that he found this article highly offensive because it denigrated him and his family.¹³²³

Mr Mitchell told us that his intention in writing this article was to refute the claims that the Church had been uncooperative and to comment on the process and the outcome of the proceedings, including to say something about CASM's important work and about the manner in which clergy were trained.¹³²⁴

Mr Mitchell took ultimate responsibility for this article but said he received some assistance from Mr Allen.¹³²⁵ Mr Mitchell told us that he incorporated all of Mr Allen's suggested amendments to the article.¹³²⁶ He told us in submissions that at the time he wrote the article it was his understanding that the court had exonerated Father Parker. He was not a lawyer and that is why he sought Mr Allen's assistance.¹³²⁷

Mr Mitchell also said he circulated the draft version of this article to senior staff inviting their comment but that he could not recall who ultimately had input into the final version apart from Mr Allen.¹³²⁸ Bishop Herft said in submissions that he was away from the Diocese at the time of this article.¹³²⁹

During his oral evidence, Mr Mitchell conceded that a number of aspects of his article were factually incorrect. First, he would not now state that Father Parker's matter had been dealt with fairly.¹³³⁰ Second, he conceded that it was incorrect to state that the judge discharged the jury because there were 'no facts' for them to consider.¹³³¹ Third, he conceded that it was false to state that the Crown did not have evidence to bring any action against Father Parker.¹³³² Mr Mitchell conceded that his article was neither legally correct nor factually correct and that he had misrepresented the situation.¹³³³

In the article, Mr Mitchell also stated that '[i]t was only after the trial had started that the Crown began to ask specific questions of the Registry'.¹³³⁴ Mr Mitchell gave evidence that this statement was a reference to the Crown's request for the Register of Services.¹³³⁵ This statement was presented in the article as a criticism of the Crown. However, there is no evidence of any Crown request for a Register of Services. The Register of Services was only produced by the defence at the end of the first day of the trial. Although Mr Mitchell gave evidence that the Register of Services was produced in response to a subpoena, there is no documentary evidence before us to show that any such subpoena was issued or that the Crown was aware of the existence of the Register of Services.

Further, if Mr Mitchell's criticism in the article concerned any delays from the Crown in requesting information, that criticism is contrary to documentary evidence before us that the Crown sought information from Mr Mitchell about the Servers' Guild meetings about five

weeks before the trial commenced, and Mr Mitchell responded to that request the following day.¹³³⁶ Counsel for Mr Mitchell did not examine Mr Mitchell on the apparent contradiction between this statement in the article and this documentary evidence even though it was open for his counsel to do so.¹³³⁷

Mr Mitchell agreed that the overall tenor of this article would have very serious resonance for alleged victims of child sexual abuse by Father Parker.¹³³⁸ He said that it was an ‘appalling omission’ to fail to take into account the distress and pain that CKA and others had experienced in making allegations against Father Parker.¹³³⁹ Mr Mitchell was frank in telling us that this article was compassionless, and he apologised to CKA and his family for not writing the article with more care and grace.¹³⁴⁰

We are satisfied that, in writing this article, Mr Mitchell gave no consideration to the fact that members of the public and the alleged victims could reasonably perceive that the Diocese, represented by its registrar, was ‘closing ranks’ in support of Father Parker. We note that Mr Mitchell has now apologised to CKA and his family.

Registrar Mitchell’s complaints to the New South Wales Director of Public Prosecutions

On 3 October 2001, Mr Mitchell wrote to the DPP to complain about the manner in which it had conducted Father Parker’s prosecution.¹³⁴¹ In that letter, Mr Mitchell took issue with the DPP’s statement in court that ‘the Dean’s office was unwilling to assist’ and stated that ‘[t]his comment is quite untrue as the Dean’s office was not contacted’.¹³⁴² Mr Mitchell conceded that this was an untrue assertion because the dean’s office was in fact contacted during Father Parker’s prosecution.¹³⁴³

CKA’s complaint to the Diocese about his treatment

On 3 October 2001, CKA wrote to Bishop Herft and complained about his treatment by the Diocese during Father Parker’s trial.¹³⁴⁴ CKA gave evidence that he was dismayed at the Church’s attitude towards him in Father Parker’s criminal proceedings and outraged by the Church’s conduct in giving Father Parker’s lawyers Dean Lawrence’s records of CKA’s confidential calls to him.¹³⁴⁵ CKA said that he could not believe that the Church had chosen to expend its resources on defending Father Parker instead of supporting CKA’s family, who had contributed so much to the Church.¹³⁴⁶

Bishop Herft asked Mr Mitchell to reply to CKA on his behalf,¹³⁴⁷ following which Mr Mitchell took legal advice from Mr Caddies.¹³⁴⁸

On 16 October 2001, Mr Caddies wrote to Mr Mitchell enclosing a draft reply to CKA.¹³⁴⁹ Mr Mitchell told us that he did not change Mr Caddies' draft.¹³⁵⁰ However, Mr Mitchell accepted that legal advice is only as good as the instructions provided to the solicitor and that the responsibility remained entirely with Mr Mitchell to check the factual accuracy of what was asserted.¹³⁵¹

Later on 16 October 2001, Mr Mitchell replied to CKA using Mr Caddies' draft letter.¹³⁵² In that letter, Mr Mitchell advised CKA that '[t]he Church did not in any direct way provide records to the Reverend [Parker]'s defence except through compulsory Court processes'.¹³⁵³ This statement was true with respect to Dean Lawrence's file notes of his 1996 and 1999 conversations with CKA (which we are satisfied were produced on subpoena). However, as Mr Mitchell conceded, it was untrue to the extent that Mr Mitchell provided a letter to Mr Allen on 17 February 2000 which gave precise dates about when Father Parker was licensed in the Diocese.¹³⁵⁴ Mr Allen agreed that this statement was untrue on the same basis.¹³⁵⁵ The statement was also untrue so far as the Registrar of Services was concerned.¹³⁵⁶ In later submissions to us, Mr Mitchell submitted that the letter to Mr Allen was not the provision of 'records'.¹³⁵⁷ We reject this submission, which places form over substance. In evidence before us, Mr Mitchell conceded, correctly, that the statement was untrue.

Mr Mitchell agreed that, instead of taking the opportunity to recognise CKA's pain, Mr Mitchell sent CKA a 'legal response, not a compassionate response'.¹³⁵⁸ He denied that his conduct throughout the course and aftermath of Father Parker's proceedings had been aimed at protecting his friend Father Parker.¹³⁵⁹

Diocese's lack of support of CKA and CKB

Both CKA and CKB said that they and their family received no support from the Diocese during the trial.¹³⁶⁰ Instead CKA gave evidence that [REDACTED] was Father Parker's support person even though he had handled CKA's complaints on behalf of the Diocese.¹³⁶¹ [REDACTED] denied that he attended Father Parker's trial and said that it was Father Rod Bower that CKA saw at the courthouse.¹³⁶²

[REDACTED], Father Bower obtained leave to provide us with a statement in response. He stated that at no time did he attend Father Parker's court proceedings and that he was not in Newcastle on either 11 or 12 September 2001.¹³⁶³ We accept his evidence. Clearly, if [REDACTED] was not at court, he could not say one way or the other where Father Bower was.

Bishop Herft accepted that, at the same time that he was receiving CKA's complaints about the Diocese's treatment of him during the criminal proceedings, he was receiving Mr Allen's compliments for the care and consideration that he had shown Father Parker during his trial.¹³⁶⁴

Bishop Herft acknowledged to us that the Diocese had ‘failed miserably’ in its response to CKA by not providing pastoral care and by allowing key persons in the Diocese to act on Father Parker’s behalf.¹³⁶⁵ He acknowledged that CKA’s existing anguish would have been exacerbated by the fact that people with significant responsibility in the Diocese acted on Father Parker’s behalf.¹³⁶⁶

We are satisfied that the anguish of CKA and CKB was compounded by the approach taken by the Diocese in Father Parker’s criminal proceedings.

CKA’s attempts to seek redress from the Diocese

Also in 2000 and before the criminal proceedings, CKA attempted to seek redress from the Diocese for the abuse he says he suffered at the hands of Father Parker. CKA retained solicitor Ms Katherine Ross. CKA gave evidence that he was unaware of Ms Ross’s relationship to Dean Lawrence at that time because Ms Ross never disclosed it to CKA.¹³⁶⁷

In fact, Ms Ross had a longstanding involvement in the Diocese, commencing in the 1970s,¹³⁶⁸ and was close to Dean Lawrence. Mr Lawrence is godfather to her eldest daughter.¹³⁶⁹ He conducted her second marriage in 1998 and also conducted funeral services for Ms Ross’s family members over the years.¹³⁷⁰

The documentary evidence shows that Ms Ross telephoned Dean Lawrence on 25 August 2000 to advise that she acted for CKA. She proposed a meeting.¹³⁷¹

On the same day, Dean Lawrence informed Bishop Herft of Ms Ross’s call. Dean Lawrence also noted that CKA had reported the allegations to the police.¹³⁷²

On 12 September 2000, Bishop Herft wrote to Dean Lawrence stating that the Diocese should avoid any pastoral involvement in circumstances where CKA was taking the matter through the criminal justice system.¹³⁷³ Bishop Herft told us that he did this because he believed the Church should avoid ‘interfering’ with criminal justice processes.¹³⁷⁴ However, he conceded that it was remiss of him to fail to provide CKA and his family with pastoral support at that time.¹³⁷⁵

For reasons which are unclear in view of the position that Bishop Herft expressed, Ms Ross wrote to CKA on 12 September 2000 and advised that a meeting had been scheduled with Bishop Herft and Dean Lawrence, who were ‘happy to’ meet with CKA.¹³⁷⁶

CKA gave evidence that, after informing Ms Ross that he had reported Father Parker’s abuse to the police, he received a letter from Ms Ross cancelling the meeting and cutting all ties.¹³⁷⁷ Ms Ross said in a statement that she told CKA she could not continue to act for him due to her longstanding relationship with Dean Lawrence and that she advised him to seek alternative

legal advice.¹³⁷⁸ It is unclear why Ms Ross originally accepted instructions from CKA if this was her position. However, evidence is not precise enough to make findings about Ms Ross's conduct in this matter.

Meeting between CKA, Bishop Herft and Dean Lawrence in June 2003

On Christmas Day in 2002, CKA went to the Cathedral before the 10 o'clock mass. Mr Lawrence gave evidence that CKA 'confronted' him 'demanding' to speak with him. Mr Lawrence said that he told CKA he had no time to speak with him, as he was preparing for a service. Mr Lawrence also told CKA that CKA had not taken previous opportunities to meet with him.¹³⁷⁹

On 13 June 2003, Bishop Herft and Dean Lawrence met with CKA at CKA's request.¹³⁸⁰ Bishop Herft's file note of this meeting noted that CKA was not interested in compensation but only in an honest acknowledgement by Father Parker and the Church. According to this file note, Bishop Herft advised CKA that it was difficult to determine the facts when it was one person's word against another.¹³⁸¹

Bishop Herft told us that the purpose of this meeting was simply to hear CKA because they had not previously met.¹³⁸² Bishop Herft said that it 'dawned on' him during this meeting that CKA was telling the truth.¹³⁸³ He said he faced a dilemma of believing CKA's story and now doubting Father Parker's innocence in circumstances where he believed that the criminal justice system had 'acquitted' Father Parker.¹³⁸⁴

This appears to be the same meeting that CKA believes took place in 2004.¹³⁸⁵ CKA gave evidence that, during this meeting, Bishop Herft assured CKA that Father Parker's licence to be a priest would be revoked¹³⁸⁶ and that he would never be licensed again. CKA said that he assumed that Bishop Herft would communicate with the relevant diocese.¹³⁸⁷

Bishop Herft denied that he gave CKA such an undertaking.¹³⁸⁸ There is no reference in his file note to offering such an undertaking. Bishop Herft told us that he did not have the authority to revoke Father Parker's licence at that time because he did not issue it.¹³⁸⁹ However, Bishop Herft acknowledged that it was entirely within his power to contact the Bishop of the Diocese of Ballarat, where Father Parker was licensed, but that he failed to do so.¹³⁹⁰ In hindsight, Bishop Herft accepted that he breached the informal 'safe to receive' protocol by failing to notify the Bishop of Ballarat of his concerns about Father Parker.¹³⁹¹

Bishop Herft gave evidence that after his meeting with CKA in June 2003 the registrar notified the Ombudsman of CKA's allegations against Father Parker.¹³⁹² This was despite Mr Caddies' advice that the Diocese had no obligation to report CKA's allegations of child abuse under the *Ombudsman Act 1974* (NSW).¹³⁹³ In September 2003, Bishop Herft advised Mr Caddies that the Diocese had 'erred on the side of caution'.¹³⁹⁴

Bishop Herft sought advice from Mr Caddies on how the Diocese could assist CKA and was advised it would be inappropriate for the Diocese to provide legal advice to CKA.¹³⁹⁵

It is a matter of public record that Father Parker retired in 2004. However, he held a permission to officiate in the Diocese of Ballarat until 2016.¹³⁹⁶ In a letter to the Royal Commission dated 22 July 2016, Bishop Garry Weatherill told us about the circumstances in which Father Parker was no longer licensed in Ballarat. Bishop Weatherill said that in early 2016 he recalled all permissions to officiate and general licences in the Diocese in order to ensure that everyone had a proper police clearance, child safety card and safe ministry check. According to Bishop Weatherill, Father Parker applied for a permission to officiate but gave a false date of birth on the police clearance form. He was not granted the permission.¹³⁹⁷

CKA told us that over the years his life spiralled downwards and he continued to agitate for a response from the Diocese.¹³⁹⁸ On 12 June 2004, CKA wrote to Bishop Herft to advise that his 'life is worse than ever' due to Father Parker's actions.¹³⁹⁹

On 23 June 2004, Bishop Herft replied to CKA and reiterated that this matter had been dealt with by the courts and that Father Parker had been 'acquitted'.¹⁴⁰⁰ Bishop Herft informed CKA that he was unable to advise CKA on legal issues and that CKA needed to seek independent advice about compensation.¹⁴⁰¹ CKA said that he found Bishop Herft's response 'dismissive'.¹⁴⁰² We agree that it was.

On 12 October 2004, CKA emailed Bishop Herft to congratulate him on his appointment as Archbishop of Perth. CKA's email referred to Bishop Herft as a 'good man'. It stated that Bishop Herft had given him a 'fair hearing', although it did not resolve his issue, and he would be 'eternally grateful' for Bishop Herft's consideration.¹⁴⁰³ In a further email to Bishop Herft dated 18 October 2004 CKA stated that 'the very fact that a simple man like myself, had the opportunity to meet with a man of your standing in the community, and had the chance to press my case, is a great credit to you personally'. CKA wished Bishop Herft and then Dean Lawrence 'the greatest of peace'.¹⁴⁰⁴

When the October 2004 emails were drawn to CKA's attention, he explained that at the time he wrote them he was under the impression that Bishop Herft had honoured the commitment CKA said had been given in the 2003 meeting that he would act in relation to Father Parker. Also, he was not aware of Dean Lawrence's 'close' relationship with Father Parker.¹⁴⁰⁵ Whatever CKA's understanding was at the time he wrote these emails, the more important consideration is what objective acknowledgement and support were provided to him.

We are satisfied that Bishop Herft understood that he had a pastoral responsibility to CKA (as well as to CKB). We also consider that Bishop Herft failed to meet his pastoral responsibilities to these two complainants.

We do not consider that CKA received effective acknowledgement, support or redress from the Diocese during Bishop Herft's tenure. As will be seen in section 5.5 of this report, he pressed a claim for redress during Bishop Farran's tenure as Bishop of Newcastle.

Fresh charges laid against Father Parker in 2016

Father Parker was charged with 24 child sex offences on 23 December 2016. He died on 11 January 2017 before facing court on these charges.¹⁴⁰⁶

Allegations against Ian Barrack

Introduction

We now consider the way in which the Diocese responded to allegations that ordinand Barrack behaved in a sexualised way towards a 14-year old boy, CKU, and with later allegations that Barrack had in fact sexually abused CKU.

The experiences of CKU

CKU gave oral evidence to us. CKU first met Barrack when CKU moved to Morpeth College with his mother in early 1997. At the time, CKU was about 12 years old and Barrack was about 28 years old. Like CKU's mother, Barrack was studying to become a priest.¹⁴⁰⁷

CKU said that he became increasingly friendly with Barrack and often went to Barrack's house to use his computer.¹⁴⁰⁸ In late 1997, when CKU was about 13 years old, Barrack's behaviour towards CKU became increasingly 'touchy' and included massages.¹⁴⁰⁹ Barrack started buying presents for CKU and spending more time with him.¹⁴¹⁰

CKU's mother, CKR, also gave evidence to us. She said that CKU would often stay overnight at Barrack's house on Friday nights. CKR gave evidence that at first she was not concerned about this, as it was a Christian community.¹⁴¹¹ Barrack was married and she assumed Barrack's wife was also in the house.¹⁴¹²

CKU told us that in June 1998, when he had just turned 14 years of age, Barrack first abused him by performing oral sex on him.¹⁴¹³ Over the ensuing months, the sexual abuse continued.¹⁴¹⁴ Barrack told CKU he loved him.¹⁴¹⁵ Barrack showed CKU pornography, including child pornography.¹⁴¹⁶ In around November 1998, they had anal intercourse.¹⁴¹⁷

First disclosure of Barrack's conduct to the Diocese

CKR said that by June 1998 she had become concerned that CKU was spending most of his spare time with Barrack.¹⁴¹⁸ She felt that her son had become reclusive and secretive.¹⁴¹⁹ She also discovered that Barrack's wife spent Friday nights at her mother's house, not at home.¹⁴²⁰

CKR gave evidence that in about September 1998 she decided to send CKU to boarding school, as she was finishing her ordination training at the end of that year and would be required to move to a parish.¹⁴²¹ During September and October 1998, Barrack tried to persuade CKR to allow CKU to live with him.¹⁴²²

In October 1998, Barrack gave CKU a wind-up toy of a man having anal sex with a sheep.¹⁴²³ Later that month, CKU showed the toy to his mother.¹⁴²⁴ CKR said she was 'repulsed' by the gift and decided to separate CKU from Barrack.¹⁴²⁵

CKR also said that in November 1998 her daughter reported to her that she had overheard CKU and a friend talking about pornography they had watched at Barrack's house.¹⁴²⁶

On 16 November 1998, CKR met with Archdeacon Hoare, showed him the sheep toy and, it may be inferred, told him about Barrack showing CKU pornography.¹⁴²⁷ At that time, Archdeacon Hoare was the ministry development officer and the supervisor for students at Morpeth College, including Barrack and CKR.¹⁴²⁸

CKR said that Archdeacon Hoare initially laughed but changed his demeanour after she pointed out that this type of gift from an adult to a boy was not a laughing matter. Archdeacon Hoare said he would show the toy to Bishop Herft. CKR expected the Diocese would then take disciplinary action against Barrack.¹⁴²⁹

CKR said that about a week later Archdeacon Hoare asked to see her. At the meeting, he told her he had shown the toy to Bishop Herft and they had agreed CKR should return the toy to Barrack. He advised CKR to tell Barrack the toy was inappropriate and to express her displeasure.¹⁴³⁰ In other words, it was left to CKR to reprimand Barrack.

There is no other evidence that Archdeacon Hoare did tell Bishop Herft of the allegations at that time. Bishop Herft's evidence was that he was not made aware of this matter until around April 1999.¹⁴³¹ Further, Mr Hoare said in his statement that the first time Bishop Herft was made aware of the matter was in April 1999, when Mr Hoare provided a file note to him.¹⁴³² This is consistent with the file note that Mr Hoare prepared, which was dated 8 April 1999.¹⁴³³

CKR met with Barrack and told him the toy was an inappropriate gift to give CKU and that she had informed Archdeacon Hoare of the matter. She also told him he was to have no further contact with CKU. CKR gave evidence that Barrack was angry and upset. He punched a wall, and she asked him to leave.¹⁴³⁴

CKU moves away in late 1998

CKU told us that in December 1998 he stopped having any contact with Barrack, as he was sick of the abuse. CKU went overseas for several weeks over Christmas to visit his father, but Barrack continued to email him at his father's email address. CKU did not reply.¹⁴³⁵

At the end of 1998, CKU's mother was required to move to take up a position as assistant priest within the Diocese.¹⁴³⁶ In 1999, CKU went to boarding school.¹⁴³⁷ Barrack wrote him a number of letters and kept trying to contact CKU.¹⁴³⁸ CKU said he felt hounded by Barrack and unsafe at school. His last contact from Barrack was a letter that Christmas containing a gift of \$50. CKU threw away the letter and spent the money.¹⁴³⁹

CKR's further contact with the Diocese about Barrack

CKR says that between October 1998 and March 1999 she did not hear further from the Diocese about the complaint she had made against Barrack.¹⁴⁴⁰

CKR told us that, despite CKR's complaint about Barrack's behaviour towards her son and the fact that he failed his ordination training, Barrack was allowed to remain on campus and continue studying in 1999.¹⁴⁴¹ However, Bishop Herft told us that Barrack was not at Morpeth College in 1999.¹⁴⁴² Consistent with this, documents show that Barrack had left Morpeth College by the start of the first semester for students in early 1999.¹⁴⁴³

In February 1999, CKR's daughter and son-in-law wrote statements about CKU's disclosure that Barrack had shown him pornography.¹⁴⁴⁴ On 16 March 1999, CKR also wrote a statement about her concerns regarding Barrack's behaviour to her son.¹⁴⁴⁵

On 16 March 1999, Archdeacon Hoare met with CKR in her home. He obtained the written statements from CKR.¹⁴⁴⁶ His file note of the meeting shows that CKR discussed with him the fact that Barrack had provided the 'blatantly sexual' toy to CKU and had also shown him pornographic videos and magazines.¹⁴⁴⁷

According to an 8 April 1999 file note prepared by then Bishop Herft, on 7 April 1999 Bishop Herft met with the Diocese's solicitor, Mr Caddies, Mr Mitchell and Archdeacon Hoare to discuss CKR's complaints about Barrack. Mr Caddies advised Bishop Herft to inform the Australian diocesan bishops that no authorisation for ministry should be granted to Barrack without first contacting Bishop Herft. Archdeacon Hoare was to meet with CKR and recommend that CKU obtain some counselling. It was agreed that Barrack would not be informed at that time about CKR's complaint.¹⁴⁴⁸ It should be emphasised that at that time there was no allegation that Barrack had sexually abused CKU.

On 8 April 1999, Bishop Herft wrote to the diocesan bishops advising that no authorisation for ministry should be granted to Barrack without first contacting Bishop Herft.¹⁴⁴⁹

On 10 May 1999, a representative of DOCS advised Bishop Herft that, while Barrack's actions were inappropriate, she did not believe that they constituted a criminal offence and advised that Barrack not be informed of CKR's complaint.¹⁴⁵⁰

On 13 May 1999, Bishop Herft wrote to CKR and advised he would be meeting with a representative of DOCS and a police officer on 27 May 1999. Bishop Herft requested that CKR also attend the meeting. He also offered to put CKR in touch with a psychologist and provided contact details.¹⁴⁵¹

On 27 May 1999, Bishop Herft met with a child protection officer from DOCS, a police officer, Mr Mitchell and CKR. Bishop Herft noted that it was decided that the Church authorities had done as much as possible regarding Barrack's conduct at that time. The Church could not progress the complaint further unless CKU, who was at boarding school, initiated the action.¹⁴⁵²

We are satisfied that, by contacting DOCS and the police and writing to the diocesan bishops, Bishop Herft took appropriate action in responding to the disclosures that were made to him about Barrack in around April 1999.

CKU's May 2002 disclosure that he suffered sexual abuse

CKU gave evidence that he first disclosed his sexual abuse to his girlfriend in January 2002.¹⁴⁵³ Then in May 2002 he thought he saw Barrack in Singleton looking for him.¹⁴⁵⁴ He received an email from Barrack that same day.¹⁴⁵⁵ He became fearful and disclosed the sexual abuse to his mother, but he did not go into detail at that time.¹⁴⁵⁶

On 29 May 2002, CKU and CKR reported the sexual abuse to police at Singleton and made a statement.¹⁴⁵⁷

Shortly thereafter, CKR informed Archdeacon Hoare that CKU had been sexually abused by Barrack. The archdeacon told CKR he would inform Bishop Herft.¹⁴⁵⁸ CKR was told by the bishop's secretary that DOCS had been contacted in May 2002 and provided CKR with a contact number for the DOCS case worker. When CKR contacted the case worker, she was told that, as CKU was now 18 years old, it was no longer a DOCS matter but a police matter.¹⁴⁵⁹

CKR says Bishop Herft did not contact her at that time and she believed the Diocese was handling the matter through its complaint-handling process which, at that time, was CASM.¹⁴⁶⁰ However, CKR did speak with Bishop Herft on 18 May 2003 after a meeting.¹⁴⁶¹ Bishop Herft's secretary also spoke to CKR shortly afterwards, after she had spoken with the DOCS case worker at Bishop Herft's behest.¹⁴⁶²

Criminal prosecution of Barrack

There was a significant delay in the police's response to CKU's allegations. CKU told the Royal Commission that he reported the abuse to police in May 2002.¹⁴⁶³ He heard nothing back from the police for three years.¹⁴⁶⁴ CKR made a number of calls to Singleton police during 2002 and early 2003 but was told the complaint was not being given any urgency, as it was not a current case.¹⁴⁶⁵

On 12 August 2003, the chair of CASM, Mrs Sanders, wrote to Bishop Herft to express CKR's concerns that the police did not appear to be pursuing the matter.¹⁴⁶⁶ Bishop Herft also expressed his concern at the apparent lack of action and offered to speak with the appropriate authorities.¹⁴⁶⁷ Bishop Herft was contacted by the police on 21 August 2003, at which time he expressed his concern about the length of time the matter was taking.¹⁴⁶⁸

On 3 September 2003, Mr Caddies advised Bishop Herft that there appeared to be no obligation for the allegation of abuse of CKU by Barrack to be reported under the *Ombudsman Act 1974* (NSW) since Barrack was not an 'employee'.¹⁴⁶⁹ Nevertheless, the Diocese did report the allegation and the process that had been followed to the Ombudsman.¹⁴⁷⁰

On 15 December 2003, Bishop Herft wrote to CKR suggesting that a direct approach be made to police regarding CKU's complaint.¹⁴⁷¹

It was not until February 2005 that Barrack was charged with offences against CKU.¹⁴⁷² In May 2005, Barrack pleaded guilty to one count of sexual intercourse with a child between 10 and 16 years.¹⁴⁷³ In September 2006 Barrack was sentenced to two years' imprisonment with a non-parole period of 12 months.¹⁴⁷⁴ Further detail about the sentencing hearing, which occurred during Bishop Farran's episcopate, is set out in section 5.4 of this report.

Initial lack of pastoral support for CKU and his mother, CKR

In the period after the Diocese was notified in 2002 that Barrack had in fact sexually abused CKU, the Diocese did not at first extend pastoral support or care to CKU or his mother. CKU's case was not originally referred to CASM.

Bishop Herft gave evidence that after CKU disclosed the abuse he suggested that CKR contact Dr Johnson to obtain counselling for herself and CKU.¹⁴⁷⁵ He also assumed that Archdeacon Hoare was providing her with pastoral care – an assumption which he now agrees he ought not to have made.¹⁴⁷⁶

Mrs Sanders said that she became aware of CKU's abuse in early 2003. She was told that CKU and CKR had not been informed of the diocesan responsibility to provide support and services to them. Mrs Sanders then advised Bishop Herft.¹⁴⁷⁷

In July 2003, CKR met with Mrs Sanders and told her about Barrack's abuse of CKU. Mrs Sanders offered CKR and CKU some support services, to be paid for by the Diocese.¹⁴⁷⁸ Mrs Sanders said that she wrote to Bishop Herft several times regarding her concerns about CKR and CKU. On a number of occasions, she requested that the Diocese provide counselling support.¹⁴⁷⁹

In or around August 2003, Mrs Sanders arranged for some counselling for CKR and CKU with a clinical psychologist, which was partly paid for by the Diocese.¹⁴⁸⁰

On 22 August 2003, Bishop Herft wrote to CKR. He said, 'I must take full responsibility for the Chair of CASM and the committee not being notified officially of this matter'. He explained that he thought that it was outside the remit of the committee because it was a serious criminal offence and that he thought then Archdeacon Hoare was offering her pastoral support. He accepted in evidence that, in hindsight, it was a 'serious omission' not to inform Mrs Sanders of the matter.¹⁴⁸¹ In submissions, Bishop Herft said that as at 2002 the relevant policy – the 2002 Sexual Misconduct Policy – did not require matters of child sexual abuse to be referred to CASM.¹⁴⁸²

We are satisfied that, after being notified that Barrack had sexually abused CKU as a child, Bishop Herft should have taken more proactive steps to ensure that appropriate pastoral care and support were provided to CKU and his mother, CKR.

CKU's claim for redress

CKU also gave evidence about seeking redress from the Diocese. On 15 August 2003, he retained a solicitor to assist him in seeking financial compensation from the Diocese and Morpeth College.¹⁴⁸³ CKU said he was advised to wait until the outcome of the criminal charges against Barrack before lodging a civil claim. CKU applied for financial assistance from the New South Wales Victims Compensation Scheme at that time and was awarded \$6,000.¹⁴⁸⁴

In around 2003, the Diocese started paying for some counselling sessions for CKU and his mother.¹⁴⁸⁵ CKU's claim for redress is discussed in more detail in the next section of this report.

4.7 Concluding remarks

In Bishop Herft's 2002 charge to the synod, he said:

We have clearly stated that sexual misconduct, abuse and harassment will not be tolerated and that paedophilia is abhorrent.

We have sought to put in place strategies that would create a culture of positive risk management.

Risk management is a responsible instrument, which demands that persons who may hurt others should never be placed in a position that exposes them and others to repeating their harmful behaviour.¹⁴⁸⁶

However, the evidence before us shows that there was a substantial failure in risk management during Bishop Herft's episcopate. This left children at risk. The way in which the Diocese handled allegations of child sexual abuse shows there was a large gap between the Diocese's policies and its practices, particularly during the earlier years of Bishop Herft's episcopate.

We accept that there were significant developments in the policies for handling sexual abuse allegations during Bishop Herft's tenure in the Diocese. However, particularly in the early years of Bishop Herft's episcopate, these were not well adapted to handling allegations of child sexual abuse.

Based on the examples we have considered in this section of our report, we find that the Diocese's practices did not live up to its disciplinary and policy framework expectations and requirements in handling allegations of child sexual abuse in the following respects:

- No disciplinary process was pursued against any member of the clergy in respect of whom allegations of child sexual abuse were made.
- Where the alleged perpetrator moved to another diocese, that diocese was generally not warned of the allegations.
- Survivors were not offered timely or compassionate pastoral care and support.

Bishop Herft gave evidence that it was always the policy of the Diocese to report allegations of child sexual abuse to the police; however, this policy was fettered in many respects. Bishop Herft considered it was only necessary to report such allegations to the police where the complainants were identified by name, where the complaint was in writing and where the complaint had some 'substance'. In fact, very few allegations of child sexual abuse that police were not already aware of were reported to the police during Bishop Herft's tenure.

Bishop Herft's approach to child sexual abuse allegations was generally avoidant rather than proactive. This was so even though child sexual abuse was a major problem in the Diocese by the time of Bishop Herft's tenure as Bishop of Newcastle. Bishop Herft accepted Mrs Sanders' evidence that while she was chair of CASM around 30 allegations of child sexual abuse were reported to her.¹⁴⁸⁷

Bishop Herft mishandled the allegations of child sexual abuse made against [REDACTED]
[REDACTED]
the one-time Archdeacon of Maitland, Father Rushton. His response was weak and ineffectual and showed no regard for the need to protect children from the risk that they could be preyed upon. It was a failure of leadership.

5 Institutional Response under Bishop Brian Farran (June 2005 – December 2012)

5.1 Introduction

Bishop Farran was Bishop of Newcastle from 24 June 2005 to 15 December 2012.¹⁴⁸⁸ He was nominated to that position by Dean Lawrence,¹⁴⁸⁹ who was his good friend.¹⁴⁹⁰

During Bishop Farran's episcopate, Bishop Stuart was the assistant bishop from February 2009.¹⁴⁹¹ As at the date of this report, he remains the assistant bishop.

It was during Bishop Farran's episcopate that the scale of the problem with child sexual abuse in the Diocese became publicly known. Bishop Farran described it as a 'very significant problem'.¹⁴⁹² He said he had 'no idea' of the problem upon first becoming Bishop of Newcastle and no one briefed him on it.¹⁴⁹³

We are satisfied that Bishop Herft did not tell Bishop Farran that he had received complaints about [REDACTED] conduct towards children.¹⁴⁹⁴ Also, Bishop Farran was not made aware that allegations had been made against Father Rushton.¹⁴⁹⁵ Bishop Farran only gradually learned of the magnitude of the problem as professional standards director Mr Michael Elliott briefed him from the time he was appointed in early 2009.¹⁴⁹⁶

Bishop Herft left the Diocese in around September 2004. Mr Graeme Rutherford acted as commissary of the Diocese from that time until June 2005, when Bishop Farran commenced.¹⁴⁹⁷ Nevertheless, it was open for Bishop Herft to disclose what he knew to Bishop Farran. They did in fact meet in Perth in early 2005.¹⁴⁹⁸

We find that it was remiss of Bishop Herft to not make Bishop Farran aware that [REDACTED] Father Rushton, [REDACTED], had [REDACTED] been accused of sexually abusing children.

In October 2005, the diocesan synod adopted the Professional Standards Ordinance 2005,¹⁴⁹⁹ which was in large measure based upon the General Synod's model professional standards ordinance of 2004.¹⁵⁰⁰ This new framework represented a distinct break with the past, effectively supplanting the old diocesan tribunal process,¹⁵⁰¹ and was designed to keep the disciplinary process against clergy independent of the bishop.¹⁵⁰²

Among other things, the new framework created the position of Director of Professional Standards. Mr Michael Elliott was appointed as the professional standards director in the Diocese in January 2009.¹⁵⁰³

From early on, and particularly between around 2009 and 2013, there was significant disquiet in some quarters of the Diocese about the operation of the professional standards framework. This disquiet found its genesis in the way that the framework operated against two popular priests in the Diocese, Mr John Gumbley and COJ, both of whom were accused of sexual misconduct with female adults.¹⁵⁰⁴

In October 2009, complaints were made against [REDACTED] Mr Goyette, as well as three other priests – Mr Hoare, Father Sturt and Mr Duncan.¹⁵⁰⁵ This gave rise to a protracted disciplinary process which eventually led to the defrocking of [REDACTED] Mr Hoare and Mr Duncan and the five-year suspension of Father Sturt’s licence. Mr Goyette was banned from all lay roles within the Church.¹⁵⁰⁶

At the same time, the details of Father Rushton’s prolific child sexual offending were emerging, and in 2010 Bishop Farran decided to make these allegations public.¹⁵⁰⁷

The application of the professional standards framework and the move to go public over Father Rushton led to a significant backlash against Bishop Farran from elements of the Diocese, particularly from a cohort within the Cathedral. Bishop Farran referred in his evidence to the ‘vehemence of the [REDACTED] supporters’, whom he thought were ‘out to get him’.¹⁵⁰⁸

Numerous complaints were made against Bishop Farran to the Primate of the Church and to the Church’s Episcopal Standards Commission, which is responsible for disciplining bishops.¹⁵⁰⁹ Ultimately, all of the complaints were dismissed.¹⁵¹⁰

Bishop Farran said he had a ‘terrible time’ as the Bishop of Newcastle.¹⁵¹¹ The Director of Professional Standards, Mr Michael Elliott, and the diocesan business manager, Mr Cleary, also gave evidence of the harassment they endured and the vandalism they experienced because of their roles in professional standards.¹⁵¹²

Bishop Farran was also involved in the diocesan response to complaints against Father Parker and Barrack.

This section of the report:

- provides an overview of the new professional standards framework introduced in 2005
- describes the introduction of PCAS – a scheme of redress within the Diocese
- considers the level of pastoral support that the Diocese offered to CKU and CKR during and after the trial of Barrack and the redress the Diocese provided to CKU
- considers the level of pastoral support that the Diocese offered to CKA in relation to allegations that he was sexually abused by Father Parker as a child and the redress the Diocese provided to CKA
- examines the response of the Diocese to allegations that Father Rushton had abused children, which came to light after his death, and the response of members of the Church community to Bishop Farran’s public acknowledgement that Father Rushton was a perpetrator of child sexual abuse

- considers early challenges to the professional standards framework in light of the Gumbley and COJ disciplinary processes and the resultant fallout
- discusses the 2010 review of the professional standards framework following the Gumbley and COJ matters and the resulting amendments to the Professional Standards Ordinance and challenges to the professional standards director
- outlines the experiences of alleged sexual abuse survivor CKH and describes the disciplinary process that followed when CKH made complaints to the Diocese against [REDACTED] Mr Goyette, Mr Duncan, Mr Hoare and Father Sturt in relation to his alleged abuse
- considers the complaints that lay members of the Diocese made against Bishop Farran regarding his treatment of [REDACTED]
- examines the dysfunctional culture of the Diocese in its reaction to the disciplining of [REDACTED] by Bishop Farran and the resignation of the chancellor, Mr Rosser QC
- describes the implementation of the Professional Standard Board's recommendations regarding [REDACTED] others
- considers attempts to implement risk management of [REDACTED] at their new parish
- considers the changes to the Professional Standards Ordinance in 2012 and the impact of those changes on the transparency of professional standards procedures.

5.2 Introduction of the 2005 professional standards framework

In October 2005, shortly after Bishop Farran commenced as bishop, the Diocese's disciplinary regime changed significantly. The Diocese adopted the Professional Standards Ordinance 2005,¹⁵¹³ which was based upon the model professional standards ordinance promulgated by the General Synod in 2004.¹⁵¹⁴ The Diocese also adopted 'Faithfulness in Service' as a code of conduct in 2005.¹⁵¹⁵

The General Synod of the Church had adopted the model professional standards ordinance in 2004, based upon the recommendations of the Church's Sexual Abuse Working Group.¹⁵¹⁶ Due to the principle of diocesan autonomy within the Church, it remained a matter for each diocese to determine whether to implement the model ordinance in whole or in part.

Bishop Farran gave evidence that he was in support of the model professional standards framework.¹⁵¹⁷

The Professional Standards Ordinance 2005

The Diocese's Professional Standards Ordinance 2005 established a Professional Standards Committee, a Professional Standards Board and the office of Director of Professional Standards.¹⁵¹⁸ According to several witnesses, this new professional standards regime was intended to operate instead of the diocesan tribunal process prescribed by the Church Constitution, the Offences Canon 1962 and Clergy Discipline Ordinance 1966.¹⁵¹⁹

Under this system, the key functions of the professional standards director are to:¹⁵²⁰

- receive or uncover allegations of misconduct, including child sexual abuse, and to conduct initial investigations into allegations and then refer the matter to the Professional Standards Committee for further directions
- conduct further investigations if so authorised by the Professional Standards Committee
- support complainants who come forward.

A key feature of this system is the independence of the professional standards director from the diocesan hierarchy.¹⁵²¹

The professional standards system in the Diocese is information based rather than complaint based in the sense that information about misconduct can be received from a variety of sources and is not limited to the situation where a formal complaint is made.¹⁵²²

The function of the Professional Standards Committee is to investigate allegations of misconduct on the part of 'Church workers'. The committee can then refer the matter for further investigation, dismiss the matter or refer the matter to the Professional Standards Board.¹⁵²³ The committee also has the power to recommend to the bishop that a person be suspended pending further action.¹⁵²⁴

A 'Church worker' was defined in the Professional Standards Ordinance 2005 as a person who is or at any relevant time was a member of clergy, a person employed by a Church body or a person holding a position or performing a function with the actual or apparent authority of a Church authority or Church body.¹⁵²⁵ This definition included individuals in youth groups and other lay people.¹⁵²⁶

The Professional Standards Board was established under the Professional Standards Ordinance 2005 as an adjudicative body which can hear evidence and submissions. It has power to make findings as to whether the alleged misconduct occurred and to make recommendations as to the consequences that should follow from those findings.¹⁵²⁷

However, the recommendations are not binding on the bishop (or other person or body having administrative authority to license, appoint, authorise, dismiss or suspend a Church worker).¹⁵²⁸ The bishop has discretion as to whether to follow the recommendations.¹⁵²⁹

Under the Professional Standards Ordinance 2005, hearings of the Professional Standards Board were ordinarily to take place in public. However, the board has absolute discretion to direct that no person other than the respondent and anyone representing them, witnesses, persons making submissions and board members be present during the hearing. Any person in a proceeding can have legal representation, and the respondent is entitled to call or give evidence, examine or cross-examine witnesses and make submissions to the board.¹⁵³⁰

Faithfulness in Service

Also in 2005, the Diocese adopted Faithfulness in Service based upon the General Synod's model. Faithfulness in Service is a code for personal behaviour and the practice of pastoral ministry by clergy and Church workers.¹⁵³¹ Faithfulness in Service has been updated a number of times since it was first implemented in 2005.¹⁵³²

Faithfulness in Service specifies standards of behaviour for clergy and Church workers in relation to children. These include ensuring that there are proper systems for the safety and welfare of children and that applicable requirements of civil authorities and the Church authority are complied with.¹⁵³³

Under Faithfulness in Service if a member of the clergy or a Church worker suspects that a child is at risk of harm from child abuse, he or she is required to report it to the appropriate civil authorities. If he or she suspects that another member of clergy or a Church worker has abused a child, he or she is to report it to both the appropriate civil authorities and the Director of Professional Standards.¹⁵³⁴

People appointed under the professional standards framework

Following the introduction of the professional standards framework in the Diocese, Mr Phillip Gerber initially took up the role of professional standards director. This was on a part-time / as needed basis because he was also the professional standards director in the dioceses of Sydney, Grafton and Armidale.¹⁵³⁵ Mr Gerber ceased acting as the professional standards director in the Diocese in late 2007.¹⁵³⁶

In the meantime, in January 2007 Mr Cleary became the diocesan business manager¹⁵³⁷ (which was the new position title for the diocesan registrar). From around March 2008 until about January 2009, Mr Cleary acted as the professional standards director in addition to his role as diocesan business manager.¹⁵³⁸

Mr Michael Elliott was appointed professional standards director in January 2009 on a part-time basis¹⁵³⁹ and then on a full-time basis in May 2010.¹⁵⁴⁰ He has held this position ever since.

In 2005, CASM effectively became the Professional Standards Committee in the Diocese.¹⁵⁴¹ Initially, Ms Gwen Vale was appointed as the chair of this committee.¹⁵⁴² Mr Geoff Spring has been the chair since 2009.¹⁵⁴³

Mr John Ryan was president of the Professional Standards Board from 28 June 2007 to 28 June 2009.¹⁵⁴⁴ In October 2009, Mr Colin Elliott, a retired magistrate, was appointed as the president.¹⁵⁴⁵ He resigned in late 2012 for reasons that will be discussed later in this section of the report. On 30 April 2015, Mr Christopher Armitage was appointed as president of the Professional Standards Board.¹⁵⁴⁶

5.3 Introduction of the Pastoral Care and Assistance Scheme

Until April 2007, the Diocese had no policy for providing redress to survivors of sexual abuse. On 26 April 2007, the diocesan council adopted the Pastoral Care and Assistance Scheme for Victims of Child Abuse or Sexual Misconduct by a Church Worker (PCAS) that was used in the Diocese of Sydney.¹⁵⁴⁷ The upper limit of compensation available under the scheme was set at \$75,000.¹⁵⁴⁸ This scheme offered a path for redress that was an alternative to seeking compensation through the courts.¹⁵⁴⁹

Mr Cleary said that, given that the cap was \$75,000, redress under the scheme was ‘regularly rejected’ by survivors.¹⁵⁵⁰

5.4 Diocesan response to CKU and CKR from 2005 to 2009

Barrack’s sentencing hearing in 2006

On 6 October 2005, shortly after Bishop Farran was enthroned in Newcastle, CKR met with him and told him of her concerns with how the Diocese had handled the matter of Barrack sexually abusing her son CKU and, in particular, the lack of pastoral care offered by Bishop Herft and Mr Hoare, who was then archdeacon.¹⁵⁵¹ For the following reasons, we are satisfied that, against this background, there was also a lack of support to CKU and CKR during Barrack’s criminal prosecution.

As set out in section 4 above, on 10 May 2006, Barrack pleaded guilty to one count of sexual intercourse with a child aged between 10 and 16 years.¹⁵⁵² This offence related to CKU. On 22 September 2006, Barrack was sentenced to two years' imprisonment with a non-parole period of 12 months.¹⁵⁵³

CKU gave evidence that Dean Lawrence gave a character reference for Barrack at trial.¹⁵⁵⁴ Mr Lawrence could not recall in oral evidence whether he had written a reference for Barrack for use at the sentencing hearing, but he said that he did not support him in court.¹⁵⁵⁵

CKR gave evidence that Mr Rosser QC attended one of the days of the court proceedings against Barrack.¹⁵⁵⁶ She said that she overheard Mr Rosser QC tell a DPP solicitor that he was there at Bishop Farran's request.¹⁵⁵⁷ Mr Rosser QC gave evidence he had attended on one day to observe¹⁵⁵⁸ and had done so in his role as deputy chancellor at Bishop Farran's request.¹⁵⁵⁹

CKR said she later emailed Bishop Farran regarding Mr Rosser QC's presence at the proceedings, but Bishop Farran denied arranging for Mr Rosser QC to attend.¹⁵⁶⁰ Bishop Farran was not asked about this in evidence.

On 14 August 2006,¹⁵⁶¹ CKR told Mr Gerber that she and CKU had not been offered any support by the Diocese during the criminal proceedings. She asked that Reverend Rosemary Gillham be allowed to attend the sentencing hearing in August 2006 to support her and CKU.¹⁵⁶² CKR told us that she did not know why she had to request a pastoral support person when the diocesan procedures required that support be provided whenever a member or parishioner was in need.¹⁵⁶³

CKR gave evidence that at the sentencing hearing in August 2006 Barrack was supported by Reverend Wayne Sheean, who also gave character evidence.¹⁵⁶⁴ After the sentencing hearing, CKR contacted Bishop Farran and Mr Gerber to enquire about the presence of Reverend Sheean at court in support of Barrack.¹⁵⁶⁵ Both Bishop Farran and Mr Gerber denied that Reverend Sheean was representing the Diocese and said he was present only in a private capacity.¹⁵⁶⁶ Reverend Sheean did not give evidence to the Royal Commission.

CKR gave evidence that during the court proceedings she and CKU had the support of a social worker provided by the DPP, who sat with them and talked them through the process. CKR said she felt cared for, unlike the situation with the Church, which showed a lack of support for CKR and CKU.¹⁵⁶⁷

CKU said it felt like a 'slap in the face' for the Church to provide support people for Barrack but make contact with CKU only after his mother rang the bishop and 'had a go at him'.¹⁵⁶⁸

We are satisfied that the Diocese failed to provide timely and consistent pastoral care and support to CKU and CKR during the Barrack criminal proceedings as required by the Diocese's 2002 Sexual Misconduct Policy.

Support for CKU and CKR and redress for CKU from 2006 to 2009

After the sentencing hearing, CKR telephoned Mr Gerber to complain that she had not been supported by the Diocese during the sentencing hearing. She requested that Reverend Gillham be appointed as her support person, and this was duly done.¹⁵⁶⁹

In November 2006, CKR wrote to Mr Gerber and asked 11 questions regarding the Diocese's alleged inaction.¹⁵⁷⁰ On 29 November 2006, the Diocese's new Professional Standards Committee reviewed the manner in which the Diocese had handled the complaint against Barrack.¹⁵⁷¹ The then professional standards director, Mr Gerber, provided a report to the committee and Bishop Farran identifying a number of 'process failures'. He recommended that an ex gratia payment of \$2,000 be made to CKU as a contribution towards the cost of an overseas trip that CKU was planning. The payment was not intended as compensation but as a symbolic gesture to indicate the Church was sorry for what had occurred.¹⁵⁷² However, CKR's 11 questions were not answered until she received a letter during a meeting on 18 June 2009.¹⁵⁷³

In March 2007, CKU sought compensation from the Diocese for the sexual abuse by Barrack.¹⁵⁷⁴ CKU was then offered additional counselling by the Diocese, which he initially accepted.¹⁵⁷⁵ However, CKU was ultimately not comfortable with attending counselling organised by the Church because of the abuse and the lengthy criminal proceeding and compensation process. CKU said that he no longer trusted the Church after his experiences. CKU requested that the Diocese pay a lump sum in addition to the compensation amount so he could organise his own counselling.^{1 76}

In February 2009, CKU received a settlement of \$60,000 from the Diocese, including \$3,000 for the cost of his ongoing counselling.¹⁵⁷⁷

CKU told us that it took nearly two years to obtain compensation from the Diocese. He felt this was a long process considering that Barrack had pleaded guilty in 2006.¹⁵⁷⁸ On 3 September 2009, CKU received a written apology from Bishop Farran in relation to CKU's abuse.¹⁵⁷⁹ CKU told us that the apology was important to him, as it was an acknowledgment that the Church was 'in the wrong'.¹⁵⁸⁰

5.5 Response to allegations concerning Father Parker between 2008 and 2012

First settlement between the Diocese and CKA in 2008

CKA gave evidence that the diocesan response to his complaint against Father Parker improved as he dealt with different diocesan personnel.¹⁵⁸¹ He said that the two major changes which improved things were the appointment of Mr Cleary as the diocesan business manager and the appointment of Mr Michael Elliott as the professional standards director.¹⁵⁸²

CKA said that Mr Cleary was the cornerstone of the provision of support and redress that he has received from the Diocese.¹⁵⁸³ He said that Mr Cleary had been pivotal in providing redress and appropriate respect on behalf of the Diocese.¹⁵⁸⁴

Mr Cleary gave evidence that he was the first person in the Church to listen to CKA's story and believe him.¹⁵⁸⁵ Mr Cleary said that he attended various meetings with CKA, Mr Michael Elliott and the Professional Standards Committee regarding redress and counselling support for CKA.¹⁵⁸⁶ Mr Cleary said that he and Mr Michael Elliott continued to provide support to CKA because CKA endured a 'systemic cover up' by the Diocese for many years and was in desperate need of assistance.¹⁵⁸⁷

CKA gave evidence that he has had a positive experience with Mr Michael Elliott because he is independent from the Church. He said that Mr Michael Elliott had been 'extremely supportive' since they first met in 2009.¹⁵⁸⁸

Bishop Farran gave evidence that, when he met with CKA, it was very clear that Mr Michael Elliott had played a significant role in helping CKA come to terms with what he had suffered and in enabling CKA to feel strong enough to proceed with his complaint.¹⁵⁸⁹

In November 2007, CKA was offered financial support for counselling which was approved by Mr Cleary.¹⁵⁹⁰ CKA gave evidence that, while the counselling was beneficial, he found six counselling sessions to be insufficient.¹⁵⁹¹

Mr Cleary gave evidence that CKA received generous amounts of counselling support from the Diocese over many years, typically in blocks of six sessions at a time.¹⁵⁹² In addition, CKA received financial support in the form of payment for independent legal advice and travel assistance to visit his daughter.¹⁵⁹³

In February 2008, CKA attended a healing service conducted by the Church with the expectation that he would receive an apology. CKA gave evidence that, after travelling 250 kilometres, he was disappointed to learn that key diocesan figures would no longer

be attending. CKA was under the impression that Bishop Herft and Dean Lawrence would be in attendance, and their absence meant that the Diocese had managed to turn a 'healing service' into an abusive process as well.¹⁵⁹⁴ So far as Bishop Herft is concerned, this impression may not have been correct since he left the Diocese well before the healing service in February 2005.

In March 2008, CKA applied for pastoral care and assistance from the Diocese.¹⁵⁹⁵ In April 2008, CKA negotiated his first settlement with the Diocese and received \$35,000 in compensation for Father Parker's abuse at the Gateshead rectory.¹⁵⁹⁶

Information sharing with Diocese of Ballarat in 2008

On 3 March 2008, Bishop Farran wrote to the Bishop of Ballarat to advise that the Newcastle Professional Standards Committee had 'investigated a complaint against Father Parker'.¹⁵⁹⁷ Bishop Farran requested that the Bishop of Ballarat issue a caveat against Father Parker's permission to officiate, which had been granted by the Ballarat diocese.¹⁵⁹⁸

Alleged meeting with Dr Sandra Smith in 2010

CKA gave evidence that sometime in early 2010 he was treated by a psychologist or psychiatrist who introduced herself as 'Dr Sandra Smith'.¹⁵⁹⁹ CKA told us that he believed that he was referred to Dr Smith by the Church.¹⁶⁰⁰

CKA said that during his appointment Dr Smith did not ask how he was feeling or about his experience of Father Parker's abuse but merely focused on his intentions regarding proceedings against the Church. CKA gave evidence that Dr Smith said she would contact him for a follow-up appointment but never did.¹⁶⁰¹

Dr Smith is the current wife of Mr Allen,¹⁶⁰² who acted as Father Parker's solicitor during the criminal proceedings. CKA gave evidence that he only recently discovered Dr Smith's relationship with Mr Allen.¹⁶⁰³ Dr Smith did not marry Mr Allen until 2013.¹⁶⁰⁴

The Royal Commission summonsed Dr Smith's diaries. They showed no evidence of a meeting between Dr Smith and CKA. Dr Smith also prepared an email for her solicitor, produced to the Royal Commission, which stated that she did not have any record or memory of treating CKA at any time.¹⁶⁰⁵

There is insufficient evidence to make a finding that CKA consulted with Dr Smith.

Bishop Farran's apology to CKA in 2010

As will be discussed in further detail below, on 19 October 2010, the *Newcastle Herald* published an apology by the Diocese to the victims of Father Rushton's sexual abuse.¹⁶⁰⁶ CKA gave evidence that this reignited enormous pain and prompted him to write to Bishop Farran to request an apology for his abuse by Father Parker.¹⁶⁰⁷ As a consequence, Mr Michael Elliott arranged for Bishop Farran to meet CKA and apologise for the suffering that CKA had experienced due to the protracted settlement of his complaint against Father Parker.¹⁶⁰⁸

In December 2010, CKA attended a meeting with Bishop Farran and Mr Michael Elliott.¹⁶⁰⁹ Bishop Farran said that he found this meeting quite traumatic because he was 'horrified' by how CKA had been treated.¹⁶¹⁰ Bishop Farran said he 'felt contaminated' as the bishop of the Diocese when CKA and his family had been treated so terribly.¹⁶¹¹ He felt the Diocese had betrayed CKA, who was a loyal server at the time of his abuse by Father Parker, and that CKA's mother, a very devout parishioner, had been 'disdainfully treated' by Bishop Shevill.¹⁶¹²

After hearing CKA's story during this meeting, Bishop Farran apologised for the abuse that CKA suffered at the hands of Father Parker.¹⁶¹³ Bishop Farran told us that he was deeply moved by this meeting and felt that CKA had been seeking an apology for a long time.¹⁶¹⁴

Following this meeting, CKA received a public apology from the Diocese, which was published in the *Anglican Encounter*.¹⁶¹⁵ The apology acknowledged that the Diocese had treated CKA and his family inappropriately over an extended period of time following CKA's report of abuse by a member of the Diocese. CKA said he had waited 35 years to receive this apology from the Diocese.⁶

Bishop Farran told us that he issued this public apology at CKA's request. Bishop Farran said that, given the Diocese, including Mr Mitchell when he was the diocesan registrar, had trivialised CKA in the public domain, Bishop Farran felt that a public statement was important to recognise how CKA had been mistreated.¹⁶¹⁷

Second settlement between the Diocese and CKA in 2010

From 2010 to 2012, CKA made further disclosures, revealing that he had been sexually abused by Father Parker to a much greater extent than previously disclosed. CKA said that he did not previously disclose this abuse out of shame and humiliation.¹⁶¹⁸

In March 2011, CKA's psychologist reported to Mr Michael Elliott on the progress of CKA's psychological treatment. The psychologist advised that, up until recently, CKA's primary distress had focused on the trauma of his earlier disclosures not being believed by the Diocese and that this clouded CKA's ability to address Father Parker's abuse itself. As CKA was now starting to deal with the abuse itself, the psychologist reported that CKA had disclosed more incidents of abuse by Father Parker that had previously been withheld out of fear of not being believed.¹⁶¹⁹

In 2012, CKA negotiated a second settlement with the Diocese and received \$75,000 in compensation for the additional incidents of abuse by Father Parker.¹⁶²⁰ CKA gave evidence that, while this was the maximum amount allowable by the Church, it could never be enough to compensate him for the impact that Father Parker's abuse has had on his life.¹⁶²¹

Diocesan response to CKB

The Diocese has never offered CKB any compensation, counselling, support or an apology.¹⁶²² CKB gave evidence that he found the institutional response of the Diocese to be poor because the Diocese has never tried to contact CKB even though it would be easy for the Diocese to do so.¹⁶²³

While there is no evidence before us to suggest that CKB ever made a complaint to the Diocese about Father Parker's abuse, it is clear that the Diocese was on notice of CKB's allegations against Father Parker as a result of the criminal proceedings in 2001.

5.6 The Diocese's response to allegations against Father Rushton

Father Rushton had retired from the priesthood before Bishop Farran came to the Diocese, but he still held a permission to officiate in the Diocese before his death in 2007.¹⁶²⁴

Reverend Roger Dyer commenced as a priest at St Luke's in the Parish of Wallsend in June 2006.¹⁶²⁵ Father Rushton had previously been the priest at St Luke's from 1973 to 1983.¹⁶²⁶

Reverend Dyer gave evidence that shortly after he arrived in the parish he became aware that something was 'seriously wrong'. He heard stories and innuendo about Father Rushton.¹⁶²⁷ Then in May 2007, shortly after Father Rushton had died, survivor CKV disclosed to Reverend Dyer his own story of sexual abuse as a child at the hands of Father Rushton. Further disclosures from other survivors followed.¹⁶²⁸

We are satisfied that Reverend Dyer first raised concerns about Father Rushton with Mr Michael Elliott in mid-2009 and with Bishop Farran by late 2009.¹⁶²⁹

Bishop Farran gave evidence that his knowledge of allegations against Father Rushton came primarily through Mr Michael Elliott.¹⁶³⁰

On 10 December 2009, Reverend Dyer wrote to Bishop Farran. The letter stated in part:

As we are all now aware there have been serious allegations, which have affected and are still affecting the life and community of St Luke's and Wallsend. ... There still remains the spiritual issues, an admixture of confusion, betrayal, guilt, love and anger towards Fr. Peter and all aspects of his legacy.¹⁶³¹

Reverend Dyer recommended that a publicly advertised healing ceremony take place. The tone of the letter suggests that Reverend Dyer had previously raised the matter with Bishop Farran, and Bishop Farran agreed in evidence that the allegations against Father Rushton had been previously raised.¹⁶³² Reverend Dyer gave evidence that he had been 'trying for a long time' to get Bishop Farran to acknowledge the sexual abuse by Father Rushton.¹⁶³³ Mr Michael Elliott also believed it important for the Diocese to acknowledge the sexual abuse perpetrated by Father Rushton.¹⁶³⁴

In April 2010, Bishop Farran received a forwarded email from Reverend Dyer which contained a complaint against Father Rushton.¹⁶³⁵

In an email from Reverend Dyer to Mr Michael Elliott on 12 April 2010, Reverend Dyer described his perception of the Diocese's lack of concern in response to the allegations he raised of historical child sexual abuse perpetrated by Father Rushton upon an altar server and issues of child sexual abuse more generally within the parishes he had been responsible for.¹⁶³⁶

Bishop Farran visited the Wallsend parish on 31 July 2010 and conducted a 'healing ceremony'.¹⁶³⁷ Bishop Farran said that he had interviews that weekend with a number of people who made him aware of further allegations that Father Rushton had sexually abused children.¹⁶³⁸

On 19 October 2010, Bishop Farran issued a media release about Father Rushton. The media release stated in part:

Following his death, significant allegations and information of concern has been brought forward in relation to Fr. Peter's involvement in the sexual abuse of minors. The Diocesan Director of Professional Standards has been investigating these matters and is fully co-operating with NSW Police. The Diocese has also been supporting persons who have come forward in relation to these matters.

In recognition of this situation the Bishop of Newcastle, The Right Reverend Dr. Brian Farran held a service of recognition and reconciliation at the parish of St. Luke's, Wallsend earlier this year that was well received.

The Bishop wishes to publicly apologise to any person adversely affected by these deeply regrettable events and urges any persons with any information about such matters to come forward and speak with the Anglican Diocese of Newcastle's Professional Standards Director.¹⁶³⁹

Bishop Farran explained that he considered it important to go public about the allegations in order to honour the victims who had been traumatised, ensure transparency in the community and invite other victims to come forward.¹⁶⁴⁰

On 19 October 2010, Bishop Farran emailed each of his predecessors – Bishop Holland, Bishop Appleby and Bishop Herft – to notify them about Father Rushton. He explained to each bishop, 'I think there were other clergy involved with these allegations; there may have been an organised group who met in the Wallsend Rectory on Sunday evenings'.¹⁶⁴¹

All disclaimed any prior knowledge of allegations of child sexual abuse against Father Rushton.

In a 20 October 2010 email, Bishop Holland told Bishop Farran:

It has quite taken 'the wind out of my sails' because Rushton was a punctilious priest, known and respected widely throughout the diocese, and popular among his fellow priests. I have, hitherto, had a sense of pride that the diocese seemed to have a clean sheet about abuse, unlike other places.¹⁶⁴²

In a 21 October 2010 email to Bishop Farran, Bishop Appleby denied knowing of an organised group that operated out of the Wallsend rectory, stating:

You mention that you think other clergy may have been involved and that there may have been an organised group at the Wallsend rectory on Sunday evenings. I can assure you that I have absolutely no knowledge or [sic] either other clergy or such a group.¹⁶⁴³

In a 22 October 2010 letter to Bishop Farran, Bishop Herft did not disclose that he had any knowledge of allegations of child sexual abuse by Father Rushton but noted that he had previously sought to discipline Father Rushton for 'conduct unbecoming of a clergyperson', recalling that:

at least on one occasion I sought to have his licence removed on the basis that he was found in possession of adult pornographic material ...

...

All of these matters should be in the separate records kept concerning matters of conduct unbecoming of clergy in the safe in the diocese.¹⁶⁴⁴

Based on the evidence detailed in sections 3.5 to 3.9 above, we find that Bishop Holland was on a number of occasions made aware of allegations that Father Rushton had sexually abused children during the period of Bishop Holland's episcopate from 1978 to 1992. We are satisfied that Bishop Holland's representation to Bishop Farran that he had no prior knowledge of Father Rushton's offending was not correct.

As set out at section 4.6 above, in his oral evidence to the Royal Commission Bishop Herft also conceded that he was made aware of all of the complaints comprising the yellow envelope documents – including those in relation to Father Rushton – during his tenure as bishop. We are satisfied that Bishop Herft sought to convey to Bishop Farran that he had no prior knowledge of allegations that Father Rushton had sexually abused children. That representation was not correct.

Bishop Farran said that he formed the view, based upon what survivor CKV told him, that other priests operated together with Father Rushton to sexually abuse children.¹⁶⁴⁵

Bishop Farran gave evidence that some people in the Diocese were 'furious' with him for publishing the media release and that he experienced repercussions because of it.¹⁶⁴⁶ Reverend Dyer also gave evidence of being ostracised within the Diocese following his attempts to bring the allegations against Father Rushton to light.¹⁶⁴⁷ These repercussions are discussed in further detail later in section 5.10 of the report.

5.7 Early challenges to the professional standards framework

The John Gumbley and COJ matters

The new professional standards framework was utilised for only the second time¹⁶⁴⁸ in 2009, when allegations of adult sexual misconduct were made against two popular members of the clergy: Father John Gumbley and COJ.¹⁶⁴⁹ Bishop Farran suspended Father Gumbley on 15 September 2009 and COJ on 21 September 2009.¹⁶⁵⁰ In both cases, the Professional Standards Board heard the charges and found the complaints sustained. The board recommended that Father Gumbley be deposed from Holy Orders.¹⁶⁵¹

Ultimately, on 7 May 2010, Bishop Farran deposed Mr Gumbley from Holy Orders.¹⁶⁵² COJ was suspended for around 10 months.¹⁶⁵³

Some parishioners and certain members of the diocesan council voiced strong criticism about the conduct of these cases.¹⁶⁵⁴ Among other matters, concerns were raised about the costs of the investigations, delays in finalising the matters and the use of 'illegally' obtained computer diaries in the Gumbley matter.¹⁶⁵⁵

Mr Rosser QC, then the chancellor of the Diocese, was particularly vocal in his criticisms. Bishop Farran identified Mr Rosser QC as a key critic.¹⁶⁵⁶ Mr Rosser QC expressed particular concerns about the delay in finalising the COJ and Gumbley matters,¹⁶⁵⁷ what he perceived to be an unreasonable refusal to provide information,¹⁶⁵⁸ the use of ‘apparently unlawfully obtained’ computer material in the matter of Mr Gumbley,¹⁶⁵⁹ expenditure,¹⁶⁶⁰ and the professional standards director, Mr Michael Elliott, allegedly giving directions which he was not empowered to give.¹⁶⁶¹

Mr Spring, the chair of the Professional Standards Committee, said that during the Gumbley matter ‘the then Chancellor, Mr Rosser QC, continually and aggressively harassed the PSC and the Director’.¹⁶⁶² He said that Mr Rosser QC and some diocesan council members were unhappy about the board’s recommendation in the Gumbley matter.¹⁶⁶³

Mr Colin Elliott, the then president of the Professional Standards Board, also gave evidence that there was a lot of criticism of how the committee and the board had handled the Gumbley matter.¹⁶⁶⁴

Mr Michael Elliott said that, after Mr Gumbley was deposed from Holy Orders, Mr Gumbley embarked on a campaign to discredit him and others involved in the professional standards process.¹⁶⁶⁵ A number of people, including Mr Rosser QC, questioned the validity of Mr Michael Elliott’s appointment as professional standards director.¹⁶⁶⁶ In oral evidence, Mr Rosser QC conceded that this step ‘was probably too far’.¹⁶⁶⁷ The diocesan council eventually found that Mr Michael Elliott had been validly appointed.¹⁶⁶⁸

On 27 May 2010, Mr Rosser QC proposed a notice of motion for the diocesan council that requested the bishop to direct the Professional Standards Committee to provide the council with certain information about the Gumbley and COJ matters, as well as details of the contractual arrangements between Professional Standards Committee and the professional standards director.¹⁶⁶⁹ According to Mr Rosser QC, this motion was intended to ‘put in place some oversight’ of the professional standards processes.¹⁶⁷⁰

At that time, Mr Rosser QC was the chancellor, meaning that he was the bishop’s adviser. Bishop Farran gave evidence that at no time did he instruct Mr Rosser QC to propose this motion.¹⁶⁷¹ Bishop Farran was ‘troubled by his forcefulness’¹⁶⁷² and, in an email, warned Mr Rosser QC against appearing ‘as an activist in your own right’.¹⁶⁷³

In oral evidence Mr Rosser QC confirmed he had not been instructed by Bishop Farran to put such a motion.¹⁶⁷⁴ He agreed that it was ‘perhaps not’ appropriate that he as chancellor proposed the motion and it ‘might have’ been prudent for someone else to put the motion.¹⁶⁷⁵

It was not appropriate for Mr Rosser QC, as the chancellor of the Diocese, to propose motions relating to the Professional Standards Committee without instructions to do so from the bishop. In doing so, Mr Rosser QC exceeded the proper role of chancellor, which was to advise the bishop when advice is requested.

We reject Mr Rosser QC's submission that his actions were justified by the fact that he was on a diocesan council subcommittee charged with reviewing the guidelines on the professional standards process.¹⁶⁷⁶ The briefing note he wrote in support of the motion was expressed in the first person and signed as 'Chancellor'.¹⁶⁷⁷ His appointment to the subcommittee did not compel him to propose motions. The subcommittee was formed to 'report' to the diocesan council, not to move motions.¹⁶⁷⁸

Also at the 27 May 2010 meeting, on Bishop Farran's motion, the diocesan council resolved to appoint an external person, Professor Patrick Parkinson, to review the processes undertaken in 2009 and 2010 in relation to Mr Gumbley and COJ.¹⁶⁷⁹ On this basis, Mr Rosser QC withdrew his proposed motion.¹⁶⁸⁰

In the meantime, in August 2010, a meeting was held at COJ's parish in Cooks Hill. The purpose of the meeting was to provide restorative justice and to 'clear the air'. The diocesan advocate who had prosecuted the matter before the board outlined the complaints against COJ in a great amount of detail.¹⁶⁸¹ This attracted a significant amount of criticism, and Bishop Farran said that the meeting was 'terrible' and 'really damaged' the professional standards framework.¹⁶⁸²

Professor Parkinson found, as a result of his review, that the matter relating to Mr Gumbley was 'handled appropriately overall' and that 'a person who engaged in the behaviour complained of would not be allowed to remain a licensed minister in any other denomination in the Christian Church'.¹⁶⁸³

In relation to COJ, Professor Parkinson found that suspension was not warranted¹⁶⁸⁴ and that the investigation of that matter 'ranged too widely, for too long, and at too great an expense to the Diocese'.¹⁶⁸⁵ However, Professor Parkinson also found that the length of time and expense incurred was because of COJ's actions during the investigation.¹⁶⁸⁶

Professor Parkinson made some recommendations about the future conduct of professional standards matters,¹⁶⁸⁷ which were tabled at the 30 September 2010 meeting of the diocesan council.¹⁶⁸⁸ Of note, Professor Parkinson made no finding that the professional standards process had operated in a procedurally unfair way. He was not critical of the professional standards framework.¹⁶⁸⁹

5.8 2010 amendments to the Professional Standards Ordinance 2005 and challenges to the professional standards director

In August 2010, while Professor Parkinson was undertaking his review of the Gumbley and COJ matters, the diocesan council appointed a committee comprising Mr Rosser QC, Canon Stephen Williams and Mr Cleary to review the professional standards processes.¹⁶⁹⁰

On 31 August 2010, Mr Rosser QC emailed Assistant Bishop Stuart and Mr Cleary a lengthy set of draft amendments to the Professional Standards Ordinance 2005.¹⁶⁹¹ Mr Rosser QC told us that the proposed amendments came about following consideration by the review committee comprising himself, Assistant Bishop Stuart and Mr Cleary, and consultation with members of diocesan council.¹⁶⁹² The amendments were in response to issues that emerged in the Gumbley and COJ matters.¹⁶⁹³

The very large number of proposed amendments included limiting the Professional Standards Committee's expenditure; providing for complaints to be made against the professional standards director and members of the Professional Standards Committee; the introduction of a 'show cause' procedure where a priest had been suspended; the interposition of a 'show cause' procedure between the board's recommendation and the implementation of that recommendation by the bishop; and the introduction of a new Part 12 to provide for a review of a decision of the board before the bishop was required to make a decision.¹⁶⁹⁴

Mr Cleary gave evidence that, in his view, in general the proposed amendments weakened the Professional Standards Ordinance 2005.¹⁶⁹⁵ Mr Cleary stated that he considered that this was symptomatic of a 'pro-respondent culture' in the Diocese, with no apparent consideration for victims.¹⁶⁹⁶ In oral evidence, Mr Rosser QC said that 'ideally' he should not have been on the drafting committee and instead should have advised the bishop on dealing with the recommendations.¹⁶⁹⁷ This concession is clearly correct.

Not all of Mr Rosser QC's amendments were eventually considered by the diocesan council. In a meeting in early to mid-September 2010 with Mr Rosser QC, Assistant Bishop Stuart, Bishop Farran and Mr Cleary, a number of amendments were made to Mr Rosser QC's proposals.¹⁶⁹⁸

The final version considered by the diocesan council contained the Part 12 review procedure but did not contain the other amendments that Mr Rosser QC initially proposed.¹⁶⁹⁹ The grounds for review were set out in clause 83 of the ordinance and included a breach of the rules of natural justice, lack of jurisdiction and the availability of fresh and compelling evidence.¹⁷⁰⁰ The General Synod's model ordinance also had a review facility.

Mr Rosser QC gave evidence that these revisions to the proposed amendments came about as a result of a meeting he had in early to mid-September 2010 with Assistant Bishop Stuart, Bishop Farran, Mr Cleary and perhaps Canon Williams.¹⁷⁰¹ Mr Rosser QC gave evidence that there was ‘no consensus about other matters’, which were ‘put in the too hard basket’.¹⁷⁰²

The revised amendments to the Professional Standards Ordinance 2005 were duly passed by the diocesan council at a meeting on 30 September 2010.¹⁷⁰³ At that time, the diocesan council had delegated power to pass amendments itself under the Synod (Delegation of Powers) Ordinance 2009.¹⁷⁰⁴

Mr Rosser QC gave evidence that there was a groundswell of concern about the professional standards framework that ‘infected the whole process’. It contributed to a division within the Diocese.¹⁷⁰⁵

[REDACTED]

5.9 CKH’s complaint

Mr Lawrence’s influence in the Diocese

Many witnesses, including Bishop Herft, Bishop Farran, Reverend Colvin Ford, Reverend Rod Bower, Bishop George Browning, Reverend Dyer, Bishop Appleby, CKH and Mr Mitchell, identified Mr Lawrence as a person with considerable influence and power in the Diocese.¹⁷⁰⁶ Bishop Farran said Mr Lawrence had been described as ‘the most influential priest in the Diocese of Newcastle for over 25 years’.¹⁷⁰⁷ He said:

[Mr Lawrence] is a very charismatic person, has a very strong personality, he’s tall – and I guess all of these things kind of go into a leadership profile. Very articulate, good verbal fluency. Strong – strong willed. Able to withstand – stare down people.¹⁷⁰⁸

Bishop Herft said of Mr Lawrence:

he had huge influence in many parts of the diocese. He had been there from I think the early ’80s and so a lot of the clergy knew him quite personally. There was a sense in which, at meetings when he spoke or at Synod when he spoke, people would take cognisance of what he said. He had a very strong influence in the community here in Newcastle.¹⁷⁰⁹

Mr Lawrence had a strong and loyal following in the Cathedral.¹⁷¹⁰ Bishop Farran said Mr Lawrence made people ‘dependent’ upon him.¹⁷¹¹

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Steps taken by the Diocese upon receipt of CKH's complaint

On 7 October 2009, CKH's 3 October 2009 complaint against [REDACTED] and others was forwarded to Mr Michael Elliott, the professional standards director,¹⁷⁷² who immediately reported it to the NSW Police ¹⁷⁷³

CKH stated that he was prompted to make his complaint after learning that [REDACTED] held a locum position in the diocese where his parents worshipped.¹⁷⁷⁴

In 2009:

- [REDACTED]
[REDACTED] still held a permission to officiate in the Diocese [REDACTED]
- Mr Hoare was the priest in charge in the Parish of Branxton Greta Lochinvar in the Diocese and resided in the 'Branxton Rectory'¹⁷⁷⁶
- Father Sturt was the rector of the Parish of Cardiff in the Diocese¹⁷⁷⁷
- Mr Duncan lived in Forster, which was in the Diocese, but did not hold a permission to officiate in the Diocese¹⁷⁷⁸
- Mr Goyette was involved with the Diocese as a lay person and not in the capacity of clergy.¹⁷⁷⁹

Bishop Farran acted quickly. Between about 9 and 13 October 2009, and pending an investigation, Bishop Farran withdrew [REDACTED] permission to officiate in the Diocese and stood down Mr Goyette, Mr Hoare and Father Sturt from their roles in the Diocese.¹⁷⁸⁰

[REDACTED]

[REDACTED]

Bishop Farran also wrote to the Bishop of Bendigo since Mr Hoare had been offered employment there. Bishop Farran advised that Mr Hoare's licence had been suspended due to allegations of inappropriate behaviour. The offer of employment to Mr Hoare was withdrawn.¹⁷⁸²

On 26 October 2009, Mr Michael Elliott was informed by the NSW Police that they were investigating the matter. The NSW Police requested that the Diocese suspend its professional standards investigation during the police investigation. The Diocese did so.¹⁷⁸³

Some months later, on 2 August 2010, the police advised the Diocese that no charges would be laid and that the Diocese was free to commence its own investigation.¹⁷⁸⁴

On or around 5 August 2010, the diocesan Professional Standards Committee authorised further investigation of CKH's complaint.¹⁷⁸⁵ Mr Michael Elliott wrote to all five respondents in similar terms advising them that the Diocese would conduct an investigation. He outlined the allegations that had been made and sought an initial response from each of them.¹⁷⁸⁶

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

It is worth noting that Mr Lawrence played a pivotal role in the pre-professional standards disciplinary framework in the Diocese. He was a member of the board of enquiry, which was somewhat akin to the Professional Standards Committee, between 1993 and 1997. He was also a member of the Panel of Triers from 1996 to 2001 and from 2005 to 2007,¹⁷⁸⁹ from which members could be selected to sit on a diocesan tribunal.

Mr Lawrence had also played a role at the national level of the Church. He was a member of the General Synod of the Church from 1978 to 2008 and also held a position on the Standing Committee of the General Synod.¹⁷⁹⁰ The General Synod was responsible for the introduction of the national model professional standards ordinance.¹⁷⁹¹ He was involved for a short period of time in a subcommittee developing the model professional standards ordinance. During this time, he supported the initiative to introduce the model professional standards ordinance.¹⁷⁹²

Mr Lawrence occupied key positions in the early disciplinary framework in the Diocese and was involved at a national level in developing the model professional standards framework that the Diocese then implemented. [REDACTED]
[REDACTED]

Throughout August and September 2010, Mr Michael Elliott conducted his investigation of CKH's complaint. On 19 October 2010, he sought advice from barrister Mr Garth Blake SC as to whether there was a sufficient case to proceed to a Professional Standards Board hearing in respect of each of the five respondents.¹⁷⁹³ Mr Blake SC was, and still is, the chair of the Church Professional Standards Commission and was one of the architects of the national model professional standards ordinance.¹⁷⁹⁴

On 19 October 2010, Mr Blake SC advised that there was a reasonable prospect that the Professional Standards Board would regard the conduct as sufficiently serious to bear upon the fitness of [REDACTED] Father Sturt, Mr Duncan and Mr Hoare to continue in the ministry and of the fitness of Mr Goyette to hold an office or position of responsibility in the Church.¹⁷⁹⁵ Mr Michael Elliott referred this advice to the Professional Standards Committee. On 28 October 2010, the committee unanimously referred the matter to the Professional Standards Board.¹⁷⁹⁶

Professional Standards Board hearings of CKH's complaint

In December 2010, the Professional Standards Board conducted public hearings on the allegations against [REDACTED] Father Sturt, Mr Goyette and Mr Duncan.¹⁷⁹⁷ Mr Colin Elliott, the president of the Professional Standards Board, presided.¹⁷⁹⁸ Initially, the matter could not proceed against Mr Hoare due to the Supreme Court case commenced by [REDACTED] Mr Sturt on 15 December 2010, discussed below.¹⁷⁹⁹ Following the decision of the Supreme Court in April 2012, the matter against Mr Hoare commenced on 4 July 2012.

Except for procedural requests, the respondents – save for Father Sturt – all elected not to participate in the hearings.¹⁸⁰⁰ [REDACTED]
[REDACTED]
[REDACTED]

[REDACTED] Father Sturt participated through counsel to a limited extent, seeking for the matter to be heard in private and withdrawing when that application was declined.¹⁸⁰³

Mr Michael Elliott told us that each of the respondents was offered the opportunity to appear at the hearing and 'significant opportunity' to place material before the board.¹⁸⁰⁴ The Supreme Court of New South Wales also found in its later judgment on this issue that 'ample opportunity had been afforded to the plaintiffs' to provide their version of events.¹⁸⁰⁵

Mr Duncan said in a statement that he sought an adjournment of the proceeding in December 2010, which was not granted.¹⁸⁰⁶ He referred to his concerns regarding ‘the lack of procedural fairness’ and ‘the inadequacy of the brief and the unfairness of the process’, although he did not seek to explain why this was so.¹⁸⁰⁷

On 15 December 2010, the Professional Standards Board found that the allegations were sustained against [REDACTED], Father Sturt, Mr Duncan and Mr Goyette.¹⁸⁰⁸ The board recommended that the clergy be deposed from Holy Orders¹⁸⁰⁹ and that Mr Goyette be permanently banned from holding any position within the Diocese.¹⁸¹⁰

The same day, the Professional Standards Board announced these findings publicly at the hearings.¹⁸¹¹ Bishop Farran first heard the board’s determinations on 15 December 2010 on the car radio after they were announced on the local news.¹⁸¹²

According to Mr Michael Elliott, while the public announcement of the board’s determinations before advising Bishop Farran made Bishop Farran unhappy it was in accordance with the Professional Standards Ordinance 2005.¹⁸¹³

On 24 January 2011, Bishop Farran wrote to the president of the Professional Standards Board, Mr Colin Elliott, advising that his decision to release the board’s determinations publicly before advising him placed him in an ‘unnecessary and unfortunate pressured environment’.¹⁸¹⁴

Mr Colin Elliott replied to Bishop Farran on 27 January 2011. He rejected the bishop’s suggestion that determinations should be conveyed to the bishop privately, on the basis that this would damage the perceived independence of the board.¹⁸¹⁵

Supreme Court challenge launched by [REDACTED] Mr Sturt in December 2010

The day after the Professional Standards Board rendered its decision and recommendations, [REDACTED] Father Sturt commenced proceedings in the Supreme Court of New South Wales alleging that the professional standards regime was invalid and unfair in its application to them. They asserted that a diocesan tribunal process was required.¹⁸¹⁶ They sought to quash the recommendations of the board, permanently restrain Bishop Farran from giving effect to the board’s recommendations, and restrain any other diocesan tribunal from hearing and determining the complaints against them.¹⁸¹⁷

Some members of the Diocese contributed to a ‘fighting fund’ to assist [REDACTED] Father Sturt in funding the Supreme Court litigation. One of those people was Mr Caddies.¹⁸¹⁸

Mr Michael Elliott gave evidence that the Diocese could not proceed with finalising any disciplinary action against [REDACTED] Mr Goyette, Mr Duncan or Father Sturt, and could not proceed with the hearing against Mr Hoare, while the Supreme Court action was on foot.¹⁸¹⁹

The Supreme Court dismissed this action on 27 April 2012.¹⁸²⁰ The court found that the professional standards regime was valid under the Church's Constitution¹⁸²¹ and that [REDACTED] Father Sturt had not been denied procedural fairness.¹⁸²² The presiding Justice, Sackar J, relevantly said:

[REDACTED] Mr Sturt's solicitor gave advice to both plaintiffs and as a result they made an informed decision not to participate in the case of [REDACTED] at all, and in the case of Father Sturt, potentially to participate in some ways, subject to whether the PSB resolved to hear the matter in camera. I find it difficult to accept that in the circumstances they were denied a reasonable opportunity to be heard. ... I see nothing untoward in the approach adopted by the PSB. They evaluated the evidentiary materials as in my view they were entitled to do. The material before them clearly permitted them to reach the conclusions that they did.¹⁸²³

Mr Blake SC, who acted for the Diocese in the Supreme Court action, gave evidence that a consequence of the Supreme Court's decision was that the provisions of the Professional Standards Ordinance (both at a national level and in Newcastle) are valid in relation to the Professional Standards Board and in relation to the requirement that a respondent to a complaint truthfully answer any question put by the Professional Standards Committee.¹⁸²⁴

5.10 Complaints against Bishop Farran

In the meantime, in the period from late 2009, parishioner dissent against Bishop Farran grew. Bishop Farran told us that on 26 February 2011 Archbishop Phillip Aspinall, who was then Primate of the Church, telephoned him to advise him that a group of parishioners from the Newcastle Cathedral had requested a meeting with him to discuss their concerns about Bishop Farran's administration of the Diocese in regard to the professional standards regime.¹⁸²⁵ This group included Mr Simon Adam, Mr Caddies, Mr Christopher McNaughton, Mr John McNaughton AM, Mr Geoff Orrock, Ms Lyn Scanlon and Mr Laurie Tabart.¹⁸²⁶

Bishop Farran said that he was surprised by this request but did not object to Archbishop Aspinall attending the meeting.¹⁸²⁷ Archbishop Aspinall met with the parishioners on 27 February 2011.¹⁸²⁸ At that meeting, they asked Archbishop Aspinall to relay to Bishop Farran that 'they had lost all confidence in [his] leadership' and felt that 'matters were so dire that there was no way to address the issues other than for him to resign'.¹⁸²⁹

Within a week of that telephone call, Archbishop Aspinall informed Bishop Farran that the group of parishioners had determined to force his resignation as Bishop of Newcastle.¹⁸³⁰ According to Bishop Farran, Archbishop Aspinall suggested to him that he retire early, as '[he] would be in for a very difficult time'.¹⁸³¹ Bishop Farran said he was very disquieted with Archbishop Aspinall's advice and thought that he had 'over-reached himself as Primate'.¹⁸³² Archbishop Aspinall's recollection is different. He said that he was not recommending to Bishop Farran that he should resign but 'was simply trying to offer [his] support ... in discerning a way forward and in managing the situation'.¹⁸³³

In the group's complaint to Archbishop Aspinall, a key issue was Bishop Farran's handling of the child sexual abuse matters. In particular, they complained that, by bringing the matter of Father Rushton's serial child sexual abuse to the attention of the media, Bishop Farran was bringing the Diocese into disrepute.¹⁸³⁴

On 14 June 2011, the group of parishioners sent a letter enclosing their complaint to the Episcopal Standards Commission, which is a Church body responsible for disciplining bishops of the Church.¹⁸³⁵ The substance of their complaint was that:

- Bishop Farran had intimidated and harassed [REDACTED] and prevented the diocesan council from fulfilling its role
- Bishop Farran had failed to act in accordance with the Diocese's Professional Standards Ordinance 2005
- Bishop Farran had brought the Diocese into disrepute with his media commentary on allegations of child sexual abuse perpetrated by Father Rushton¹⁸³⁶ and other matters before the Professional Standards Committee
- Bishop Farran had failed to properly administer the affairs of the Diocese.¹⁸³⁷

Similar complaints against Bishop Farran were separately made to the Episcopal Standards Commission by individual members of this group, including Mr Tabart and Mr Christopher McNaughton.¹⁸³⁸ Many of these people were members of the Cathedral congregation.¹⁸³⁹

Mr Caddies told us that he was part of the group of parishioners that made the complaint to the Episcopal Standards Commission.¹⁸⁴⁰ He agreed that two of the key matters that caused concern to that group were the public airing of Father Rushton's paedophilic activities [REDACTED].¹⁸⁴¹

With respect to the former, Mr Caddies said that the group was not concerned to keep those activities secret; rather, they wanted 'a proper way of doing it, rather than by ... [a] press release to various newspapers'.¹⁸⁴² Mr Caddies disagreed with the proposition that the series of complaints that this group made was an attempt to intimidate or punish Bishop Farran for the way he had acted [REDACTED].¹⁸⁴³ However, Mr Caddies agreed with the proposition that a good outcome of these complaints would have been the removal of Bishop Farran as bishop.¹⁸⁴⁴

Mr Caddies said that Bishop Farran should not have made the allegations against Father Rushton public without a ‘proper investigation’.¹⁸⁴⁵ However, he later conceded that he did not know what investigation the Diocese had in fact conducted.¹⁸⁴⁶

On 20 June 2011, Bishop Farran received a letter from the Episcopal Standards Commission, advising that it had received several complaints regarding his administration of the Diocese, including the complaints referred to above.¹⁸⁴⁷

During this period, members of this group of parishioners told reporters from the *Newcastle Herald* about their concerns. In an article published in June 2013, the *Newcastle Herald* reported that the parishioners had alleged that Bishop Farran was on an ‘anti-gay witch-hunt’.¹⁸⁴⁸

We are satisfied that, following Bishop Farran’s decision to make public the allegations that Father Rushton was a perpetrator of child sexual abuse and his decision to take interim measures against [REDACTED] others pending a disciplinary proceeding, Bishop Farran experienced a backlash from elements within the Diocese. This backlash included the making of complaints about Bishop Farran to the then Primate of the Church and the Episcopal Standards Commission.

5.11 Dysfunctional culture within the Diocese

Mr Michael Elliott gave evidence that within the Diocese there were groups of influential Church members who would launch reprisals against actions perceived to threaten the clergy.¹⁸⁴⁹ Mr Elliott told us that, in response to his work on professional standards, he believes he has been subject to isolation, bullying, under-resourcing and vandalism such as vehicle and tyre damage, washing being pulled from his home clothesline and his dog going missing.¹⁸⁵⁰ He had received harassing phone calls and text messages.¹⁸⁵¹

Bishop Farran said in oral evidence that there were ‘really big issues’ in the culture of the Diocese and pointed to a lack of professionalism in terms of supervision of the clergy; a ‘very paternalistic culture’ of ‘Father knows best’; and a strong culture of non-accountability, where people felt they could do what they wanted and the bishop should turn a blind eye.¹⁸⁵²

Bishop Farran also said that a limited number of people had long-term membership of various diocesan bodies over the years, and that created difficulties. He thought that it was ‘very difficult for people to challenge each other in those circumstances, because they had such lengthy and solid connections’.¹⁸⁵³

By January 2010, Bishop Farran had identified a serious problem within the culture of the Diocese. He retained organisational consultant Mr Stephen Ames to advise on the matter and seek to engender cultural change. In a 7 January 2010 email to Mr Ames, Bishop Farran stated:

We have had some significant and as yet unresolved Professional Standards issues involving prominent clergy ... there is a culture that needs addressing within the Diocese.

I particularly think of the influence of high profile clergy who have contributed to and even embodied this culture. Components of this culture that I think are regressive and disempowering are:

1. Secrecy
2. Gossip
3. Networking
4. Complaint
5. Negativity
6. Bitchiness
7. Face-saving
8. Exclusion

In combination these elements develop a sick and debilitating culture.¹⁸⁵⁴

In evidence Mr Lawrence said there was ‘some truth’ in this email, but some of it was exaggerated.¹⁸⁵⁵

Mr Cleary said that there was a ‘pro-respondent culture with no apparent consideration for the victims’.¹⁸⁵⁶ He said that the culture was so deeply ingrained in the Diocese that, barring external pressure, he did not consider that the Diocese could move beyond its ‘past practice of a pro-perpetrator culture’.¹⁸⁵⁷

Mr Cleary cited as examples of a ‘pro-respondent’ culture some of the changes to the Professional Standards Ordinance 2005 that Assistant Bishop Stuart proposed in 2012. He suggested that the inclusion of measures to ensure procedural fairness to respondents as examples of a regression to a pro-respondent culture.¹⁸⁵⁸ Assistant Bishop Stuart said it was not correct that he had sided with people who wanted to undermine the professional standards system and that Mr Cleary’s suggestion that he was making changes that were ‘respondent-driven’ was ‘completely unfair’.¹⁸⁵⁹

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

5.12 Resignation of Mr Rosser QC as chancellor

Tensions developed in 2010 between Bishop Farran and Mr Rosser QC, who had been appointed chancellor in 2009.

Mr Rosser QC said that the role of the chancellor is to act as the bishop's personal legal adviser. He accepted that this role required him to advise the bishop, any other people with the bishop's permission, or any other people as the bishop directs.¹⁸⁷⁵ Mr Rosser QC agreed in evidence that he perceived that the bishop did not want his advice about the professional standards framework, but he continued to provide the advice anyway.¹⁸⁷⁶

Bishop Farran gave evidence that he emailed Mr Rosser QC on around 2 September 2010 expressing concern that Mr Rosser QC was taking an 'activist role' in the diocesan council and was adopting an 'interrogatory' style.¹⁸⁷⁷ Mr Rosser QC agreed that at some point in the latter part of 2010 Bishop Farran said to him (either by email or otherwise), '[y]ou don't have an activist role, you're my Chancellor'.¹⁸⁷⁸

[REDACTED]

In around October 2010, Bishop Farran also raised with Mr Rosser QC the issue of a perceived 'conflict of interest' in Mr Rosser QC's representation of Brown in his various criminal proceedings while he was deputy chancellor and then chancellor.¹⁸⁸² In this regard, in 2010 Mr Rosser QC accepted the brief to appear on behalf of Brown, who was being prosecuted for a very large number of historical child sexual offences at a time when Brown was associated with the Diocese.¹⁸⁸³

That Mr Rosser QC acted as counsel for Brown at the same time as holding office as chancellor is probably not a true conflict of interest. However, we consider that performing these two separate roles at the same time could reasonably engender in the minds of members of the public and in the minds of survivors of Brown's abuse that it was the Diocese, and not Mr Rosser QC the private individual, who was defending Brown.

Ultimately, Mr Rosser QC accepted during oral evidence that holding the position of chancellor and continuing to act for a person who was accused of sexual abuse while a Church worker in the Diocese would cause an informed and reasonable member of the community to perceive a 'conflict of interest'.¹⁸⁸⁴

Mr Rosser QC asserted that he was obliged to accept the brief because of the 'cab rank' rule.¹⁸⁸⁵ This demonstrates a misunderstanding of the rule. He was not obliged to act where there were sound reasons for not doing so. We are satisfied that, in accepting the brief to appear for Brown in 2010, Mr Rosser QC showed poor judgment.

On 26 November 2010, Mr Rosser QC resigned as chancellor.¹⁸⁸⁶ In a 16 December 2010 email to Bishop Farran, Mr Rosser QC asserted that there was no conflict in him acting for Brown and also being the chancellor of the Diocese.¹⁸⁸⁷

Despite the issue of a perceived ‘conflict of interest’ being raised, after Mr Rosser QC resigned as chancellor he continued to act for Brown in his criminal proceedings and his sentencing hearing in 2012.¹⁸⁸⁸

5.13 Implementing the Professional Standard Board’s recommendations

Disciplinary process for Mr Hoare in July 2012

As noted above, the Supreme Court handed down its judgment in [REDACTED] Mr Sturt’s case on 27 April 2012. This cleared the way for the Professional Standards Board to proceed in relation to Mr Hoare.

On 4 July 2012, the Professional Standards Board held a hearing on the allegations against Mr Hoare. He declined to appear or put any evidence before the board.¹⁸⁸⁹ He said in his statement to the Royal Commission that he did not participate because he had no faith ‘in the system or the process which was to be instituted’ and no faith in Mr Michael Elliott.¹⁸⁹⁰

On 5 July 2012, the board upheld the allegations and recommended that Mr Hoare be deposed from Holy Orders.¹⁸⁹¹

Assistant Bishop Stuart who was commissary in July 2012 while Bishop Farran was on leave, gave evidence that Mr Colin Elliott ‘did use his best endeavours to advise [Assistant Bishop Stuart] promptly of its decision once it had been made and delivered’.¹⁸⁹²

[REDACTED]

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Bishop Farran's response to the Professional Standards Board's recommendations

Bishop Farran had been aware since the Professional Standards Board rendered its determinations in mid-December 2010 that it recommended that [REDACTED] Father Sturt and Mr Duncan be deposed from Holy Orders and that Mr Goyette be banned permanently from holding any lay ministry.¹⁸⁹⁵

On 27 April 2012, the Supreme Court had dismissed [REDACTED] Father Sturt's appeal proceedings.¹⁸⁹⁶ On 5 July 2012, the board made recommendations in the case of Mr Hoare.

Bishop Farran told us that at that time he understood that it was important to act quickly on the Professional Standards Board's recommendations in view of the delay caused by the lengthy processes undertaken since the initial recommendations in December 2010.¹⁸⁹⁷

However, it was not until 10 September 2012 that Bishop Farran deposed [REDACTED] Mr Duncan and Mr Hoare from Holy Orders and permanently prohibited Mr Goyette from performing any official function in the Church.¹⁸⁹ Bishop Farran met with Father Sturt in person to advise that he was prohibited from exercising ordained ministry for five years.¹⁸⁹⁹

Mr Michael Elliott gave evidence that 'there seemed to be a significant delay ... I thought that he [Bishop Farran] should have been ready to act immediately that decision [of the Supreme Court] was handed down'.¹⁹⁰⁰ CKH also expressed concern about the delay.¹⁹⁰¹

We accept that Bishop Farran received advice from his chancellor, the Hon. Justice Peter Young QC, that, before taking action in response to the 27 April 2012 decision, it would be prudent to wait to see if [REDACTED] Mr Sturt filed an appeal. Bishop Farran told us that he understood that an appeal may be lodged at any time within a 28-day period of a decision, until about 27 May 2012.¹⁹⁰²

We also accept that Bishop Farran considered that it was not appropriate for him to take action on the matter while the complaints against him were still on foot before the Episcopal Standards Commission. He considered that the people who had made the complaints were 'extremely litigious' and he feared that, if he took action which might give rise to further action, he could be extending the process for an indefinite period.¹⁹⁰³

In June 2012, when Bishop Farran was on long service leave, the Episcopal Standards Commission notified him that it was not proceeding with any of the complaints against him.¹⁹⁰⁴ Bishop Farran said that he then 'felt [he] could consider the recommendations of the Professional Standards Board'.¹⁹⁰⁵

Bishop Farran said that, upon his return from leave on 18 July 2012, he wrote to the respondents offering them the opportunity to make submissions about what action he should take, and they should make these submissions by 20 August 2012. [REDACTED]

We are satisfied that Bishop Farran did not unreasonably delay in taking action on the Professional Standards Board's recommendations. To the extent that there was a delay, Bishop Farran had taken adequate interim steps in suspending the licences of the clergy involved to minimise any risk those persons posed to children and other vulnerable Church members.

While there were reasons for the delay in taking action, we consider it is also clear that Bishop Farran equivocated about what to do following the Professional Standards Board's recommendations. On 27 August 2012, Mr Cleary had a conversation with Bishop Farran about Bishop Farran's proposed response to the recommendations. Mr Cleary gave evidence that Bishop Farran told him that implementing the recommendations of the board would be 'catastrophic' for the Diocese and that he had to care for the Diocese.¹⁹⁰⁷

Mr Michael Elliott gave evidence that in around late August 2012 Mr Cleary told him that the bishop was not going to implement the recommendations of the board and would instead suspend the respondents' ministry for a period of time.¹⁹⁰⁸

Further, Mr Michael Elliott agreed in oral evidence that, from as early as October 2009, a group of parishioners based at the Cathedral came out strongly and publicly in favour of [REDACTED].¹⁹⁰⁹ He also agreed that there was a group, made up of prominent people within the Diocese, publicly advocating for [REDACTED] and seeking to exert their influence in favour of him in the period where Bishop Farran was considering his response to the board recommendations.¹⁹¹⁰ Mr Michael Elliott gave evidence that he observed that group in fact 'mak[ing] things difficult' for Bishop Farran following the decision to depose [REDACTED].¹⁹¹¹

Assistant Bishop Stuart gave evidence that he became aware in August 2012 that Bishop Farran had reservations about following the Professional Standards Board's recommendations and that Bishop Farran was concerned about the impact on the Cathedral and the city of deposing someone of [REDACTED] standing.¹⁹¹² Assistant Bishop Stuart said that he thought the board's recommendations should be followed.¹⁹¹³

Bishop Farran agreed in evidence that he was originally minded not to follow the board's recommendations.¹⁹¹⁴ He said he 'agonised' about what to do and was concerned about what impact defrocking [REDACTED] would have upon his parishioners in view of the sacraments he had performed, such as marrying them and baptising them.¹⁹¹⁵

According to a contemporaneous file note prepared by Mr Cleary, Bishop Farran told him on 23 August 2012 that acting on the recommendations would be 'catastrophic' for the Diocese. He said that [REDACTED] 'networks' and 'sphere of influence' within the Diocese were extremely large and that he was 'somewhat intimidated' by [REDACTED]. Bishop Farran

also expressed concern for ‘tertiary victims’.¹⁹¹⁶ Bishop Farran agreed these aspects of the file note were accurate, but he explained that the reference to intimidation was a reference to a time when he was young and sharing accommodation with [REDACTED] in Griffith.¹⁹¹⁷

Mr Cleary said that on 23 August 2012 he told Bishop Farran that he was not prepared to work with him to give effect to any decision that did not give effect to the board’s recommendations.¹⁹¹⁸ Mr Cleary said that, as a result, Bishop Farran stood him down for a short period of time and appointed Assistant Bishop Stuart temporarily to his role as diocesan registrar so that Assistant Bishop Stuart could sign Bishop Farran’s orders, which would impose disciplinary action that differed from the board’s recommendations.¹⁹¹⁹

Bishop Farran denied that he was intimidated by [REDACTED]¹⁹²⁰ and denied that he was influenced by his friendship with [REDACTED].¹⁹²¹

CKH also gave evidence that he became concerned about Bishop Farran’s apparent delay in taking action on the board’s recommendations.¹⁹²² CKH sent a letter to Bishop Farran in August 2012, asking him to make a decision.¹⁹²³ In that letter, CKH expressed his and his family’s frustration at the length of time that had elapsed without a decision.¹⁹²⁴

Mr Michael Elliott gave evidence that in early September 2012 Bishop Farran asked him for the contact details of CKH. Mr Elliott said that Mr Cleary had told him that the bishop wanted to meet with CKH and that Mr Michael Elliott offered to arrange that appointment.¹⁹²⁵ Mr Michael Elliott also gave evidence that Bishop Farran did not initially invite him to attend that appointment,¹⁹²⁶ but Mr Elliott and CKH insisted he attend.¹⁹²⁷ Bishop Farran said that he sought Mr Elliott’s assistance with arranging the appointment with CKH and never intended to cut Mr Elliott out of the process.¹⁹²⁸

In any event, Bishop Farran and Mr Michael Elliott attended a meeting with CKH in his home town on 7 September 2012.¹⁹²⁹ During that meeting, Bishop Farran told CKH that he intended to depose Mr Duncan and Mr Hoare from Holy Orders but not [REDACTED] Father Sturt. He told CKH, in the presence of Mr Michael Elliott, that this was because of his pastoral duty to parishioners¹⁹³⁰ and that it would upset the parishioners to depose [REDACTED] Mr Sturt.¹⁹³¹

CKH was distressed and angry and recounted the effect that [REDACTED] had had on his life and the power that [REDACTED] had misused with him. Bishop Farran said he found this a ‘very moving experience’ and determined that he would defrock [REDACTED].¹⁹³²

On 10 September 2012, Bishop Farran deposed [REDACTED] Mr Hoare and suspended Father Sturt’s licence to minister for five years.¹⁹³³ Mr Duncan complied with a request to relinquish his Holy Orders on 6 August 2012, and no further disciplinary action was taken against him.¹⁹³⁴ Bishop Farran permanently banned Mr Goyette from holding any lay office. In announcing this decision, Bishop Farran also acknowledged the distress suffered by CKH and his family.¹⁹³⁵

Bishop Farran's decision to suspend Father Sturt from ministry for five years departed from the recommendation of the board.¹⁹³⁶ A document prepared by Bishop Farran at around this time indicates that the reasons for this included that Father Sturt's improper conduct was of a lesser degree and that the loss of his stipendiary position would have an impact on him (all the other clergy had previously retired).¹⁹³⁷

5.14 Risk management of [REDACTED]

Following completion of their disciplinary processes on 10 September 2012, [REDACTED] became parishioners at [REDACTED]. The rector of [REDACTED] was, and still is, Reverend [REDACTED].

On 17 September 2012, at the instigation of Mr Michael Elliott, Bishop Farran wrote to Reverend [REDACTED] outlining the risk management expectations in respect of [REDACTED].¹⁹³⁹ However, no formal risk management was put in place at that time.¹⁹⁴⁰ Mr Michael Elliott gave evidence that he 'made significant efforts to ensure there was risk management put in place', but he was not successful at that stage.¹⁹⁴¹

Reverend [REDACTED] was not called to give oral evidence. In a statement to the Royal Commission, he said that Bishop Farran advised him of the adverse finding against [REDACTED] in 2012. He stated that, despite no formal order being in place, he agreed to supervise [REDACTED] and that [REDACTED] complied.¹⁹⁴² In response to questioning from counsel for Reverend [REDACTED], Mr Michael Elliott accepted that Reverend [REDACTED] had advised Mr Michael Elliott and Bishop Thompson in May 2014 that, since 2012, he had had his own informal management in place and he let [REDACTED] be involved in certain activities at the parish.¹⁹⁴³

Mr Michael Elliott also accepted that before September 2013 there was no formal mechanism in the Diocese to force a parishioner to sign a risk management agreement or to ensure compliance, but he noted that this was not necessarily a requirement in order for the priest to enact risk management.¹⁹⁴⁴ While the Professional Standards Commission produced its guidelines on parish safety and risk management in 2009,¹⁹⁴⁵ it was not until 2013 that the Diocese implemented a parish safety policy.¹⁹⁴⁶ This is discussed in further detail in section 6.4 of this report.

Further discussion of the risk management steps taken in respect of [REDACTED] the others is set out below at section 7.7.

5.15 Changes to the Professional Standards Ordinance in 2012

In October 2011, the diocesan synod requested the diocesan council to once again review the professional standards regime.¹⁹⁴⁷ Assistant Bishop Stuart said that this review was put on hold pending the outcome of the Supreme Court's decision in the [REDACTED] Sturt matter.¹⁹⁴⁸

At a special meeting of the diocesan council on 13 August 2012,¹⁹⁴⁹ an Ordinance Preparation Working Group was appointed, comprising deputy chancellor Mr Chris Armitage, the Venerable Arthur Copeman and Canon Williams (the Task Group). Mr Spring, the chair of the Professional Standards Committee, was invited to and attended that meeting. Mr Michael Elliott gave evidence that he was not invited to attend.¹⁹⁵⁰

Mr Cleary gave evidence that he was not involved in the drafting process in 2012, as it was his view that there was no need to amend the Professional Standards Ordinance.¹⁹⁵¹ Mr Cleary considered that the problem with professional standards lay with respondents not accepting the decisions of the Professional Standards Board and with the culture of the Diocese¹⁹⁵² and that the Supreme Court decision on 27 April 2012 dismissing [REDACTED] Mr Sturt's claim was a validation of the existing professional standards framework.¹⁹⁵³

Based on the issues identified at the 13 August 2012 special meeting, Assistant Bishop Stuart subsequently drafted amendments to the Professional Standards Ordinance 2005 and Protocol and emailed them to the Task Group on 15 August 2012.¹⁹⁵⁴

The diocesan council considered the proposed amendments at its meeting on 23 August 2012.¹⁹⁵⁵

At the 23 August 2012 meeting, a Drafting Group was delegated authority to prepare relevant Bills for the synod.¹⁹⁵⁶ The council determined that the Drafting Group should consult with others, including Mr Michael Elliott, before the drafts were presented to synod and diocesan council.¹⁹⁵⁷ Although Assistant Bishop Stuart provided the relevant material to Mr Michael Elliott on 27 August 2012,¹⁹⁵⁸ both Mr Michael Elliott and Mr Colin Elliott considered they were not properly consulted.¹⁹⁵⁹ Further drafts were provided to the chancellor, the Hon. Justice Young AO QC, and deputy chancellor on 1 and 4 September 2012.¹⁹⁶⁰

At the diocesan synod on 27 and 28 October 2012, the Bills were adopted with some amendments and received the assent of Bishop Farran.¹⁹⁶¹ Assistant Bishop Stuart gave evidence that the constant stream of review and amendment meant there was no stability in the professional standards process.¹⁹⁶² We agree with this assessment.

Among other amendments, the Professional Standards Ordinance 2012 included a new section 77, which provided:

The Board shall announce its determination and recommendations in a sitting at which are present only representatives of the Bishop and the respondent and such other persons as the Bishop and the respondent agree should be present.¹⁹⁶³

The effect of this was that the complainant could be excluded and not be made aware at the time of the board's determination and recommendation to the bishop.

The amendments also included new sections 107 and 108, which had the combined effect that the board's determination (that is, its findings regarding the truth of the complaint) would be made public 60 days after the board's determination. However, the board's recommendation would never be made public.¹⁹⁶⁴ As a matter of practice this meant that, in taking action, the bishop could depart from the board's recommendation (as was his right under section 83(c))¹⁹⁶⁵ and no one but the respondent would know this.

Mr Michael Elliott and Mr Cleary gave evidence to the effect that section 77 made it possible for a bishop to decide privately not to implement the recommendation of the Professional Standards Board in circumstances where no one other than the bishop and respondent would know there had been such a departure ¹⁹⁶⁶ Mr Cleary said that, in his view, this was the Church being secretive and not transparent¹⁹⁶⁷ and imposing a framework that favoured respondents.¹⁹⁶⁸

Mr Michael Elliott considered that the section 77 amendment was 'catastrophic' because:

I felt it would be a significantly abusive process for a complainant who may be a victim of sexual abuse to have to seek the consent of their abuser to be present to hear the findings and recommendations of the case. I also thought that it didn't preserve the integrity of those proceedings and the transparency of the recommendation to the Bishop by virtue of the fact that the Bishop may not then follow the recommendation but no-one would know and I think that was the intent.¹⁹⁶⁹

Assistant Bishop Stuart agreed that section 77, when read with sections 107 and 108, undermined the transparency of the process.¹⁹⁷⁰

Mr Michael Elliott gave evidence that CKA withdrew his complaint because of the introduction of section 77.¹⁹⁷¹ CKA did not give evidence as to whether he withdrew a complaint for these reasons.

Mr Colin Elliott, the president of the Professional Standards Board, resigned on 4 December 2012.¹⁹⁷² In this resignation letter, and in other correspondence at that time,¹⁹⁷³ he stated that he had resigned due to his objections to the 2012 ordinance. He particularly objected to the inclusion of the new section 77. In his statement to the Royal Commission, Mr Colin Elliott said that the amendments ‘affected profoundly the transparency of hearings from beginning to end’.¹⁹⁷⁴

Bishop Farran gave evidence that he supported the amendments to the 2012 ordinance at the time, as they enabled him to be notified of a Professional Standards Board’s decision before it was released to the media.¹⁹⁷⁵ He said that at the time he did not understand that such amendments, particularly the new section 77, would have undermined the transparency and integrity of the board’s determinations and recommendations to the bishop.¹⁹⁷⁶

We are satisfied that the amendments to sections 77, 107 and 108 of the Professional Standards Ordinance made by the diocesan synod in October 2012 undermined the transparency and integrity of the professional standards framework.

As will be discussed in further detail in section 7.8 of this report, section 77 was repealed in 2015.

After the 23 August 2012 meeting, no further work was done in 2012 on the proposed revisions to the protocol to the ordinance.¹⁹⁷⁷ At its meeting in November 2012, the diocesan council deferred further consideration of the protocol.¹⁹⁷⁸ The protocol was considered again in 2013. Details of that process are set out below in section 6.3.

Consultation on professional standards policies

Mr Michael Elliott gave evidence that he was generally not invited to participate in the process of review of the professional standards framework and was sometimes invited on a ‘very limited’ and ‘tokenistic’ basis. He said this was ‘consistent throughout the entirety of [his] engagement’.¹⁹⁷⁹

Mr Cleary said in his statement to the Royal Commission that he could not understand why Mr Michael Elliott, as Director of Professional Standards, was not invited to attend the special diocesan council meeting on 13 August 2012 convened by Bishop Farran to consider amending the Professional Standards Ordinance and Protocol.¹⁹⁸⁰

Bishop Farran had emailed Mr Cleary on the morning of the 13 August 2012 meeting to say that, ‘as we agreed on Friday’, the presence of Mr Michael Elliott at the meeting could be ‘inflammatory’.¹⁹⁸¹ However, in his oral evidence, Mr Cleary said he believed this was a case of Bishop Farran telling him why Mr Michael Elliott was not invited to the meeting rather than

Mr Cleary and Bishop Farran having agreed this was the case. Mr Cleary said he did not know why Bishop Farran had not asked Mr Michael Elliott to attend, as the synod had asked for a full review of the ordinance and protocol.¹⁹⁸²

5.16 Concluding remarks

Upon becoming Bishop of Newcastle, Bishop Farran gradually became aware of the scope of the problem with child sexual abuse in the Diocese. He took steps in relation to the allegations of which he was made aware and adopted a proactive approach in managing them. He also provided appropriate care and pastoral assistance to survivors. For this, he experienced a considerable backlash.

Mr Michael Elliott, the professional standards director, and Mr Cleary, the diocesan business manager, provided appropriate support to survivors of child sexual abuse and assisted them with their claims of redress against the Diocese. Mr Michael Elliott played an instrumental role in uncovering the extent of the problem of child sexual abuse within the Diocese.

From 2009, a deep cultural division emerged in the Diocese which centred upon the professional standards processes applied to COJ, Mr Gumbley, [REDACTED] and others.

In particular, there was a faction of key diocesan office holders and a cohort of Cathedral parishioners who were critical of the professional standards processes in the Diocese. Members of this faction were deeply loyal to those in respect of whom complaints were made [REDACTED]. This loyalty appears to have been based on personal friendships and longstanding pastoral relationships.

Mr Rosser QC gave evidence that complaints and divisions over these matters were present in the Diocese by late 2009.¹⁹⁸³ Mr Rosser QC also gave evidence that this groundswell of concern continued while he was a part of the Diocese. He said it infected the professional standards process during that time and long after he had left the Diocese.¹⁹⁸⁴ Mr Michael Elliott gave evidence that he believed these concerns were ‘more than teething problems. I think it was a significant cultural issue that resulted in resistance to change’.¹⁹⁸⁵

There was also evidence that a narrative developed within the faction that, in pursuing [REDACTED] and his fellow four respondents, the Diocese was engaging in an ‘anti-gay witch-hunt’.¹⁹⁸⁶

The professional standards regime had been introduced into the Diocese in 2005; however, no culture supportive of that framework had embedded itself within the Diocese.

6 Institutional Response under Assistant Bishop Peter Stuart (December 2012 – February 2014)

6.1 Introduction

Before coming to the Diocese of Newcastle, Assistant Bishop Stuart held various clergy positions in the dioceses of Tasmania and Adelaide.¹⁹⁸⁷ In February 2009, he was appointed to the position of Assistant Bishop of Newcastle by Bishop Farran.¹⁹⁸⁸ He continued to serve in that role during Bishop Thompson's episcopate.¹⁹⁸⁹

Between 16 December 2012, when Bishop Farran retired, and 2 February 2014, when Bishop Thompson was enthroned, Assistant Bishop Stuart was the administrator of the Diocese.¹⁹⁹⁰ In this position he essentially exercised the functions of the bishop of the Diocese.¹⁹⁹¹ As administrator, he also held the roles of president of synod, chair of the diocesan council and chair of the corporate trustees, known as the Trustees of the Diocese of Newcastle.¹⁹⁹²

This section of the report:

- identifies the steps that Assistant Bishop Stuart took, in conjunction with Mr Cleary and Mr Michael Elliott, when Mr Allen revealed that past instances of child sexual abuse may not have been appropriately reported to the NSW Police
- provides an overview of key developments in the professional standards framework and associated policies during Assistant Bishop Stuart's tenure as administrator
- discusses the development and implementation of a risk management framework, known as the Safe Ministry Policy, in the Diocese in late 2013
- considers the risk management processes applied to [REDACTED] given their continued worship in the Diocese.

6.2 Mr Keith Allen's 2013 revelations about the Diocese's handling of child sexual abuse allegations

Mr Allen's disclosures

On 29 January 2013, soon after Assistant Bishop Stuart became administrator of the Diocese, Mr Allen initiated a meeting with him.¹⁹⁹³

During their meeting, Mr Allen outlined the Diocese's past practices around handling information about child sexual abuse, including the yellow envelope system. He also discussed the Diocese's handling of the Father Parker and Hatley Gray matters.¹⁹⁹⁴

Assistant Bishop Stuart said he was ‘deeply disturbed’ by what Mr Allen told him.¹⁹⁹⁵ He said this was the first time he became aware of the yellow envelopes.¹⁹⁹⁶

Later on 29 January 2013, Assistant Bishop Stuart met with Mr Michael Elliott and Mr Cleary to inform them of Mr Allen’s disclosures.¹⁹⁹⁷ Mr Elliott took a file note of the conversation.¹⁹⁹⁸ As recorded in that file note, at the meeting Mr Michael Elliott advised that the police and the Royal Commission should be notified of the allegations.

Counsel for Assistant Bishop Stuart put to Mr Allen that, by initiating the meeting with Assistant Bishop Stuart on 29 January 2013, disclosing significant information and then declining to assist the Diocese to further understand that information, he was ‘sounding out’ Assistant Bishop Stuart to see what his response would be and whether that response was one Mr Allen was willing to accept. Mr Allen did not accept that proposition.¹⁹⁹⁹

On 5 March 2013, Mr Allen initiated a meeting with Mr Cleary at which he disclosed substantially similar information as he had to Assistant Bishop Stuart on 29 January 2013.

Mr Cleary’s file note also records Mr Allen telling Mr Cleary that he was aware of a further incident of child sexual abuse perpetrated by Hatley Gray in addition to the offence for which he was convicted. Mr Cleary’s file note relevantly recorded:

Reverend Gray’s behaviour at the parish of Wyong was not isolated to the particular event relating to the current compensation claim. Mr Allen advised that he was aware of another event e.g. Where the Reverend Gray was quote ‘having sex with an underage male on top of a table with lamingtons on the table also.’ Mr Allen also recalls advising Mr John Woods (former Registrar of the Diocese) at the time of this matter and, as Mr John Woods, according to Mr Allen was ‘homophobic’ Mr Allen thought it was amusing to bring some lamingtons to that meeting.²⁰⁰⁰

Mr Allen agreed in oral evidence that he had brought lamingtons to the meeting with diocesan registrar as ‘part of a joke with the then Registrar’. He eventually conceded that this was in the context where he was aware that a child had been sexually assaulted next to lamingtons on a table.²⁰⁰¹ He accepted his humour was ‘really inappropriate’.²⁰⁰² We go further than this. His humour was disturbing and demonstrated a callous disregard for the child victim and a complete lack of insight into the gravity of child sexual assault.

Mr Cleary’s file note also records Mr Allen as saying that ‘Bishop Holland was aware of Reverend Gray’s conduct in the Diocese of Sydney prior to being a licenced priest in the Diocese of Newcastle’.²⁰⁰³

In oral evidence, Mr Allen accepted that he had previously discussed the matter with Bishop Holland.²⁰⁰⁴ (Bishop Holland disputed having any knowledge of child sexual abuse offences having been perpetrated by Hatley Gray.)²⁰⁰⁵

Reports to the police of Mr Allen's disclosures

On or about 12 March 2013, Mr Michael Elliott provided a copy of his 29 January file note concerning Mr Allen's disclosures to the police.²⁰⁰⁶

In a letter dated 19 March 2013, Assistant Bishop Stuart also disclosed to the NSW Police what Mr Allen had told him regarding the yellow envelope system. He said it was possible that some misconduct was illegal conduct and was not reported to police at the time.²⁰⁰⁷

We find that Assistant Bishop Stuart, Mr Michael Elliott and Mr Cleary acted appropriately in response to Mr Allen's disclosures in early 2013, including by referring the matters to the police.

Mr Allen's disclosures about the Diocese's past handling of child sexual abuse allegations continued in 2014 and 2015 during discussions he had with Mr Cleary and Bishop Thompson. This is discussed in more detail at section 7.5 of this report.

In the meantime, on 6 February 2013, after consulting with Mr Cleary and Mr Elliott, Assistant Bishop Stuart had written to Mr Allen inviting him to speak with Mr Scott Puxty, the diocesan solicitor, about the matters Mr Allen had disclosed. He noted the importance of the Diocese having a thorough understanding of these issues in light of the current Royal Commission.²⁰⁰⁸ On 5 March 2013, Mr Allen told Mr Cleary that he refused to meet with Mr Puxty because he would 'lose privilege'.²⁰⁰⁹

Mr Allen did not speak with Mr Puxty. Instead, he wrote a brief letter to Assistant Bishop Stuart on 13 February 2013 in which he asked him for further information.²⁰¹⁰ Mr Allen accepted that he wrote this letter because he did not want to meet with Mr Puxty.²⁰¹¹

Review of past cases of child sexual abuse in the Diocese

On 21 February 2013, in response to recommendations from a General Synod Standing Committee working group, Assistant Bishop Stuart directed Mr Michael Elliott to conduct a review of past cases of child sexual abuse in the Diocese.²⁰¹² Bishop Stuart's intention in directing the review was to prepare the Diocese to provide as much information as possible to the Royal Commission as and when required.²⁰¹³

On 21 March 2013, Assistant Bishop Stuart informed the diocesan council that the yellow envelopes had been transferred to the office of the professional standards director and incorporated into the professional standards records. He told the council that Mr Elliott had conducted a review of those files but, at that stage, he was not in a position to say whether the information contained in those files was complete.²⁰¹⁴

In 2015, Mr Elliott prepared a report on the yellow envelopes at the request of Bishop Thompson (Yellow Envelopes Report).²⁰¹⁵ Mr Elliott concluded that many of the files he had been provided with were incomplete and that the recording and document-handling procedures for the complaints documented in the yellow envelopes were poor.²⁰¹⁶

6.3 Developments in policy framework for preventing and responding to child sexual abuse allegations

During Assistant Bishop Stuart's tenure as the administrator of the Diocese there were a number of developments in the Diocese's policy framework for preventing and responding to child sexual abuse allegations, the most significant of which were:

- the Professional Standards Protocol enacted by the diocesan council in March 2013
- the adoption of a Conflict of Interest Policy in March 2013
- the implementation of new WWCC processes
- the further development of redress policies, including the Claim Resolution Protocol in September 2013.

We briefly describe each of these policy developments in turn.

Professional Standards Protocol (March 2013)

As mentioned earlier in this report, the national model professional standards framework has three parts: a professional standards ordinance; a professional standards protocol; and a code of conduct, known as 'Faithfulness in Service'. The protocol 'fleshes out' the ordinance by outlining the steps that the Professional Standards Committee and the professional standards director should take in handling complaints, including complaints about child sexual abuse.²⁰¹⁷

In 2010, Assistant Bishop Stuart became concerned that the Diocese had not yet adopted a professional standards protocol to accompany its Professional Standards Ordinance 2005. He subsequently ascertained that, in fact, the diocesan council had adopted a protocol in 2005 but there was a general assumption in the Diocese that no such protocol existed.²⁰¹⁸

Accordingly, Assistant Bishop Stuart drafted updates to a new protocol, in consultation with Mr Michael Elliott and others.²⁰¹⁹ It was adopted by the diocesan council in March 2013.²⁰²⁰

Conflict of Interest Policy (March 2013)

Assistant Bishop Stuart gave evidence that he ‘became increasingly alert to conflict issues and felt the need for a clearer statement about how diocesan council members should conduct themselves around conflicts of interest’.²⁰²¹ Accordingly, Assistant Bishop Stuart proposed that the Diocese adopt the conflict of interest policy then in force in the Diocese of Perth. This policy was adopted by the diocesan council in March 2013.²⁰²²

The Conflict of Interest Policy as adopted in 2013 comprised a set of guidelines to assist members of the diocesan council and other governance bodies in determining when and how declarations of interest should be made in situations involving competing interests.²⁰²³ The policy was high-level and provided guidance on the process for declaring an interest, but it did not provide examples or detail on how to determine when a conflict existed. The policy itself stated that ‘there may be some merit in having a clearer policy in this Diocese’.²⁰²⁴

The Conflict of Interest Policy was updated in April 2015.²⁰²⁵

Implementation of new Working With Children Check processes

From June 2013, pursuant to the *Child Protection (Working with Children) Act 2012* (NSW), the Diocese as an employer was required to ensure that all employees, clergy and volunteers involved in child-related work held a current WWCC clearance or had a current application for a WWCC clearance.²⁰²⁶

In order to comply with its mandatory obligations, in May 2013 the Diocese introduced a procedure whereby all licences, permissions and other authorities granted to people undertaking spiritual leadership within the Diocese were automatically suspended from 15 January 2014 if the Diocese did not have a record of that person’s WWCC number.²⁰²⁷

In addition to the mandatory requirements under statute, the Diocese also implemented additional safe service training requirements for all persons subject to a WWCC as well as record management practices, including a Delegated Authority Register, to ensure that WWCC clearances and other screening records were maintained at a diocesan level.²⁰²⁸

Developments in redress policies in the Diocese

In early 2013, Assistant Bishop Stuart and Mr Cleary sought legal advice on whether it would be of benefit to change the cap of \$75,000 on payments under the Diocese’s PCAS.²⁰²⁹ No changes to the cap were recommended at that time.²⁰³⁰ However, on 21 March 2013, the diocesan council resolved to increase the amount paid by the Diocese for legal assistance to claimants from \$1,100 to \$5,000.²⁰³¹

In August 2013, Assistant Bishop Stuart became concerned that the process of reaching settlement with people outside of the PCAS was slow.²⁰³² In response, a mediated and non-litigious redress scheme was proposed which did not require as much financial and medical information or require the claimants to repeat their claims of abuse (Claim Resolution Protocol).²⁰³³

The Claim Resolution Protocol was not formally adopted by the diocesan council until 2015 under Bishop Thompson. However, in September 2013, the diocesan council authorised Mr Cleary to agree to mediated settlements in line with recommendations from the diocesan legal advisers,²⁰³⁴ outside the PCAS framework.

6.4 Safe Ministry Policy 2013

Under the administration of Assistant Bishop Stuart, the Diocese also further considered the development of a framework which would permit child sexual abuse offenders or alleged child sexual abuse offenders to continue to worship in the Diocese while also protecting children who may attend the same parish or Church activities.

The National Church's Parish Safety Guidelines

At a national level, the Church had earlier given consideration to this matter. This culminated in a national model released in 2006 by the Church's Professional Standards Commission.²⁰³⁵ In 2009, the Professional Standards Commission recommended revised national guidelines entitled 'Guidelines for parish safety where there is a risk of sexual abuse by a person of concern' (Parish Safety Guidelines).²⁰³⁶ The Parish Safety Guidelines were sent to the dioceses on 26 October 2009.²⁰³⁷

The Parish Safety Guidelines attached a draft agreement between a 'person of concern' and their parish priest. The agreement contained limitations on the person's involvement in Church activities.²⁰³⁸

As the Parish Safety Guidelines were not adopted formally in the Diocese, they were not enforceable in the Diocese.²⁰³⁹

Following ██████████ deposition from Holy Orders and the banning of ██████████ from holding lay positions in the Church, Mr Michael Elliott initially sought to manage their continuing involvement at the ██████████ parish in the Diocese pursuant to the Parish Safety Guidelines. However, ██████████ refused to sign agreements that managed their attendance at the ██████████ parish. This was one of the catalysts for the Diocese's adoption of its own Safe Ministry Policy, which we discuss in more detail below.²⁰⁴⁰

Development of the Safe Ministry Policy

On 15 March 2012, during Bishop Farran's episcopate, Mr Michael Elliott wrote to all clergy within the Diocese enclosing the Parish Safety Guidelines. He requested that clergy contact him if they were aware of any sex offenders or persons of concern involved with their parishes. Mr Elliott did not receive any responses to this letter.²⁰⁴¹

In September 2012, Bishop Farran wrote to those priests whose parishes were attended by people he had disciplined. In the letter he set out his expectations regarding their risk management.²⁰⁴²

Despite Bishop Farran's letter, Mr Elliott was unable to finalise agreements with a number of alleged perpetrators, [REDACTED], regarding their involvement in parishes. This is discussed in section 6.5 below.

In early 2013, Assistant Bishop Stuart formed the view that, in order to ensure parish priests were compelled to comply with Bishop Farran's expectations, a formal diocesan risk management policy would need to be implemented and classified as a 'safety policy'. A safety policy can be enforced, because a failure to comply can result in disciplinary action against clergy.²⁰⁴³

At the diocesan council meeting on 21 March 2013, Assistant Bishop Stuart proposed that the Parish Safety Guidelines be adopted in the Diocese as a 'safety policy'.²⁰⁴⁴ This led to a protracted debate lasting some months.

Disputes arose regarding appropriate definitions. For example, Assistant Bishop Stuart said some members of the diocesan council expressed concerns that the definitions of 'sexually inappropriate behaviour' may have included consensual adult relationships common in the wider community.²⁰⁴⁵

Others questioned the need for a policy at all.²⁰⁴⁶ Mr Cleary told us of his view that the proposed policy was considered with 'a heavy heart' for those persons of concern and 'a culture of forgiveness was the dominant view' among members of the diocesan council.²⁰⁴⁷ Mr Elliott felt that the draft Safe Ministry Policy eventually proposed to the diocesan council was 'significantly watered down' from the Parish Safety Guidelines.²⁰⁴⁸

Following a number of amendments, on 26 September 2013 the diocesan council adopted the Safe Ministry Policy.²⁰⁴⁹ However, a view emerged that the range of people to whom the policy should apply should be broadened beyond those who would not be given a WWCC clearance or who were the subject of certain adverse findings by a disciplinary tribunal such as the Professional Standards Board.²⁰⁵⁰ As a result, the diocesan council made further amendments to the policy on 21 November 2013.²⁰⁵¹

The amendments made it clear that the Safe Ministry Policy also applied to any person against whom the Professional Standards Committee had made an adverse risk assessment, any person whose suitability or fitness for office had been placed before a board of review for a relevant allegation, and any person the subject of a formal administrative finding by a board of review for a relevant allegation.²⁰⁵²

In our *North Coast Children's Home* case study, we were critical of the delay between the release of the national Parish Safety Guidelines and the Diocese's adoption of the Safe Ministry Policy. We found that, as a result of this delay, there were no guidelines to manage any risk posed by Kitchingman's involvement in the Cathedral until October 2013.²⁰⁵³ However, Assistant Bishop Stuart and Mr Elliott only became aware that Kitchingman was an offender and living in the Diocese in August 2013.²⁰⁵⁴ Assistant Bishop Stuart took steps in October 2013 to apply the Safe Ministry Policy to Kitchingman after it was adopted by the Diocese in September 2013.²⁰⁵⁵

Operation of the Safe Ministry Policy

The Safe Ministry Policy, as amended in November 2013,⁰⁵ remains in effect.²⁰⁵⁷

One of the policy's key requirements is that the parish priest must sign and finalise a 'Safe Worship Agreement' before the person charged with or convicted of serious sexual misconduct may take part in parish activities.²⁰⁵⁸ These agreements contain restrictions on the person's involvement in parish life. The types of restrictions vary according to the seriousness of offending. For example, the agreement may specify which services the person may attend, where they may sit and whether they may hold any parish leadership roles.²⁰⁵⁹

The Safe Ministry Policy states that Safe Worship Agreements help to manage risk by ensuring that the local priest and professional standards director are aware of any possible risks posed by persons participating in their local church. It allows certain people to participate in the parish without exposing vulnerable people to their presence where it is unsafe to do so.²⁰⁶⁰

Assistant Bishop Stuart told us that a Safe Worship Agreement requires the consent of the person of concern, and it is not uncommon for persons of concern to refuse to sign.²⁰⁶¹

However, the Safe Ministry Policy requires that the agreement must be finalised before a person charged with or convicted of serious sexual misconduct may be involved in parish activities.²⁰⁶² As a 'safety policy', the parish priest is required to adhere to and enforce this requirement.²⁰⁶³ If the person concerned refuses to enter into a Safe Worship Agreement, the bishop may issue directions to the parish priest regarding that person's involvement in the parish.²⁰⁶⁴

In addition to a Safe Worship Agreement, the Safe Ministry Policy requires the person concerned to have a ‘Support and Accountability Team’ to protect the person from those who oppose their involvement in church activities and to ensure that the person complies with any restrictions on their involvement.²⁰⁶⁵

Assistant Bishop Stuart said that Safe Worship Agreements are not just to make sure people in the congregation are kept safe but to also provide a pastoral and supportive framework for persons of concern and reduce the chance of recidivism.²⁰⁶⁶

6.5 [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

6.6 Concluding remarks

Assistant Bishop Stuart was administrator of the Diocese during an important period of policy development for the Diocese in the areas of professional standards, managing conflicts of interest, redress, and risk management of offenders or alleged offenders who wished to continue to worship in the Diocese.

We are satisfied that, from December 2012 to February 2014, when Assistant Bishop Stuart was the administrator of the Diocese, he generally progressed matters relating to child protection, including making appropriate disclosures to the police, developing the child protection policy framework, enhancing the redress framework and implementing a binding risk management policy. We are also satisfied that he was assisted and well supported by Mr Cleary and Mr Michael Elliott in achieving these ends.

7 Institutional Response under Bishop Greg Thompson (February 2014 – 31 May 2017)

7.1 Introduction

Bishop Thompson was the Bishop of Newcastle from 15 January 2014²⁰⁸² until 31 May 2017.²⁰⁸³

Bishop Thompson grew up in Muswellbrook, which is in the Diocese. He married his wife in Newcastle in 1978. In 1979 they moved to Darwin, where then Mr Thompson worked as a youth worker and later a lay assistant minister in the Church.²⁰⁸⁴ From 1984 to 1988, he studied in Melbourne at Ridley College.²⁰⁸⁵ After being ordained in 1988, he returned to Darwin and worked as a parish priest from 1988 to 1993.²⁰⁸⁶

In 1994, Reverend Thompson returned to Sydney and worked as state secretary of Bush Church Aid – a mission agency for remote bush communities.²⁰⁸⁷ From 1999 to 2007, Reverend Thomson was a parish priest, first in Darlinghurst in Sydney and then in Canberra.²⁰⁸⁸

In 2007, Bishop Thompson was elected Bishop of the Northern Territory. He remained in that role until 2013.²⁰⁸⁹

In late 2013, Bishop Thompson was elected to become Bishop of Newcastle after gaining an unprecedented majority of the synod vote.²⁰⁹⁰ Bishop Thompson said he took confidence from this high level of support.²⁰⁹¹ His installation ceremony was in February 2014.²⁰⁹²

Bishop Thompson is himself a survivor of child sexual abuse, which he says was perpetrated against him when he was 19 years old by the then Bishop of Newcastle, Bishop Shevill, and Canon Barker. Those experiences were detailed in section 2.6 of this report.

Bishop Thompson told us that, upon becoming Bishop of Newcastle, he was aware of child sexual abuse in the Diocese that had been reported in the media but had no idea of the magnitude of the problem.²⁰⁹³ He said that the professional standards director, Mr Michael Elliott, had identified 30 separate perpetrators in the Diocese.²⁰⁹⁴ Bishop Thompson gave evidence of his view that there was a systemic problem of child sexual abuse in the Diocese over many decades.²⁰⁹⁵ We agree.

After Bishop Thompson was enthroned in the Diocese, he embarked upon a ‘listening tour’. He formed the view that there was a disturbing culture within elements of the Diocese, where there was ‘little empathy for victims’²⁰⁹⁶ and where ‘a high amount of sympathy [was] expressed towards clergy in how they were being disciplined’.²⁰⁹⁷ He gave evidence that he experienced a backlash within the Diocese when he went public about his own experiences of abuse.

This section of the report:

- outlines the ‘listening tour’ that Bishop Thompson undertook when he commenced his episcopate in February 2014
- discusses the backlash that Bishop Thompson experienced following his 2015 disclosure of alleged sexual abuse by Bishop Shevill and another senior member of clergy in the 1970s
- explores aspects of Mr Allen’s involvement in the affairs of the Diocese, including information he provided to Bishop Thompson and Mr Cleary about the past handling of child sexual abuse allegations in the Diocese
- discusses the implementation of the Responsible Persons Ordinance 2015 in the Diocese
- sets out the risk management processes adopted in relation to Father Parker, [REDACTED] to facilitate their continued worship within the Church
- discusses amendments made in 2015 to the Professional Standards Ordinance 2012, including to section 77 of the Ordinance
- discusses the changes to the redress policies in the Diocese
- explores the reforms to culture undertaken under Bishop Thompson’s leadership, including the creation and role of ‘parish recovery’ teams.

7.2 Bishop Thompson’s listening tour in 2014

After being installed as Bishop of Newcastle, Bishop Thompson commenced a ‘listening process’ for about six months in order to obtain feedback from Church members on how they perceived the Diocese was operating.²⁰⁹⁸ Bishop Thompson and his senior clergy subsequently met with approximately 2,000 to 3,000 people within the Diocese.²⁰⁹⁹

It was not until Bishop Thompson had undertaken the listening process that he understood the extent of the problems in the Diocese concerning child sexual abuse.²¹⁰⁰ As a result of this realisation, and also upon becoming aware that Bishop Shevill was amongst those people the Royal Commission had summonsed documents concerning, Bishop Thompson said, ‘I knew that it now was part of something that I would have to address as well’.²¹⁰¹

Bishop Thompson found that segments of the Diocese had a high level of sympathy for clergy in relation to their treatment in disciplinary proceedings for professional misconduct.²¹⁰² Specifically, Bishop Thompson observed that a large number of people held the view that the disciplinary action that Bishop Farran had taken against [REDACTED] others was ‘unfair’.²¹⁰³ He was asked on a number of occasions to reverse the disciplinary steps that Bishop Farran had taken in relation to [REDACTED]²¹⁰⁴

Consistent with Bishop Thompson's observations, Mr Cleary, Mr Michael Elliott, Assistant Bishop Stuart and Bishop Farran each gave evidence of encountering people who were sympathetic to clergy accused of abuse and who were opposed to the professional standards framework under which clergy are disciplined.²¹⁰⁵

Bishop Thompson found that some Church members expressed little empathy for victims.²¹⁰⁶ Bishop Thompson gained 'a strong impression' that a large number of parishioners 'couldn't talk about the sex abuse that has taken place in the Diocese'.²¹⁰⁷ Bishop Thompson also gave evidence of encountering the belief that Bishop Farran's actions against [REDACTED] and others were motivated by homophobia. He explained:

I think this is an area which has been used to subvert the discipline of these clergy. ... It's quite clear to me that there was a predatory culture. It happened to be with some homosexual men and there were obviously bisexual men as well. Predatory behaviour relates to all sexual orientations when it takes place

... There is no homophobic feeling in my life towards these people. It's the deep sense that children and vulnerable people were taken advantage of. ... Bishop Farran rightly identified this as predatory behaviour.²¹⁰⁸

7.3 Growing hostility towards Bishop Thompson

Bishopscourt, the traditional home of the Bishop of Newcastle, was sold in May 2015.²¹⁰⁹ The sale proved highly controversial and sparked a 'moral' debate within the community.

According to Bishop Thompson, the sale had been debated by the trustees, synod and diocesan council for more than 20 years. Due to the costs of maintaining the building on an ongoing basis, Bishop Thompson supported the proposal for its sale as being in the best interests of the Diocese.²¹¹⁰ The proceeds of sale were used to fund the stipends and ancillary expenses for Bishop Thompson and Assistant Bishop Stuart, as well as a less expensive residence for Bishop Thompson.²¹¹¹

Mr Caddies, who opposed the sale, gave evidence that Bishopscourt had been intended to be kept in perpetuity as the residence of the bishop. He said that it was a matter of tradition and custom in the Diocese that the bishop could walk easily from Bishopscourt to the Cathedral.²¹¹²

Mr Caddies acknowledged in his oral evidence that Bishop Thompson needed a home, and the sale of Bishopscourt in order to reallocate resources was in accordance with recent practices of other dioceses within the Church.²¹¹³

Before the sale of Bishops court, Bishop Thompson received numerous letters from parishioners opposing the sale. Mr Hansen, who exchanged correspondence with Bishop Thompson about the sale, described their exchange as ‘torrid’.²¹¹⁴

Bishop Thompson said that some correspondence, including the correspondence from Mr Caddies and others,²¹¹⁵ was copied widely to clergy and parishioners across the Diocese and leaked to the media.²¹¹⁶ In an email to Bishop Thompson on 19 May 2015, Mr Caddies disputed this, although in the same email he wrote:

It needs to be said that if you will not communicate with people (and I am not referring to myself here), and [the diocesan council] chooses not to be mindful of the legitimate concerns of the Synod members and laity as it (legally) rushes to possibly commit serious commercial errors, then you can expect to read more of the business of the Diocese in the Newcastle Herald and elsewhere.²¹¹⁷

Bishop Thompson said he believed that the leaks to the media were an attempt to undermine his authority as bishop.²¹¹⁸

It is clear to the Royal Commission that opposition to the sale was underpinned by personal hostility towards Bishop Thompson. For example, Mr John McNaughton AM gave a written statement in which he said that the sale of Bishops court was evidence of Bishop Thompson having a ‘mental illness’:

I think that Bishop Greg is suffering from some sort of anxiety or mental illness. He is doing things that are absurd, like selling Bishops court, a historic and prestigious building that has traditionally been home to the Bishop of Newcastle. He decided to sell Bishops court against the advice of many senior people including Greg Hansen, a lawyer, and other parishioners who are experienced in property dealing.²¹¹⁹

It was not just the sale of Bishops court that was sparking resentment among some members of the Diocese against Bishop Thompson by May 2015.

Mr Caddies, Mr Hansen and Mr McNaughton AM each expressed frustration that Bishop Thompson would not meet with them or other clergy or laity to discuss either the sale of Bishops court or any other matter.²¹²⁰

They also expressed concern that Bishop Thompson was often absent from the Diocese, leaving Assistant Bishop Stuart as the de facto Bishop of Newcastle.²¹²¹ Mr McNaughton AM said that Bishop Thompson’s absence, ‘including last Christmas [2015],’ ‘is not appropriate for a Bishop’.²¹²²

Bishop Thompson expressed his view on the question of his communicativeness in a letter to Mr Caddies dated 20 May 2015: 'Your suggestion that I do not communicate with you or others is nonsensical. It is simply that I choose to communicate in a manner and with content different to that which you wish.'²¹²³

These issues were also not the first time Mr Caddies, Mr Hansen and Mr McNaughton AM had vocally expressed dissatisfaction with decisions that the Diocese had made. Their opposition to the disciplinary proceedings against [REDACTED] COJ and Mr Gumbley, and the conduct of Mr Michael Elliott in those proceedings and more broadly,²¹²⁴ was well known by the time Bishop Thompson took office.

However, Bishop Thompson said opposition to the sale of Bishopscourt acted as 'a lightning rod' for a group of 'disaffected' parishioners in the Diocese to make personal attacks against him and his staff.²¹²⁵

In addition to receiving extensive correspondence, Bishop Thompson described being subjected to 'public animosity, disrespect and discourtesy'.²¹²⁶ He said that parishioners ignored him and turned their backs on him in front of others when he attended church.²¹²⁷ Bishop Thompson also said he and his staff received threats and were harassed, including through 'deflating tyres, smashing windows, scratching paintwork, breaking of side mirrors, loosening of wheel nuts, partially cutting of fan belts and ransacking and stealing items within the car'.²¹²⁸ He also experienced prank phone calls and people knocking on the door and running away.²¹²⁹

Bishop Thompson said that, as a result of the 'criticism, threats and harassment', he had to have security installed in his home because he did not feel safe.²¹³⁰ Bishop Thompson said he could understand that some parishioners might have philosophical differences with him but that it was unacceptable for this to be some sort of justification for harassment of his family and his staff.²¹³¹

7.4 Backlash experienced by Bishop Thompson when he disclosed his own abuse in 2015

In August 2015, two members of the clergy told the diocesan synod of their own experiences of sexual abuse when they were children.²¹³² Their stories were subsequently published in the *Anglican Encounter*, which is a diocesan publication.²¹³³

Bishop Thompson said that the disclosure of the two men had a profound impact on the synod, as they realised the survivors had been part of the Church community and had also lived with the trauma of child sexual abuse.²¹³⁴ Bishop Thompson said the response to the men's revelations in the main was overwhelming support.²¹³⁵

On 25 October 2015, Bishop Thompson publicly disclosed his own story of abuse in an article in the *Newcastle Herald*.²¹³⁶ Details of the abuse are set out in section 2.6 of this report.

Bishop Thompson told the Royal Commission that his public disclosure of abuse led to a considerable backlash by a group within the Diocese who were largely connected to the Cathedral.²¹³⁷ Many within this group had previously held office in one capacity or another in the Diocese.

Together, this group co-signed a letter to the Royal Commission dated 13 April 2016 to express concerns about Bishop Thompson's conduct.²¹³⁸ The signatories to this letter were Mr Simon Adam; Mr Robert Caddies; Ms Jocelyn Caddies; Ms Pamela Dowdell; Ms Suzanne Evans; Mr Gregory Hansen; Mr John McNaughton AM; Ms Margaret McNaughton AM; Ms Lyn Scanlon; Mr William Scott; Mr David Stewart; Ms Mary Stewart; Mr Laurie Tabart; Mr Andrew Traill; Ms Virginia Wheeler; and Mr Stephen Brooker.

As set out in that letter, the substance of their grievances was:

- that Bishop Thompson did not report his alleged abuse in the 1970s at the time and did so only recently, 'thus potentially exposing younger members of the Diocese to the danger involved'
- by failing to name the second clergyman who had abused him publicly (noting Bishop Thompson later disclosed that it was Canon Barker), Bishop Thompson had created a climate of suspicion and speculation within the Diocese as to the potential identity of the second perpetrator
- in light of the recent disclosures of the two clergy to the diocesan synod, there was a question as to whether Bishop Thompson had known of these allegations and whether he had taken any action, particularly as a bishop in the Church since 2007, to protect children in the Diocese.²¹³⁹

Mr Caddies, Mr McNaughton AM and the other signatories to the letter to the Royal Commission sent similar letters to the Metropolitan of Sydney, Archbishop Glenn Davies, and the Primate of the Church.²¹⁴⁰ They wrote to Archbishop Davies that they were 'gravely concerned' that Bishop Thompson had 'besmirched' the good name of Bishop Shevill and that Bishop Shevill's behaviour may have been 'misinterpreted'.²¹⁴¹ They criticised Bishop Thompson for publicly disclosing his abuse and for appealing to victims to come forward. They said Bishop Thompson's 'health' appeared to be impairing his performance as bishop.²¹⁴²

Mr Caddies, a co-signatory to these letters, told us that he regarded Bishop Thompson as a 'damaged soul'.²¹⁴³ Mr McNaughton AM also questioned Bishop Thompson's mental health and fitness to continue as bishop in light of his alleged abuse.²¹⁴⁴

Bishop Thompson told us that, when he became aware of these letters, he felt publicly shamed and intimidated and also felt a 'deep sense of betrayal'.²¹⁴⁵ He explained:

I found this criticism to be particularly disturbing in that my honesty and integrity were being questioned by them, in circumstances where it had taken me many years to come to terms with those events and to even be able to speak about them.²¹⁴⁶

Bishop Thompson said that these letters formed part of a pattern or practice of public harassment, intimidation and vandalism which he and his staff experienced at the hands of people within the Diocese who were aggrieved by his leadership and the discipline of clergy.²¹⁴⁷

Mr Caddies told us that he and the other signatories 'were desperately unhappy about the problems in the Diocese', including the 'unfair' treatment of clergy.²¹⁴⁸ He said that Bishop Thompson's approach of publicly disclosing his abuse to the media had 'a negative impact on the Anglican community' and damaged the 'good reputation' of Bishop Shevill, particularly with respect to his children.²¹⁴⁹ Mr McNaughton AM expressed similar sentiments and described Bishop Thompson's conduct as 'disgraceful' and 'scandalous'.²¹⁵⁰

Mr Caddies agreed in oral evidence that he was one of the leaders of coordinated opposition to Bishop Thompson.²¹⁵¹ However, Mr Caddies submitted that he was one of a group willing to place his name on a letter of complaint rather than a 'leader' forcing division.²¹⁵² However, he insisted that these letters were not complaints but were 'merely raising a question ... for consideration'.²¹⁵³ He said that the matter of Bishop Thompson's public disclosure of abuse was 'a very small part of the concerns' about the bishop.²¹⁵⁴ These concerns included Bishop Thompson failing to meet with members of this group at their request, failing to attend church services and taking extended leave.²¹⁵⁵

Mr Caddies said that he and the other signatories did not approve of Bishop Thompson's public disclosure but denied that they sought to keep such matters private within the Diocese.²¹⁵⁶ Mr Caddies submitted that Bishop Thompson's disclosure of abuse caught many parishioners by surprise and that many, already 'disgruntled' by Bishop Farran's 'heavy-handed approach', could reasonably have thought Bishop Thompson's public disclosure was 'grandstanding' and that they were justified in considering that Bishop Thompson was more concerned with his own issues than the impact this disclosure might have on Bishop Shevill's family.²¹⁵⁷

Mr Caddies agreed that his allegation that, by taking no action at the time of his abuse, Bishop Thompson had potentially exposed younger members of the Diocese to danger was a serious allegation to make.²¹⁵⁸ He said that since April 2016 he has gained a better understanding of the experience of survivors.²¹⁵⁹ This was despite his 45 years' experience as a lawyer and seven years' experience as a member of CASM.²¹⁶⁰ He also said that, having heard the evidence before the Royal Commission and having experienced a similar incident himself at the same age, he accepted Bishop Thompson's account of his abuse at the hands of Bishop Shevill.²¹⁶¹

Mr Caddies conceded that certain comments in the letters were made on an untruthful or inaccurate basis,²¹⁶² and he conceded in submissions that sending the letter to the Royal Commission was ‘churlish’ and ‘misguided’.²¹⁶³ While denying throughout his oral evidence that the letters were part of a campaign to discredit Bishop Thompson, Mr Caddies ultimately conceded that in sending these letters he had sought to criticise Bishop Thompson and challenge his credibility.²¹⁶⁴ However, he emphatically denied that his conduct reflected an attitude which was ‘pro-perpetrator’ or prejudiced against Bishop Thompson.²¹⁶⁵

Mr Caddies’ explanation of the purpose of the letters that he co-signed was on several occasions contradictory, evasive and implausible. Further, the letters corroborate Bishop Thompson’s account of the ‘pro-perpetrator’ culture within a section of the Cathedral community. Mr Caddies’ stated concern that Bishop Thompson did not seek to take action to protect the community from his alleged abusers once he became a bishop is also undermined by his previous criticism of that precise action in the case of Bishop Farran’s discipline of [REDACTED] others.

We are satisfied that, following Bishop Thompson’s public announcement of his alleged abuse at the hands of Bishop Shevill and another senior member of clergy in the 1970s, he experienced a backlash from sections within the Diocese, largely connected to the Cathedral. This backlash included the making of complaints about Bishop Thompson to the Royal Commission, the then Primate of the Church, and the Metropolitan of the Diocese of Sydney. These actions were designed at least in part to discourage the Diocese from dealing with allegations of child sexual abuse within the Diocese.

We are also satisfied that those who targeted Bishop Thompson failed to understand or respond appropriately to the sexual abuse of children.

7.5 Dealings with Mr Keith Allen

As noted in section 1.5 above, Mr Allen has had a longstanding involvement in the affairs of the Diocese. As at early 2014, he was a practising solicitor, a lay member of synod, a trustee, a member of diocesan council, chairman of the committees of the synod, and a member of a number of other committees in the Diocese.²¹⁶⁶

Bishop Thompson told the Royal Commission that both then Archbishop Herft and Bishop Farran had warned him when he first came to the Diocese that they had experienced issues with Mr Allen and that ‘he may have had his own agenda’.²¹⁶⁷

Bishop Thompson and Mr Cleary gave evidence of having several conversations with Mr Allen throughout 2014 and 2015. Contemporaneous file notes of these conversations prepared by Mr Cleary and adopted by Bishop Thompson were in evidence.²¹⁶⁸ Mr Allen accepted that each of these conversations occurred.²¹⁶⁹ However, he disputed parts of what the file notes indicated that he had said.²¹⁷⁰

Mr Allen's observations about the Diocese's past handling of child sexual abuse allegations

Mr Allen admitted to us that he had told Bishop Thompson and Mr Cleary that his view was that:

- Bishop Holland had a 'do nothing' approach with respect to reports of child sexual abuse²¹⁷¹
- during Bishop Herft's episcopate there was a culture of not reporting child sexual abuse matters to the police.²¹⁷²

Mr Allen's advice for engaging with the Royal Commission

Bishop Thompson and Mr Cleary alleged that during their conversations with Mr Allen, and consistent with Mr Cleary's file notes, Mr Allen suggested to them that the Diocese should obtain free legal counsel from the Attorney-General's Department.²¹⁷³ They should then prepare 'fixed statements' on behalf of those members of the Diocese listed in the Royal Commission summons issued in May 2014.²¹⁷⁴

Mr Allen allegedly said that producing these statements to the Royal Commission would put the Diocese 'in the driving seat', as it would 'reduce the likelihood of cross-examination'.²¹⁷⁵ Mr Allen did not deny saying this. It was put to Mr Allen that, in making this suggestion, Mr Allen was attempting to mislead the Royal Commission. Mr Allen denied that this was his intention, but he was not able to explain what his intention was in saying that preparing statements would minimise cross-examination.²¹⁷⁶

In relation to his suggested preparation of 'fixed statements' for the Royal Commission, Mr Allen denied using that term and said that he had instead told Mr Cleary that the Diocese should make 'full disclosure'.²¹⁷⁷

Mr Allen did not dispute that he had suggested the Diocese should pre-emptively prepare statements for the Royal Commission.²¹⁷⁸ Indeed, this was the practice that he followed. On 27 June 2016, Mr Allen produced a statement to the Royal Commission that contained limited detail and that had not been requested by Royal Commission staff.²¹⁷⁹

Bishop Thompson and Mr Cleary also gave evidence that, during their conversations with Mr Allen in 2014 and 2015, he advised them that the best approach at the Royal Commission was to indicate that ‘you have no files or notes’ and ‘can only rely on your memory’, as this would prevent cross-examination.²¹⁸⁰

During his oral evidence before the Royal Commission, Mr Allen repeatedly stated that he had no records and, as a consequence, he did not have any clear recollection of a number of matters about which he was asked. Mr Allen accepted that he was following his own advice in answering questions in this way.²¹⁸¹

We prefer Bishop Thompson’s and Mr Cleary’s evidence to that of Mr Allen and accept that he said the words that they have recounted to us.

Mr Allen’s documentary holdings

We are satisfied that during 2014 and 2015 Mr Allen provided the following inconsistent accounts to Bishop Thompson and Mr Cleary regarding whether he held professional standards files relating to allegations of child sexual abuse:

- In June 2014, Mr Allen told Bishop Thompson that he held professional standards files that the Diocese did not have.²¹⁸²
- In February 2015, Mr Allen told Bishop Thompson and Mr Cleary that he did not hold such files.²¹⁸³
- In March 2015, Mr Allen told Bishop Thompson and Mr Cleary that he had destroyed all files.²¹⁸⁴

Under summons Mr Allen produced a file to the Royal Commission that he held in respect of Father Parker’s prosecution. As noted in section 4.6 above, Mr Allen was Father Parker’s solicitor in that matter.

Mr Allen's involvement in CKM's claim for redress

On 11 February 2015, Mr Cleary attended a meeting with Mr Allen during which they discussed a civil claim that CKM would make against the Diocese for abuse allegedly perpetrated by CKN, a former CEBS youth leader.²¹⁸⁵ Mr Allen had previously acted for CKM in a criminal matter. At that time, CKM disclosed to him the allegations of abuse which allegedly occurred when he was a child.²¹⁸⁶ In Mr Cleary's 12 February 2015 file note of the meeting he recorded:

Allen advised that the diocese will receive a claim soon from CKM through Solicitor Michael Daley ... Allen advised he is good friends with Daley and often does locum work for Daley ...

Allen advised that it will be a 'small claim' and that it will be resolved with a few letters. Allen advised he is assisting Michael Daley with this claim. ...

...

Allen advised the claim settlement will 'be easy' with CKM and he will facilitate it through Daley.²¹⁸⁷

Mr Allen's evidence about the accuracy of this file note varied. Eventually he said that he could not remember whether he had said these things or not and that it could have been said.²¹⁸⁸ Mr Cleary told us that he prepared the file note when the matter was still fresh in his mind and confirmed that he sought to ensure that his record was as accurate as possible.²¹⁸⁹

We accept that Mr Cleary's file note is accurate. The clear inference from Mr Allen's statements was that he would work to ensure that the claim that CKM made against the Diocese would be only a small one and the matter would be quickly settled.

Mr Allen repeatedly asserted in oral evidence that he did not assist Mr Daley with CKM's claim.²¹⁹⁰ However, he eventually agreed that Mr Daley, who was a solicitor, raised the claim with Mr Allen when he did a locum in Mr Daley's practice in 2015.²¹⁹¹ We are satisfied that Mr Allen did discuss with Mr Daley the making of a claim on behalf of CKM against the Diocese for child sexual abuse CKM allegedly suffered as a child.²¹⁹² However, there is insufficient evidence to establish that Mr Allen did in fact assist Mr Daley in making the claim on behalf of CKM.

Mr Allen told us he could 'now' see the conflict in him having discussions with Mr Daley about settling CKM's claim against the Diocese and also telling the Diocese that it would be a 'small claim'.²¹⁹³

Mr Allen also told us that he understood that a solicitor ‘can’t act for both parties’.²¹⁹⁴ As former solicitor for CKM, Mr Allen’s interest lay in obtaining as large a settlement as possible for CKM. As officer and trustee of the Diocese, Mr Allen’s interest lay in CKM making as small a claim as possible. The conflict of interest was manifest.

In evidence before us is a letter from Mr Daley dated 1 May 2015 addressed to the registrar of the Diocese claiming compensation on behalf of CKM in a sum of \$504,000.²¹⁹⁵ It is unknown whether the claim has been finalised.

There is insufficient evidence to make a finding that Mr Allen did influence Mr Daley or CKM to make a ‘small claim’ against the Diocese. However, in view of Mr Allen’s roles with the Diocese in 2015, he should not have had any involvement in the claim and should not have participated in discussions with Mr Daley about it. Also, he should not have participated in discussions with Mr Cleary about CKM’s claim. In discussing CKM’s redress claim against the Diocese, both with CKM’s solicitor and with the business manager of the Diocese in 2015, Mr Allen placed himself in a position of conflict.

7.6 Responsible Persons Ordinance 2015

Adoption of Responsible Persons Ordinance 2015

In 2015, the diocesan council adopted the Responsible Persons Ordinance 2015. Bishop Thompson explained that this ordinance gave him the power to stand people down from lay offices where those people had failed in their duties to the Diocese.²¹⁹⁶

The Responsible Persons Ordinance 2015 allows the bishop to remove members of diocesan governance bodies before the expiration of the member’s term of office where the bishop forms the view that a member is not fulfilling the duties of a responsible person or that the member is not a fit and proper person to be a member.²¹⁹⁷ Governance bodies include the diocesan council and the trustees of Church property.²¹⁹⁸

Under section 4 of the Responsible Persons Ordinance 2015, a ‘responsible person’ shall ‘fulfil the duties of a responsible person as defined by the [Australian Charities and Not for Profits Commission]’ and comply with standards and expectations for behaviour set out in various Church rules.²¹⁹⁹

The duties of a ‘responsible person’ are those set out in the Australian Charities and Not-for-profits Commission Regulation 2013 (Cth), section 45.25(2), which states that a ‘responsible entity [person] must, among other things, disclose any actual or perceived conflict of interest and must not misuse information obtained in performing duties’.

Standing down of Mr Allen under the Responsible Persons Ordinance in 2015

Based on his dealings with Mr Allen, Bishop Thompson formed deep concerns about Mr Allen's involvement in professional standards matters in the past.²²⁰⁰ He exchanged a series of letters with Mr Allen between April 2015 and May 2015 requesting that Mr Allen stand down from all positions of authority within the Diocese.²²⁰¹ Mr Allen responded by maintaining that he held no such positions.²²⁰²

Ultimately, on 4 May 2015, Bishop Thompson gave notice to Mr Allen that he was suspended from holding any position of diocesan authority after having formed the view that Mr Allen was not a 'responsible person' within the meaning of the Responsible Persons Ordinance 2015.²²⁰³

Between 19 May 2015 and 7 January 2016, Bishop Thompson and Mr Allen exchanged further letters in relation to the applicable ordinances and the deadline for Mr Allen to request a review of Bishop Thompson's decision regarding his suspension.²²⁰⁴

On 16 December 2015, Mr Allen wrote to Bishop Thompson alleging that he had not been afforded procedural fairness and pastoral care and denying the existence of any alleged conflict of interest or past behaviour constituting an offence defined as 'examinable conduct' under the Responsible Persons Ordinance 2015.²²⁰⁵

As at 23 November 2016, Mr Allen had not sought a review of the decision to suspend him from diocesan offices. However, he maintained that his suspension in May 2016 did not preclude him from seeking office in his local parish.²²⁰⁶

7.7 Risk management of persons of concern

Father Parker

On 27 August 2014, the *Newcastle Herald* published an article linking Father Parker to a NSW Police strike force, codenamed Arinya-2. This strike force had been established to investigate historical child sexual abuse allegations in the Diocese.²²⁰⁷

That day, Assistant Bishop Stuart, who was commissary while Bishop Thompson was temporarily out of the Diocese, forwarded the article to the bishops of Bendigo and Ballarat. He noted that, according to the Anglican Directory, Father Parker currently held permissions to officiate in both dioceses.²²⁰⁸

On 28 August 2014, the diocesan council met and discussed the NSW Police investigation. That evening, before the meeting commenced, Assistant Bishop Stuart asked Mr Allen to excuse himself from the meeting. Assistant Bishop Stuart cited Mr Allen's conflict of interest arising from his previous representation of Father Parker.²²⁰⁹

Mr Allen refused to excuse himself unless the diocesan council passed a motion that he must not attend. Assistant Bishop Stuart duly moved for Mr Allen to withdraw, and that motion was passed unanimously. Mr Allen left the meeting.²²¹⁰

According to a letter to the Royal Commission from the Bishop of Ballarat, Garry Weatherill, on 29 August 2014 he spoke to and emailed Father Parker and advised him that he was not to exercise any ministry until further notice. However, Bishop Weatherill did not cancel his permission to officiate.²²¹¹

Bishop Weatherill said that on 30 August 2014 Father Parker attended at his house with a suggested statement for Bishop Weatherill to issue, which Bishop Weatherill declined to use.²²¹²

On 2 September 2014, Bishop Weatherill issued an Ad Clerum (an official statement made to clergy only) in his Diocese advising that Father Parker was the subject of a police investigation and had been asked to step aside from any public exercise of his ministry until these matters were resolved.²²¹³

Bishop Weatherill told us that in early 2016 he recalled all permissions to officiate and licences in his diocese in order to ensure that everyone had appropriate child safety and police clearance checks. Bishop Weatherill said that Father Parker subsequently applied for a permission to officiate but gave a false date of birth on the police clearance form. He was not granted a licence.²²¹⁴

There was no evidence before us as to the response, if any, from the Diocese of Bendigo.

[REDACTED]

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

[REDACTED]
[REDACTED]
[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

7.8 Amendments to the Professional Standards Ordinance in 2015

At the October 2015 diocesan synod, amendments were made to the Professional Standards Ordinance 2012.²²²⁹ Bishop Thompson told us that he allowed the amendments to be put forward following consultation with Assistant Bishop Stuart, Mr Michael Elliott, Mr Cleary and the Professional Standards Committee.²²³⁰

One of the key amendments to the 2015 ordinance was the removal of the section 77 requirement, introduced in 2012, that the Professional Standards Board give determinations and recommendations in private.²²³¹ Section 77 of Professional Standards Ordinance now provides that determinations and recommendations of the Professional Standards Board shall be announced in open sitting, subject only to those matters having first been disclosed to the 'Church Authority'.²²³²

Relevantly, because the recommendations and determinations of the board may now be made public, it will be open to the complainant, church members and any other parties to ascertain whether any decision by the bishop or other Church Authority conforms to or departs from the board's recommendations.

We are satisfied that the amendments to the Professional Standards Ordinance that the diocesan synod made in October 2015 improved the transparency of the professional standards framework.

7.9 Redress policies within the Diocese from 2012 to 2016

As noted in section 6 above, on 28 April 2007 the diocesan council resolved to adopt the PCAS implemented by the Diocese of Sydney. The payment cap under the scheme was \$75,000.²²³³

In around May 2015, the cap under the scheme was increased to \$150,000.²²³⁴ Mr Cleary gave evidence that, before the cap was increased, about 90 per cent of claimants rejected a settlement under the PCAS. He said that doubling the cap to \$150,000 resulted in a significant 'take-up' of redress offers under the scheme.²²³⁵

Mr Cleary said that around 40 to 50 alleged survivors of child sexual abuse had received redress from the Diocese, although not all of those settlements were reached within the PCAS framework.²²³⁶

In 2015, the Claim Resolution Protocol was formally adopted to provide redress to those claimants who did not want to participate in the PCAS.²²³⁷ The diocesan business manager managed those claims.²²³⁸

Under the PCAS, claims are assessed by an assessment panel comprising the diocesan business manager, the diocesan lawyer and the chair of the Professional Standards Committee. The panel then determines and advises the bishop on settlement, including its proposed sum of financial compensation. For all claims involving a financial redress payment, the Diocese requires the claimant to sign a deed of release.²²³⁹

The Diocese has established a special purpose fund to meet these payments.²²⁴⁰ The Diocese has imposed levies on parishes and property sales, including the sale of Morpeth College, the proceeds of which go directly into the fund to ensure there is funding available for redress.²²⁴¹

All claimants are also offered an apology meeting, usually with the bishop.²²⁴² In 2015, the Diocese developed a Survivor Apology Meeting Facts Sheet, which outlined the practice for making an apology.²²⁴³ Bishop Thompson said that he has provided a written or personal apology in all cases where a claimant has requested that he do so. He has also met a number of other survivors who did not seek financial redress from the Diocese but who wanted to meet with him to discuss their experiences.²²⁴⁴

7.10 Reforms to culture

Efforts to reform culture within the Diocese

Bishop Thompson gave evidence of his efforts in leading cultural reform within the Diocese. In 2016, he commissioned a report on best practices and policies for responding to disclosures of child sexual abuse, which culminated in the Report on the Parish Recovery Model in June 2016.²²⁴⁵ Under the Parish Recovery Model, Bishop Thompson formed leadership teams (known as the Bishop's Response Team and Parish Recovery Team) to assist parishes in responding quickly and effectively to such disclosures.²²⁴⁶

As at July 2016, the Parish Recovery Model was used in response to three alleged offenders, and 11 parishes have received support.²²⁴⁷

Bishop Thompson also retained consulting firm KPMG to conduct a governance audit of the Diocese.²²⁴⁸ In addition, he has convened an independent review of the professional standards and redress in the Diocese.²²⁴⁹ The results of these reviews were not known at the time that evidence closed in this case study.

Standing down of the Cathedral parish council in September 2016

On 2 September 2016, Assistant Bishop Stuart, as Bishop Thompson's delegate, stood down the five members of the Cathedral parish council who were signatories to the letter to the Royal Commission discussed in section 7.4 above. Some were also signatories to the letters to the Episcopal Standards Commission concerning Bishop Farran, discussed in section 5.10 above.

Assistant Bishop Stuart informed these office holders that, in signing the letter to the Royal Commission, they had failed to fulfil the duties of a 'responsible person' (as defined in the Responsible Persons Ordinance 2015) and that such failure was of the 'highest gravity'. He said that the letter challenged the credibility of Bishop Thompson and reflected division within the Diocese and 'coordinated opposition' to the bishop. He notified them of their right to appeal the decision and invited them to consider making an apology.²²⁵⁰

[REDACTED]

Assistant Bishop Stuart said that he considered various ways in which to deal with the matter, as he was conscious of the work that had been done by the Cathedral parish council. However, in the end, he 'formed the view that the ministry of the church, the care of people and the reputation of the Diocese required those people no longer to be exercising a role or function'.²²⁵²

Assistant Bishop Stuart said that one of the signatories appealed his decision; however, the diocesan council unanimously upheld his decision. The diocesan council also approved Assistant Bishop Stuart's proposal that the Cathedral parish council's decision-making authority be suspended until further notice.²²⁵³ Assistant Bishop Stuart told the Royal Commission that two of the signatories had apologised to Bishop Thompson.²²⁵⁴

7.11 Developments since the conclusion of the public hearing in November 2016

Since the public hearing concluded in November 2016, there have been some notable developments in the Diocese.

Father George Parker

Significantly, on 23 December 2016, Father Parker was served with:²²⁵⁵

- an indictment containing four counts of child sexual abuse offences against CKA and CKB, being the same four counts as the indictment presented against Father Parker at his trial in 2001, set out in section 4.6 of this report
- 20 court attendance notices relating to 20 additional charges for offences committed against CKA between 1971 and 1974.

Father Parker died on 11 January 2017.²²⁵⁶

Archbishop Roger Herft

Archbishop Herft announced his decision to retire from his position as Archbishop of Perth on 15 December 2016, which took effect on 7 July 2017.²²⁵⁷ At the conclusion of his evidence before the Royal Commission, Archbishop Herft stated that he had ‘let down the survivors’ and thanked the Royal Commission for holding him ‘personally accountable’ as well as the Church.²²⁵⁸

Mr John Cleary

Mr Cleary resigned his position of diocesan business manager on 27 February 2017. In a media statement, the Diocese stated his resignation was by mutual agreement. Mr Cleary had spent four years assisting the work of the Royal Commission and supporting survivors, which had been very taxing on both Mr Cleary and his family.²²⁵⁹

Bishop Greg Thompson

On 16 March 2017, Bishop Thompson announced his intention to resign as Bishop of Newcastle effective 31 May 2017. In a media statement, Bishop Thompson said that since the end of the Royal Commission's public hearing on the Diocese he had been reflecting on both the changes wrought on the Diocese by the Royal Commission's investigations and its impact on both his health and his family.²²⁶⁰

Bishop Thompson subsequently gave evidence before the Royal Commission on 17 March 2017 as part of our *Institutional review of Anglican Church institutions* case study. As one of the panellists giving evidence, Bishop Thompson offered his perspectives on the direction of the Church. The matters discussed in that hearing will be considered in the Royal Commission's final report.

Governance report

In March 2017, the diocesan council received a report from KPMG on a review they had undertaken of the governance of the Diocese.²²⁶¹ The full report concerning the Diocese's governance structures and processes was made public in May 2017.²²⁶² The report identified five key areas of concern:

- unclear accountabilities, interrelationships and reporting lines
- lack of clear business advice
- representative rather than skills-based governance
- nomination process not defined and constrained
- onerous demands on the episcopate.

7.12 Concluding remarks

Bishop Thompson led significant efforts to reform the culture within the Diocese, including by conducting the 'listening process' and creating and implementing 'parish recovery' teams. He also successfully implemented the Responsible Persons Ordinance 2015, under which Mr Allen and other divisive members of the Diocese were removed from governance positions within the Diocese. These steps were necessary in order to reduce impediments that existed within the Diocese for responding appropriately to allegations of child sexual abuse.

Bishop Thompson began his episcopate with little idea of the fractious attitudes in the Diocese towards child sexual abuse. He resigned, three years later, having experienced first-hand the type of hostility felt by so many survivors before him.

Bishop Thompson provided insightful reflections to us in oral evidence, which bear repeating in full:

I think we need to continue to bring into the circle of influence the stories of survivors and their experiences within the church. Until we are in direct proximity to those stories, people neither understand nor appreciate the lived trauma that people are going through. So opportunities for Bishops and their Dioceses and other institutions to create safe places for people to come forward and to be people who can speak their experience in the institution – if we could develop practices of listening and practices of understanding what survivors are going through. That takes a deep commitment to put oneself in a vulnerable place, for those survivors, and it takes commitment by the Dioceses to listen and respond well, in a timely way.

... I think compliance is one important step in the nature of a national response, practices and policies which are consistent and benchmarked to best practice, research based. But in the end, it is hearts and minds, and until we have hearts and minds convinced that child safety is of the highest order and that those who have suffered need to have proper redress, change will be slow.

We need Bishops and institutional leaders who will articulate clearly and well this highest priority. We are facing one of the gravest health crises of our time because of the trauma of child abuse. We need leaders who will articulate well to their staff and to their communities that they are fully behind the change and they will have no accommodation for those who intimidate or who put down those who have suffered.²²⁶³

Bishop Thompson told us that dioceses which 'afford respect and recognition to the Bishop and his responsibilities work well when there are not compromised systems and compromised leaders'. He said that people of influence and power provided a 'protection racket', which made it 'very hard for any change to emerge in the period of their leadership'.²²⁶⁴

Assistant Bishop Stuart said that the Cathedral community has ‘a lot of work to do’ to become ‘a church and a place that is welcoming and safe for all people’, including Bishop Thompson.²²⁶⁵

Bishop Thompson’s experiences demonstrated how important a healthy, educated community dialogue on child sexual abuse matters is to an institution’s broader response to child sexual abuse. The earlier episcopates in the Diocese had few policies and procedures in relation to child sexual abuse. That is not the case now, and there are numerous policies and procedures in place to create a standard by which diocesan staff deal with complaints. However, formal policies are only as strong as the community that respects and implements them.

We consider that a major shift in understanding and awareness must occur in the Diocese if it is to improve its response to child sexual abuse going forward. The diocesan community as a whole must take responsibility for this problem. In particular, there is a role for further education on the reasons why survivors of abuse may not disclose their abuse immediately or at all and the feelings of shame and powerlessness associated with being a survivor. There is still an attitude in some segments of the Diocese that survivors should just ‘move on’. Until that attitude evolves, very little may change in this institution.

8 Morpeth College

8.1 Introduction

The scope and purpose of this case study required us to inquire into the links between any institutional culture at Morpeth College and the perpetration of child sexual abuse. Morpeth College operated in the Diocese between 1926²²⁶⁶ and 2007.²²⁶⁷

The majority of students who attended Morpeth College were nominated by the Diocese and were sent to local parishes within the Diocese following the completion of their studies and ordination.²²⁶⁸ Bishop Holland told us that this connection created ‘a strong sense of fellowship among [Morpeth College’s] alumni’.²²⁶⁹ However, other dioceses could also nominate students to attend Morpeth College.²²⁷⁰

This section of the report:

- considers the incidence of child sexual abuse perpetrated or allegedly perpetrated by people who had studied at Morpeth College
- discusses the screening processes undertaken in the past in selecting students to attend Morpeth College
- explores evidence regarding the culture at Morpeth College and whether it may have been one that engendered particular attitudes to sexual offending against children.

8.2 Offending by students and graduates of Morpeth College

2009 Parkinson and Oates Report

In 2007, the Church engaged Professor Patrick Parkinson and Professor Kim Oates to report on the nature and extent of reported child sexual abuse within the Church since 1990. This report was finalised in May 2009.²²⁷¹

Professor Parkinson provided a written statement to us in which he stated that his study identified 135 alleged perpetrators across 17 dioceses. Of these, 86 alleged perpetrators were either clergy or candidates for the clergy.²²⁷²

Professor Parkinson stated that, of the 86 alleged clergy or clergy candidate perpetrators, 29 did not have their theological college identified. However, 14 (that is, 16 per cent) were identified as having trained at Morpeth College. He saw this as a ‘troubling anomaly’ that warranted further inquiry to determine ‘whether there may have been some kind of network that had its origins’ at Morpeth.²²⁷³

A draft of the Parkinson and Oates report was discussed at the national bishops' conference on 21 March 2009.²²⁷⁴ The bishops expressed concern about the statistical basis for the findings, given the total number of graduates from all colleges and particular colleges was not known.²²⁷⁵ Ultimately, the authors did not include their findings about Morpeth College in the final report and said, 'there was neither budget nor scope for further investigation into Morpeth'.²²⁷⁶

On 24 June 2009, then Primate Aspinall sent a letter to the then Bishop of Newcastle, Bishop Farran, regarding the 'Morpeth Issue'.²²⁷⁷ Quoting the relevant section of the draft report, Primate Aspinall explained that he had been asked by the General Synod Standing Committee at its meeting on 13 June 2009 to draw this issue to Bishop Farran's attention.²²⁷⁸ Primate Aspinall suggested that Bishop Farran may wish to consider whether it is appropriate or possible to take the matter further.

Bishop Farran told the Royal Commission that, upon receiving the letter from the then Primate, he 'hoped' he had referred the matter to the Director of Professional Standards, Mr Michael Elliott.²²⁷⁹ Mr Michael Elliott has conducted extensive investigations of sexual offending by clergy and other Church workers in the Diocese. Bishop Farran said he took no further action in relation to the Primate's letter because by that stage the college had been closed.²²⁸⁰

Incidence of offending by current and former students at Morpeth College

The inaugural class at Morpeth College in 1926 numbered 26 students.²²⁸¹ Students were generally enrolled for three years. During the war years, there were about 30 students on campus. Enrolments peaked in the late 1950s and early 1960s, with approximately 70 students enrolled at any one time.²²⁸² By the mid-1990s, enrolments had dropped to an average of about six per year, and there were fewer than 20 students on campus.²²⁸³

Evidence before us establishes that the following six former students of Morpeth College have been convicted of child sexual abuse offences:

- Kitchingman, who was a student in residence in 1963²²⁸⁴
- Griffith, who was a student in residence in 1967²²⁸⁵
- Hatley Gray, who was a student in residence in 1972²²⁸⁶
- Ellmore, who was a student in residence between 1974 and 1977²²⁸⁷
- McLoughlin, who was a student in residence in 1977²²⁸⁸
- Barrack, who was a student in residence in 1998.²²⁸⁹

Further, the following 10 former students of Morpeth College have been accused of perpetrating child sexual abuse:

- DBF, who was a student in residence in 1944²²⁹⁰
- Father Rushton, who was a student in residence in 1963
- Father Parker, who was student in residence in 1963²²⁹¹
- [REDACTED]
- Reverend Michael Cooper, who was a student in residence in 1967²²⁹³
- Reverend Ogle, who was a student in residence in 1968²²⁹⁴
- DAL, who was a student in residence in 1972²²⁹⁵
- DBJ, who was a student in residence in 1974²²⁹⁶
- DNA, who was a student in residence in 1980²²⁹⁷
- DCK, who was a student in residence in 1981²²⁹⁸

Of the people identified above, it is notable that Ki chingman, Father Rushton, Father Parker [REDACTED] were all students in residence at Morpeth College in 1963. Other than them, there was limited overlap in the periods of study of offenders or alleged offenders.

We accept that, after their time at Morpeth College, these men had ongoing connections with each other in the Diocese:

- In 1968, Kitchingman was convicted of sexually abusing a boy while working at the Wallsend parish with Father Parker.²²⁹⁹ Kitchingman then transferred to the Diocese of Grafton. Father Parker began working with Father Rushton, who became the rector of Wallsend in 1973.²³⁰⁰
- We accept CKA's evidence that Father Rushton and Father Parker were close friends. While CKA served as an altar boy between 1971 and 1975, CKA said Father Rushton regularly came over to CKA's house with Father Parker.²³⁰¹
- In 2001, after Kitchingman was convicted of further child sexual abuse offences that had occurred in 1975, [REDACTED] gave a reference for Kitchingman at his sentencing hearing.²³⁰² After completing his sentence, Kitchingman worshipped at [REDACTED]²³⁰³
- From 1984, when Mr Lawrence commenced as dean of the Cathedral, until 2001, when Father Rushton retired, Mr Lawrence and Father Rushton worked together as part of the diocesan leadership team under Bishop Holland and later Bishop Herft. [REDACTED]
[REDACTED]²³⁰⁴

- Between 1986 and 1995, Father Parker worked as [REDACTED] [REDACTED]²³⁰⁵ Even though they had studied and then worked together for nine years, [REDACTED] told the Royal Commission that his connection with Father Parker was ‘a very fleeting one; not a close one’.²³⁰⁶

The mere fact that a number of people lived and studied at Morpeth College at the same time and later worked together and were convicted or were accused of sexually abusing children cannot, in itself, establish that they were part of a paedophile ring that grew out of Morpeth College. However, the evidence is stronger that Father Rushton was involved in an organised group within the Diocese which perpetrated sexual abuse against children. This is a matter to which we return in section 9 of this report.

8.3 Screening of Morpeth College students and graduates

Initial screening of candidates for Morpeth College

Given the number of child sex offenders and alleged child sex offenders who studied at Morpeth College, the adequacy of screening processes for candidates for study there must be considered.

In fact, until 1979, Morpeth College played no role in screening its candidates. Students who attended Morpeth College were nominated by their diocese. Once nominated, they were enrolled at Morpeth College as a matter of course and their fees were paid for by their diocese.²³⁰⁷

The screening of prospective students was the responsibility of the nominating diocese. There were no interview or screening processes undertaken by Morpeth College itself.²³⁰⁸

Further, the bishop of the student’s nominating diocese had discretion to ordain a graduate or former student of Morpeth College, despite the recommendations of Morpeth College staff and regardless of whether the student actually completed their studies.²³⁰⁹

Reverend Lance Johnston, who was the principal of Morpeth College from 1975 to 1979, expressed the view that:

[T]here would have been a perception ... that by having studied at Morpeth College, students had been screened by the College. This was not actually the case ... too much weight was often given to the intuition of the Bishop as to whether the student was of good character, and very little weight was given to our progress reports and recommendations.²³¹⁰

From 1979 onwards, Morpeth College implemented a screening process for prospective students, which included requiring candidates to provide a referral from the relevant parish rector and to undergo an interview with the archdeacon and then the bishop or assistant bishop of the nominating diocese.²³¹¹ If approved at this stage, the candidate would be invited to a Residential Selection Conference Weekend to undergo a psychiatric assessment and review by three clerical and three lay persons, who then made nominations to the bishop based on suitability for ordination.²³¹²

Ongoing screening of Morpeth College students and graduates

At least during Reverend Johnston's term as principal of Morpeth College, it was the practice of Morpeth College staff to provide progress reports for each student to the bishop of their nominating diocese twice a year. Each report was prepared by one of three full-time staff of Morpeth College and contained material which reflected the views of all three staff members.²³¹³

However, Reverend Johnston accepted that the effectiveness of reporting procedures that Morpeth College staff implemented was entirely dependent on how the nominating bishop received those reports. Once a student of Morpeth College had completed his or her studies, the decision as to whether to ordain that student was a matter solely for the bishop of the nominating diocese.²³¹⁴

Reverend Johnston gave evidence that the staff of Morpeth College normally received very little feedback from bishops in the way of correspondence or even verbal commentary in response to the progress reports for their nominated students.²³¹⁵ He observed instances where students who failed academically or had received unfavourable reports had still gone on to be ordained.²³¹⁶

Reverend Johnston gave evidence that it was the responsibility of the nominating diocese to conduct any further checks at the completion of a student's study and prior to ordination.²³¹⁷

The example of Robert Ellmore

Reverend Johnston gave evidence of his specific experiences in relation to Ellmore, a student who lived at Morpeth College when Reverend Johnston was residing there as principal along with his wife and two daughters from 1974 until 1977.²³¹⁸

Ellmore had been nominated as a student at Morpeth College by the then Bishop of Bathurst, Kenneth Leslie, in 1974 following a recommendation by the then Dean of Sydney, Bishop Hulme-Moir.²³¹⁹ Despite the college providing regular reports to Bishop Leslie informing him that Ellmore was failing most if not all of his theological examinations and that the college had serious reservations about his character, Bishop Leslie proceeded to ordain Ellmore in 1977.²³²⁰

In 1999, Ellmore was convicted of child sexual abuse offences, including offences committed against Reverend Johnston's two young daughters in 1976, while he was a student at Morpeth College.²³²¹ During the criminal proceedings, Reverend Johnston became aware that Ellmore had been convicted of child sexual abuse offences in 1957 and had been charged but not convicted of other sexual offences against children in 1967.²³²² He also came to know that Bishop Leslie had recommended Ellmore to Morpeth College at least in part because he had been recommended by the Dean of Sydney and another senior member of the clergy.²³²³

Reverend Johnston formed the view that no screening had been undertaken by the Bishop of Bathurst prior to Ellmore being nominated for Morpeth College. He also concluded that very little weight had been given to the progress reports and recommendations of the staff of Morpeth College and that too much weight was given to the intuition of the bishop as to whether Ellmore was of good character.²³²⁴ We accept those conclusions.

8.4 Culture at Morpeth College

An issue before us was whether there was any particular culture at Morpeth College which could explain the sexual offending against children by people who were students of Morpeth College. The evidence regarding the culture at Morpeth College was limited.

Morpeth College allowed students to live onsite, including with their families. Bishop Richard Appleby told the Royal Commission that, from the 1960s, the number of unmarried students declined and students were more often married and residing onsite with their families. The Morpeth College community was therefore made up of both staff and student families and some unmarried students.²³²⁵

Reverend Johnston, the principal of Morpeth College from 1975 to 1979, told the Royal Commission that staff and students lived together as a community and members of the community were trusted.²³²⁶

Bishop Holland,²³²⁷ Reverend Colvin Ford,²³²⁸ Bishop Appleby,²³²⁹ Bishop Browning²³³⁰ and Reverend Johnston²³³¹ all gave evidence that they were not aware of any rumours, behaviour or culture at Morpeth College that would suggest that any ordinands or priests there had a sexual predilection for children or that there was a paedophile ring.

Bishop Farran, who studied at Morpeth College and whose period of study overlapped with those of Father Rushton, Father Parker, Kitchingman [REDACTED]²³³² agreed that it was 'remarkable' that so many students from Morpeth College had been convicted of child sexual abuse offences or had been accused of perpetrating such crimes.²³³³ However, he did not see anything in the culture of Morpeth College that was supportive of sexual offending against children.²³³⁴ He did observe that there were some homosexuals at the college but rightly said that paedophilia is a very different thing to homosexuality.²³³⁵

However, we did receive accounts from several witnesses that, since at least the 1970s, Morpeth College was the subject of rumours concerning sexualised behaviour among its students,²³³⁶ although this predominantly related to adult homosexual behaviour.

CKR told the Royal Commission that, despite her later trust in the community at Morpeth College when she came to study there in 1997, back in 1979, when she previously lived at the college with her then husband, she heard a lot of rumours concerning homosexual activity among people on campus and also 'about certain priests who might fancy little boys'. She said all the gay clergy appeared to live at Robinson House.²³³⁷ She said one of the people who was said to prefer 'youngsters' and 'little boys' was Father Rushton.²³³⁸

Ms Noelle Freeman, who was the secretary and treasurer of a fundraising group Friends of St John's Theological College, Morpeth for a period of eight years in the 1970s,²³³⁹ said that Morpeth College was known as 'Satan's playground'. She was aware that 'a lot of homosexual and sexualised behaviour' took place at Morpeth College at that time.²³⁴⁰

McLoughlin, who was recently convicted of child sexual abuse offences, told the Royal Commission in a written statement that he was sexually harassed and propositioned by a senior student when he was at Morpeth College.²³⁴¹

Bishop Browning, who studied at Morpeth College from 1963 to 1965, offered the following opinion:

If a ring existed I am more inclined to the view it existed within a small group who shared the same ecclesial and theological perspective and that their passage through St John's Morpeth as students was not in itself germane to their predatory behaviour.²³⁴²

Bishop Browning explained in his statement that there are two main streams in 20th century Anglicanism – namely, Anglo-Catholicism and Evangelicalism. He said the former can be identified in dioceses like Newcastle, Ballarat and Riverina and the latter in Sydney and Armidale.²³⁴³

Bishop Browning said that ‘at its worst’, Anglo-Catholicism is authoritarian, opposed to the ordination of women, exalts the authority of the priest and makes an ‘unhealthy separation between clergy and lay people’.²³⁴⁴ Bishop Browning said that this ‘unhealthy aspect’ of Anglo-Catholicism ‘appears to have driven a group of clergy within the Diocese of Newcastle and also Bishop Ian Shevill’.²³⁴⁵ Bishop Browning described witnessing Bishop Shevill once describe to a new ordinand that he was now ‘ontologically different’ because of his ordination.²³⁴⁶

Bishop Herft also gave evidence of a ‘Father knows best’ culture in the Anglo-Catholic community in Diocese, which was challenged by the ordination of women and the push to have lay persons trained in ministry.²³⁴⁷

There was evidence that Father Parker,²³⁴⁸ Father Rushton,²³⁴⁹ Kitchingman [REDACTED] [REDACTED]²³⁵⁰ were part of an Anglo-Catholic cohort at Morpeth College who followed this particular style of Anglo-Catholicism that Bishop Browning described. That is, they actively promulgated the notion of the priest as ‘superior’ to non-ordained people. They portrayed themselves, and were portrayed by others, as being a direct link to God.²³⁵¹ They were also purportedly charismatic and charming.²³⁵²

Ultimately, however, there is insufficient evidence before us to conclude that the culture at Morpeth College, including its Anglo-Catholic persuasion or the fact that some students engaged in homosexual activity, was linked to the number of child sex offenders or alleged offenders who studied at Morpeth College

As part of our *Institutional review of Anglican Church institutions* case study, the Royal Commission has received further evidence about the incidence of child sexual offending on the part of those who studied at Morpeth College. We anticipate that this issue will be dealt with in more detail in the Royal Commission’s final report.

9 Links Between Father Rushton and Other Perpetrators

This section of the report explores the connections between Father Rushton and other known and alleged perpetrators identified in this case study.

9.1 Sexual abuse of boys at St Alban's

As we have previously identified, Father Rushton allegedly sexually abused at least 12 boys between 1961 and 1984.²³⁵³ Three of his alleged victims were residents at the St Alban's Home for Boys in Cessnock in New South Wales.²³⁵⁴

Based on Brown's own admission, as well as the evidence of Ms Aslin, we are satisfied that Brown had a sexual as well as a professional relationship with Father Rushton.²³⁵⁵ The evidence suggests that Brown's close association with Father Rushton elevated him to roles at St Alban's and churches within the Diocese. Brown was convicted of sexually abusing 20 victims between 1974 and 1996. Eleven of his victims were residents at St Alban's or were boys whom he met as a result of his parish youth work. Both of his roles were obtained through Father Rushton.²³⁵⁶

We also heard evidence that Reverend Michael Cooper, who was licensed in the Diocese, gained access to boys at St Alban's through Father Rushton. Mr D'Ammond gave evidence of being sexually abused by Brown Father Rushton and Reverend Cooper.²³⁵⁷ Mr Gray gave evidence of being abused on one occasion at St Alban's, where up to eight men were in the room.²³⁵⁸ CKG gave evidence of being sexually abuse at a priest's house in Cessnock, where Father Rushton had taken him on at least one occasion.²³⁵⁹

We are satisfied, based on the evidence of Mr Gray, Mr D'Ammond and CKG, that by at least 1966 Father Rushton had begun to provide access to a number of men, enabling the sexual abuse of children at St Alban's by those men (not all of whom were identified in the evidence).²³⁶⁰

9.2 Evidence of connections between Father Rushton and perpetrators

According to McLoughlin, a former priest in the Diocese who was recently convicted of sexually offending against two children, he was in a sexual relationship with Father Rushton for about four years.²³⁶¹ One of the offences for which he was convicted occurred at Father's Rushton's residence in Wallsend in the early 1980s.²³⁶² However, McLoughlin denies that Father Rushton passed boys to him and we make no finding that he did.²³⁶³ McLoughlin also denies being part of a paedophile ring.²³⁶⁴

We found in section 8 of this report that Father Rushton and Father Parker were good friends. CKA, who alleges that he was sexually abused by Father Parker for many years, gave evidence that on one occasion during this period Father Parker took him to a church at The Entrance in New South Wales. CKA said that, when they got there, the priest of that church allegedly joked with Father Parker, saying, '[i]t's not like you to share'.²³⁶⁵ CKA also said that it was common knowledge among the altar servers that Father Rushton was molesting boys.²³⁶⁶ On balance, we do not consider that it is open on this evidence alone to find that Father Parker and Father Rushton knew of, or were complicit in, each other's alleged sexual offending.

9.3 Evidence that members of the Church community knew of Father Rushton's offending

The evidence establishes that over the years a number of people within the Diocese harboured concerns that Father Rushton sexually offended against children.

Rumours also circulated among the altar boys about Father Rushton. CKA told the Royal Commission that it was common knowledge among the altar servers that Father Rushton was molesting boys.²³⁶⁷ By the time CKA was 12 years old, he had formed the view that Father Rushton was abusing boys because of jokes circulating amongst the altar servers at Servers' Guild meetings.²³⁶⁸

Another former altar boy in the Diocese reported to the Diocese of Sydney in 2003 that he had concerns about Father Rushton's relationships with young boys in 1976, when he was 15. His own observations as well as comments by another priest at the time led him to believe that Father Rushton had 'his own group of boys'.²³⁶⁹

Also, as recounted in section 8 above, CKR said that when she lived at Morpeth College in 1979 she heard rumours that one of the people said to prefer ‘youngsters’ and ‘little boys’ was Father Rushton.²³⁷⁰

Mrs Sanders told the Royal Commission that, after she became the chair of CASM in 2001, she received anonymous phone calls from women telling her their sons had been abused by priests when they were boys.²³⁷¹

We are also satisfied that in 2015 Mr Allen told Mr Cleary that there were concerns about Father Rushton’s activities on the Central Coast, including sexual liaisons with children from a particular family, and that Father Rushton lived in Maitland with a child. Mr Allen also told Mr Cleary that Father Rushton and other clergy, including Father Brown, were part of a ‘boys crew’ in the Cessnock area and a ‘hanky panky group’ at Wallsend.²³⁷² However, Mr Allen made these statements long after the allegations had been made public. It is not clear from the evidence whether Mr Allen had knowledge of these matters at the time. Accordingly, we make no finding.

It is not clear to us from the evidence what level of the Diocese hierarchy these rumours reached. The key point, which we discussed in section 3 above, is that numerous people made Bishop Holland aware in 1979 and 1980 of allegations that Father Rushton had allegedly sexually abused boys and nothing was done about it at the time. Similarly, as we discussed in section 4 above, when allegations were made known to Bishop Herft that Father Rushton had sexually abused children, nothing was done.

10 Systemic Issues

This case study provided the Royal Commission with insights into systemic issues relating to the institutional response of the Diocese to instances and allegations of child sexual abuse.

Bishop Holland and Bishop Herft showed a distinct lack of leadership, and alleged perpetrators were not called to account. Compassion and pastoral care was often not shown to survivors.

On the other hand, later bishops, Bishop Farran and Bishop Thompson, met the challenge head on by exposing the allegations, taking appropriate responses against alleged perpetrators and providing survivors with pastoral care. They faced a considerable backlash for so doing.

Mrs Sanders, Mr Cleary, Mr Michael Elliott and Bishop Thompson stand out in particular for their dedication, determination and diligence in seeking to uncover the extent of child sexual abuse in the Diocese and in the compassion and care they showed for survivors and their families.

Several systemic issues appear to have been less prevalent since the successive appointments of Mr Cleary, Mr Elliott and Bishop Thompson between 2007 and 2014. Prior to this period, the Royal Commission identified the following historical systemic issues:

- Those who reported allegations of child sexual abuse to senior clergy were treated as if they had fabricated the allegations and were sometimes threatened with legal action.
- Allegations of child sexual abuse and related offences were not consistently or regularly reported to the police.
- Recordkeeping about complaints was inadequate.
- There was a lack of awareness of, or policies on, avoiding conflicts of interest in responding to child sexual abuse matters.
- There was a lack of turnover of those in positions of governance within the Diocese, leading to entrenched positions, conflicts of interest and a narrowed pool of expertise.
- There was permissive and timid leadership by successive bishops.
- There was an over-reliance on the perceived honesty of alleged perpetrators when confronted with allegations.

We also identified a number of systemic issues which are both historical and current and apply more broadly than to the diocesan hierarchy alone. As evident from the backlash among an element of Church members towards Bishop Farran and Bishop Thompson, the Diocese is an institution where some lay members hold significant influence.

These historical and contemporary systemic issues are as follows:

- a minimising of the nature and impact of the offending
- a reluctance among some clergy to implement risk management strategies for accused or convicted clergy where those clergy shared longstanding professional or personal relationships
- a focus on protecting the reputation of the Church and of individual members of the Church, particularly those in positions of power and influence
- a misrepresentation of abusive and predatory sexual relationships as consensual homosexual relationships.

A cumulative effect of each of these systemic issues was that a group of perpetrators was allowed to operate within the Diocese for at least 30 years.

Appendix A: Terms of Reference

Letters Patent dated 11 January 2013

ELIZABETH THE SECOND, by the Grace of God Queen of Australia and Her other Realms and Territories, Head of the Commonwealth:

TO

The Honourable Justice Peter David McClellan AM,
Mr Robert Atkinson,
The Honourable Justice Jennifer Ann Coate,
Mr Robert William Fitzgerald AM,
Dr Helen Mary Milroy, and
Mr Andrew James Marshall Murray

GREETING

WHEREAS all children deserve a safe and happy childhood.

AND Australia has undertaken international obligations to take all appropriate legislative, administrative, social and educational measures to protect children from sexual abuse and other forms of abuse, including measures for the prevention, identification, reporting, referral, investigation, treatment and follow up of incidents of child abuse.

AND all forms of child sexual abuse are a gross violation of a child's right to this protection and a crime under Australian law and may be accompanied by other unlawful or improper treatment of children, including physical assault, exploitation, deprivation and neglect.

AND child sexual abuse and other related unlawful or improper treatment of children have a long-term cost to individuals, the economy and society.

AND public and private institutions, including child-care, cultural, educational, religious, sporting and other institutions, provide important services and support for children and their families that are beneficial to children's development.

AND it is important that claims of systemic failures by institutions in relation to allegations and incidents of child sexual abuse and any related unlawful or improper treatment of children be fully explored, and that best practice is identified so that it may be followed in the future both to protect against the occurrence of child sexual abuse and to respond appropriately when any allegations and incidents of child sexual abuse occur, including holding perpetrators to account and providing justice to victims.

AND it is important that those sexually abused as a child in an Australian institution can share their experiences to assist with healing and to inform the development of strategies and reforms that your inquiry will seek to identify.

AND noting that, without diminishing its criminality or seriousness, your inquiry will not specifically examine the issue of child sexual abuse and related matters outside institutional contexts, but that any recommendations you make are likely to improve the response to all forms of child sexual abuse in all contexts.

AND all Australian Governments have expressed their support for, and undertaken to cooperate with, your inquiry.

NOW THEREFORE We do, by these Our Letters Patent issued in Our name by Our Governor-General of the Commonwealth of Australia on the advice of the Federal Executive Council and under the Constitution of the Commonwealth of Australia, the *Royal Commissions Act 1902* and every other enabling power, appoint you to be a Commission of inquiry, and require and authorise you, to inquire into institutional responses to allegations and incidents of child sexual abuse and related matters, and in particular, without limiting the scope of your inquiry, the following matters:

- a. what institutions and governments should do to better protect children against child sexual abuse and related matters in institutional contexts in the future;
- b. what institutions and governments should do to achieve best practice in encouraging the reporting of, and responding to reports or information about, allegations, incidents or risks of child sexual abuse and related matters in institutional contexts;
- c. what should be done to eliminate or reduce impediments that currently exist for responding appropriately to child sexual abuse and related matters in institutional contexts, including addressing failures in, and impediments to, reporting, investigating and responding to allegations and incidents of abuse;
- d. what institutions and governments should do to address, or alleviate the impact of, past and future child sexual abuse and related matters in institutional contexts, including, in particular, in ensuring justice for victims through the provision of redress by institutions, processes for referral for investigation and prosecution and support services.

AND We direct you to make any recommendations arising out of your inquiry that you consider appropriate, including recommendations about any policy, legislative, administrative or structural reforms.

AND, without limiting the scope of your inquiry or the scope of any recommendations arising out of your inquiry that you may consider appropriate, We direct you, for the purposes of your inquiry and recommendations, to have regard to the following matters:

- e. the experience of people directly or indirectly affected by child sexual abuse and related matters in institutional contexts, and the provision of opportunities for them to share their experiences in appropriate ways while recognising that many of them will be severely traumatised or will have special support needs;
- f. the need to focus your inquiry and recommendations on systemic issues, recognising nevertheless that you will be informed by individual cases and may need to make referrals to appropriate authorities in individual cases;
- g. the adequacy and appropriateness of the responses by institutions, and their officials, to reports and information about allegations, incidents or risks of child sexual abuse and related matters in institutional contexts;
- h. changes to laws, policies, practices and systems that have improved over time the ability of institutions and governments to better protect against and respond to child sexual abuse and related matters in institutional contexts.

AND We further declare that you are not required by these Our Letters Patent to inquire, or to continue to inquire, into a particular matter to the extent that you are satisfied that the matter has been, is being, or will be sufficiently and appropriately dealt with by another inquiry or investigation or a criminal or civil proceeding.

AND, without limiting the scope of your inquiry or the scope of any recommendations arising out of your inquiry that you may consider appropriate, We direct you, for the purposes of your inquiry and recommendations, to consider the following matters, and We authorise you to take (or refrain from taking) any action that you consider appropriate arising out of your consideration:

- i. the need to establish mechanisms to facilitate the timely communication of information, or the furnishing of evidence, documents or things, in accordance with section 6P of the *Royal Commissions Act 1902* or any other relevant law, including, for example, for the purpose of enabling the timely investigation and prosecution of offences;
- j. the need to establish investigation units to support your inquiry;
- k. the need to ensure that evidence that may be received by you that identifies particular individuals as having been involved in child sexual abuse or related matters is dealt with in a way that does not prejudice current or future criminal or civil proceedings or other contemporaneous inquiries;

- l. the need to establish appropriate arrangements in relation to current and previous inquiries, in Australia and elsewhere, for evidence and information to be shared with you in ways consistent with relevant obligations so that the work of those inquiries, including, with any necessary consents, the testimony of witnesses, can be taken into account by you in a way that avoids unnecessary duplication, improves efficiency and avoids unnecessary trauma to witnesses;
- m. the need to ensure that institutions and other parties are given a sufficient opportunity to respond to requests and requirements for information, documents and things, including, for example, having regard to any need to obtain archived material.

AND We appoint you, the Honourable Justice Peter David McClellan AM to be the Chair of the Commission.

AND We declare that you are a relevant Commission for the purposes of sections 4 and 5 of the *Royal Commissions Act 1902*.

AND We declare that you are authorised to conduct your inquiry into any matter under these Our Letters Patent in combination with any inquiry into the same matter, or a matter related to that matter, that you are directed or authorised to conduct by any Commission, or under any order or appointment, made by any of Our Governors of the States or by the Government of any of Our Territories.

AND We declare that in these Our Letters Patent:

child means a child within the meaning of the Convention on the Rights of the Child of 20 November 1989.

government means the Government of the Commonwealth or of a State or Territory, and includes any non-government institution that undertakes, or has undertaken, activities on behalf of a government.

institution means any public or private body, agency, association, club, institution, organisation or other entity or group of entities of any kind (whether incorporated or unincorporated), and however described, and:

- i. includes, for example, an entity or group of entities (including an entity or group of entities that no longer exists) that provides, or has at any time provided, activities, facilities, programs or services of any kind that provide the means through which adults have contact with children, including through their families; and
- ii. does not include the family.

institutional context: child sexual abuse happens in an institutional context if, for example:

- i. it happens on premises of an institution, where activities of an institution take place, or in connection with the activities of an institution; or
- ii. it is engaged in by an official of an institution in circumstances (including circumstances involving settings not directly controlled by the institution) where you consider that the institution has, or its activities have, created, facilitated, increased, or in any way contributed to, (whether by act or omission) the risk of child sexual abuse or the circumstances or conditions giving rise to that risk; or
- iii. it happens in any other circumstances where you consider that an institution is, or should be treated as being, responsible for adults having contact with children.

law means a law of the Commonwealth or of a State or Territory.

official, of an institution, includes:

- i. any representative (however described) of the institution or a related entity; and
- ii. any member, officer, employee, associate, contractor or volunteer (however described) of the institution or a related entity; and
- iii. any person, or any member, officer, employee, associate, contractor or volunteer (however described) of body or other entity, who provides services to, or for, the institution or a related entity; and
- iv. any other person who you consider is, or should be treated as if the person were, an official of the institution.

related matters means any unlawful or improper treatment of children that is, either generally or in any particular instance, connected or associated with child sexual abuse.

AND We:

- n. require you to begin your inquiry as soon as practicable, and
- o. require you to make your inquiry as expeditiously as possible; and
- p. require you to submit to Our Governor-General:

- i. first and as soon as possible, and in any event not later than 30 June 2014 (or such later date as Our Prime Minister may, by notice in the *Gazette*, fix on your recommendation), an initial report of the results of your inquiry, the recommendations for early consideration you may consider appropriate to make in this initial report, and your recommendation for the date, not later than 31 December 2015, to be fixed for the submission of your final report; and
- ii. then and as soon as possible, and in any event not later than the date Our Prime Minister may, by notice in the *Gazette*, fix on your recommendation, your final report of the results of your inquiry and your recommendations; and
- q. authorise you to submit to Our Governor-General any additional interim reports that you consider appropriate.

IN WITNESS, We have caused these Our Letters to be made Patent

WITNESS Quentin Bryce, Governor-General of the Commonwealth of Australia.

Dated 11th January 2013
Governor-General
By Her Excellency's Command
Prime Minister

Letters Patent dated 13 November 2014

ELIZABETH THE SECOND, by the Grace of God Queen of Australia and Her other Realms and Territories, Head of the Commonwealth:

TO

The Honourable Justice Peter David McClellan AM,
Mr Robert Atkinson,
The Honourable Justice Jennifer Ann Coate,
Mr Robert William Fitzgerald AM,
Dr Helen Mary Milroy, and
Mr Andrew James Marshall Murray

GREETING

WHEREAS We, by Our Letters Patent issued in Our name by Our Governor-General of the Commonwealth of Australia, appointed you to be a Commission of inquiry, required and authorised you to inquire into certain matters, and required you to submit to Our Governor-General a report of the results of your inquiry, and your recommendations, not later than 31 December 2015.

AND it is desired to amend Our Letters Patent to require you to submit to Our Governor-General a report of the results of your inquiry, and your recommendations, not later than 15 December 2017.

NOW THEREFORE We do, by these Our Letters Patent issued in Our name by Our Governor-General of the Commonwealth of Australia on the advice of the Federal Executive Council and under the Constitution of the Commonwealth of Australia, the *Royal Commissions Act 1902* and every other enabling power, amend the Letters Patent issued to you by omitting from subparagraph (p)(i) of the Letters Patent “31 December 2015” and substituting “15 December 2017”.

IN WITNESS, We have caused these Our Letters to be made Patent.

WITNESS General the Honourable Sir Peter Cosgrove AK MC (Ret’d),
Governor-General of the Commonwealth of Australia.

Dated 13th November 2014
Governor-General
By His Excellency’s Command
Prime Minister

Appendix B: Public Hearing

The Royal Commission	Justice Peter McClellan AM (Chair) Justice Jennifer Coate Mr Bob Atkinson AO APM Mr Robert Fitzgerald AM Professor Helen Milroy Mr Andrew Murray
Commissioners who presided	Justice Peter McClellan AM (Chair) Mr Bob Atkinson AO APM Mr Robert Fitzgerald AM
Date of hearing	5 July 2016
Legislation	<i>Royal Commissions Act 1902 (Cth)</i> <i>Royal Commissions Act 1923 (NSW)</i>
Leave to appear	Roger Dyer Royal Commission Working Group of the Anglican Church of Australia Bruce Hoare Bruce Hockman Bishop Alfred Holland Bishop Bruce Clark CKH Phillip D'Ammond CKR CKU Michael Elliott John Cleary Bishop Roger Herft CKG Paul Gray CKA

Leave to appear	<p>Greg Hansen</p> <p>Andrew Duncan</p> <p>Dr Peter Stuart</p> <p>Robert Caddies</p> <p>The State of New South Wales</p> <p>Bishop Brian Farran</p> <p>Cec Shevels</p> <p>Graeme Lawrence</p> <p>Bishop Harry Goodhew</p> <p>Phillip Gerber</p> <p>Bishop Richard Appleby</p> <p>Bishop Gregory Thompson</p> <p>Stephen Williams</p> <p>CKB</p> <p>Keith Allen</p> <p>Dr Sandra Smith</p> <p>Peter Mitchell</p> <p>Christopher Bird</p> <p>Suzan Aslin</p> <p>Colvin Ford</p> <p>Paul Rosser SC</p> <p>The Anglican Diocese of Newcastle</p> <p>John McNaughton AM</p> <p>COJ</p> <p>George Parker</p> <p>Colin Elliott</p> <p>Bishop George Browning</p> <p>Norman Barry</p> <p>COE</p> <p>Lindsay McLoughlin</p> <p>COC</p> <p>CKL</p> <p>Rodney Bower</p>
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Legal representation	<p>N Sharp, Counsel Assisting the Royal Commission</p> <p>P David appearing for Roger Dyer</p> <p>G Blake SC appearing for the Royal Commission Working Group of the Anglican Church of Australia</p> <p>P Harper, instructed by J Anthony of John Anthony Solicitors, appearing for Bruce Hoare</p> <p>A Williams appearing for Bruce Hockman</p> <p>M Moody appearing for Bishop Alfred Holland</p> <p>M Fernando appearing for Bishop Bruce Clark</p> <p>Dr M Marich, instructed by S Exner of Dr Martine Marich & Associates, appearing for CKH, Phillip D'Ammond, CKR, CKU, CKB and CKL</p> <p>A Casselden SC, instructed by N Mattock of Marque Lawyers, appearing for Michael Elliott</p> <p>T Alexis SC, instructed by M Jenkins and S Davies of Jenkins Legal Services, appearing for John Cleary</p> <p>P Cahill SC and J Healy, instructed by E Ross-Adjie of Warren Syminton Ralph Lawyers, appearing for Bishop Roger Herft</p> <p>P O'Brien of O'Brien Solicitors appearing for CKG, Paul Gray, CKA and COC</p> <p>B Duchen appearing for Greg Hansen</p> <p>L Brasch, instructed by H Heathcote of Bannisters Lawyers, appearing for Andrew Duncan</p> <p>L McLaughlin, instructed by J Wilson of Baker Love Lawyers, appearing for Dr Peter Stuart</p> <p>B Taylor, instructed by C Bilinsky of Peter Evans & Associates, appearing for Robert Caddies</p> <p>I Temby QC and I Fraser, instructed by K Hainsworth and N Malhotra of Crown Solicitor's Office, appearing for the State of New South Wales</p> <p>C Heazlewood and P Tierney of Elizabeth Street Chambers, appearing for Bishop Brian Farran</p> <p>J Castaldi of Laycock Burke Castaldi Lawyers appearing for Cec Shevels</p> <p>P Massey, instructed by C Thompson of Thompson Lawyers, appearing for Graeme Lawrence</p> <p>K Eastman SC and A Rose, instructed by S Lucas of the Sydney Diocesan Secretariat, appearing for Bishop Harry Goodhew and Phillip Gerber</p>
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Legal representation	<p>P Skinner, instructed by Mathisha Panagoda of Carroll & O'Dea Lawyers, appearing for Bishop Richard Appleby</p> <p>L Gyles SC, instructed by A Kohn of Makinson d'Apice, appearing for Bishop Gregory Thompson and the Anglican Diocese of Newcastle</p> <p>A George, instructed by A Smith of Doogue O'Brien George, appearing for Stephen Williams</p> <p>S Healy appearing for Keith Allen and Dr Sandra Smith</p> <p>M Gerace and J Hale of Maurice Byers Chambers appearing for Peter Mitchell</p> <p>L Jardim, instructed by N Felton of Armstrong Felton, appearing for Christopher Bird</p> <p>P David, instructed by C Abbott of Watsons Solicitors, appearing for Suzan Aslin</p> <p>M Fernando appearing for Colvin Ford and Rodney Bower</p> <p>J Booth, instructed by L Turner, appearing for Paul Rosser SC</p> <p>S McMahon, instructed by N Dan of Bilbie Dan Solicitors, appearing for John McNaughton</p> <p>C Davenport SC appearing for COJ and George Parker</p> <p>A Williams of Samuel Griffith Chambers appearing for Colin Elliott</p> <p>J Muir, instructed by J Payten of Phillip Ryan Solicitors, appearing for Bishop George Browning</p> <p>Dr M Fitzgerald, instructed by S Exner of Dr Martine Marich & Associates, appearing for COE</p> <p>R Suters, instructed by J Fleming of Burke and Mead Lawyers, appearing for Lindsay McLoughlin</p>
Pages of transcript	1,971

Notices to produce issued under the <i>Royal Commissions Act 1902 (Cth)</i> and documents produced	13 notices to produce, 195 documents
Summons to attend and summons to produce documents issued under the <i>Royal Commissions Act 1923 (NSW)</i> and documents produced	78 summons to attend and produce, 43,949 documents
Requirement to produce documents issued under the <i>Royal Commissions Act 1950 (Qld)</i> and documents produced	3 requirements to produce, 189 documents
Notices to produce issued under the <i>Royal Commissions Act 1995 (Tas)</i> and documents produced	1 notice to produce, 1 document
Summons to produce issued under the <i>Evidence (Miscellaneous Provisions) Act 1958 (Vic)</i> and documents produced	2 summons to produce, 27 documents
Summons to attend issued under the <i>Royal Commissions Act 1902 (Cth)</i>	40 summons to attend
Number of exhibits	165 exhibits consisting of a total of 898 documents tendered at the hearing

Witnesses	<p>Paul Gray Survivor</p> <p>Phillip D'Ammond Survivor</p> <p>CKH Survivor</p> <p>Suzan Aslin Family member of survivor</p> <p>Teresa Burns Former youth worker in the Diocese of Newcastle</p> <p>Pamela Wilson Former parishioner in the Diocese of Newcastle</p> <p>Bishop Alfred Holland Former Bishop of Newcastle</p> <p>Reverend Roger Dyer Former rector at Wallsend Parish</p> <p>Colvin Ford Former archdeacon in the Diocese of Newcastle</p> <p>CKA Survivor</p> <p>CKL Family member of survivor</p> <p>Bishop Richard Appleby Former Assistant Bishop of Newcastle</p> <p>CKU Survivor</p> <p>CKR Family member of survivor</p> <p>Keith Allen Former trustee and member of the Diocesan Council in the Diocese of Newcastle</p> <p>CKH Survivor</p>
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Witnesses	<p>Gary Askie Former delivery driver for John Farragher Removals</p> <p>Peter Mitchell Former diocesan registrar in the Diocese of Newcastle</p> <p>Michael Elliott Professional Standards Director in the Diocese of Newcastle</p> <p>Bishop Roger Herft Former Bishop of Newcastle</p> <p>John Cleary Former diocesan business manager in the Diocese of Newcastle</p> <p>Paul Rosser QC Former chancellor in the Diocese of Newcastle</p> <p>Robert Caddies Former diocesan solicitor in the Diocese of Newcastle</p> <p>Bishop Brian Farran Former Bishop of Newcastle</p> <p>Bishop Peter Stuart Assistant Bishop of Newcastle</p> <p>Graeme Lawrence Former dean of the Newcastle Cathedral</p> <p>John Cleary Former business manager of the Diocese of Newcastle</p> <p>Bishop Gregory Thompson Former Bishop of Newcastle</p>
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Endnotes

- 1 Exhibit 42-0001, 'Outline of Structure of the Anglican Church of Australia', Case Study 42, ANG.9310.01002.0003 at 0020.
- 2 Exhibit 42-0131, 'Statement of Archbishop Phillip Aspinall', Case Study 42, STAT.1153.001.0001 at [4].
- 3 Exhibit 42-0001, 'The Constitution of the Anglican Church of Australia', Case Study 42, ANG.0048.002.1533.
- 4 Exhibit 42-0001, 'Outline of Structure of the Anglican Church of Australia', Case Study 42, ANG.9310.01002.0003 at 0007, s 1.9.
- 5 Exhibit 36-0075, 'Statement of Archbishop Jeffrey Driver', Case Study 36, STAT.0840.001.0001_R at [73]; Exhibit 36-0077, 'Statement of Archbishop Glenn Davies', Case Study 36, STAT.0819.002.0001_R at [15].
- 6 Exhibit 36-0077, 'Statement of Archbishop Glenn Davies', Case Study 36, STAT.0819.002.0001_R at [15].
- 7 Exhibit 42-0128, 'Statement of Bishop Greg Thompson', Case Study 42, STAT.1036.001.0001 at [8].
- 8 Exhibit 42-0128, 'Statement of Bishop Greg Thompson', Case Study 42, STAT.1036.001.0001 at [10].
- 9 Exhibit 42-0128, 'Statement of Bishop Greg Thompson', Case Study 42, STAT.1036.001.0001 at [11]–[12].
- 10 Exhibit 42-0137, 'Statement of Bishop George Browning', Case Study 42, STAT.1105.001.0001 at [3]–[4].
- 11 Exhibit 42-0128, 'Statement of Bishop Greg Thompson', Case Study 42, STAT.1036.001.0001 at [54].
- 12 Exhibit 42-0001, 'Minutes of the Management Committee of St Alban's' Case Study 42, ANG.0053.001.0523; Exhibit 42-0001, 'Trials, Tribulations and Triumphs – The Bishops of the Diocese of Newcastle 1847–2013', Case Study 42, PUB.0019.001.0001 at 0041; Exhibit 42-0128, 'Statement of Bishop Greg Thompson', Case Study 42, STAT.1036.001.0001 at [54(i)].
- 13 Exhibit 42-0128, 'Statement of Bishop Greg Thompson', Case Study 42, STAT.1036.001.0001_R at [82].
- 14 Exhibit 42-0114, 'Supplementary Statement of Bishop Peter Stuart', Case Study 42, STAT.1082.001.0001_R at [3.3].
- 15 Exhibit 42-0128, 'Statement of Bishop Gregory Thompson', Case Study 42, STAT.1036.001.0001_R at [25].
- 16 Exhibit 42-0128, 'Statement of Bishop Gregory Thompson', Case Study 42, STAT.1036.001.0001_R at [25].
- 17 Exhibit 42-0113, 'Supplementary Statement of Bishop Peter Stuart', Case Study 42, STAT.1082.001.0001_R at [3.3].
- 18 Exhibit 42-0001, 'Synod Delegation of Powers Ordinance 2009', Case Study 42, ANG.0206.001.0015.
- 19 Exhibit 42-0128, 'Statement of Bishop Gregory Thompson', Case Study 42, STAT.1036.001.0001_R at [24].
- 20 Exhibit 42-0128, 'Statement of Bishop Gregory Thompson', Case Study 42, STAT.1036.001.0001_R at [24].
- 21 Exhibit 42-0001, 'Outline of Structure of the Anglican Church of Australia', Case Study 42, ANG.9310.01002.0003 at 0021 s 4 1.3; Exhibit 42-0128, 'Statement of Bishop Gregory Thompson', Case Study 42, STAT.1036.001.0001_R at [22]–[24], [29].
- 22 Transcript of B Farran, Case Study 42, 17 November 2016 at 23302:15–36; Exhibit 42-0001, 'Outline of Structure of the Anglican Church of Australia', Case Study 42, ANG.9310.01002.0003 at 0020.
- 23 Transcript of R Appleby, Case Study 42, 4 August 2016 at 16515:41–46, 16516:22–35.
- 24 Transcript of A Holland, Case Study 42, 3 August 2016 at 16306:39–43.
- 25 Exhibit 42-0001, 'Chancellors Canon 2001', Case Study 42, ANG.0150.001.0170 at 0170.
- 26 Exhibit 42-0001, 'Chancellors Canon 2001', Case Study 42, ANG.0150.001.0170 at 0171.
- 27 Exhibit 42-0001, 'Chancellors Canon 2001', Case Study 42, ANG.0150.001.0170 at 0170.
- 28 Exhibit 42-0159, 'Statement of the Hon. Peter Young AO QC', Case Study 42, STAT.0985.001.0001 at 0002.
- 29 Exhibit 42-0001, 'Professional Standards Ordinance 2005', Case Study 42, ANG.0050.001.4524 at 4533, 4541.
- 30 Transcript of M Elliott, Case Study 42, 11 August 2016 at 17036:16–42, 17038:8–19.
- 31 Exhibit 42-0083, 'Statement of Philip Gerber', Case Study 42, STAT.1069.001.0001_R at [22]–[26].
- 32 Exhibit 42-0001, 'Submission to the Director re R v Barrack', Case Study 42, NSW.0040.001.0096_R.
- 33 Exhibit 42-0001, 'R v Brown [2012] NSWCA 199', Case Study 42, NSW.0087.001.0028.
- 34 Exhibit 42-0093, 'Yellow Envelope No. 6 relating to complaint by Lance Johnston about Robert Ellmore', Case Study 42, ANG.0354.006.0001_R at 0006_R.
- 35 Exhibit 42-0001, 'Pre Sentence Report for Stephen Hatley Gray', Case Study 42, NSW.2008.001.0114_R.
- 36 Transcript of G Lawrence, Case Study 42, 23 November 2016 at 23513:38–40.
- 37 Exhibit 42-0001, 'R v Allan Kitchingman – transcript of sentencing', Case Study 42, ANG.9320.01113.0047_R; Transcript of G Lawrence, Case Study 42, 23 November 2016 at 23508:46–23509:5.

- 38 Exhibit 42-0001, 'Media Statement about Father Peter Rushton', Case Study 42, ANG.0048.001.4538_R.
- 39 Submission on behalf of the State of NSW, Case Study 42, SUBM.1042.014.0001, paras [4]–[8].
 [REDACTED]
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 [REDACTED]
 [REDACTED]
- 41 Between 1980 and 1984, the *Crimes Act 1900* (NSW) prohibited indecent assault on males, sexual intercourse between males, or attempted sexual intercourse by males of any age, with or without consent (ss 79, 80 and 81). In 1984, ss 78K and 78L were inserted into the *Crimes Act 1900 No 40* (NSW) that prohibited homosexual intercourse, or attempts to have homosexual intercourse, with any male between 10 and 18 years old.
 [REDACTED]
 [REDACTED]
- 44 Exhibit 42-0141, 'Statement of Andrew Duncan', Case Study 42 STAT.1108.001.0001_R at [15].
- 45 Exhibit 42-0001, 'Email from Rod McLary to Michael Elliott', Case Study 42, ANG.0328.001.0018_R.
- 46 Exhibit 42-0004, 'Statement of Phillip D'Ammond', Case Study 42, STAT.1080.001.0001 at [18].
- 47 Exhibit 42-0001, 'Filenote by Michael Elliott regarding meeting with Bishop Peter Stuart about Keith Allen', Case Study 42, IND.0486.001.0340_R
- 48 Exhibit 42-0001, 'File Note by John Cleary of meeting with Keith Allen on 11 February 2015', Case Study 42, ANG.0132.001.0014_R.
- 49 Exhibit 42-0001, 'List of Students of St John's College Resident at Morpeth', Case Study 42, ANG.0048.002.7637_R at 7649_R.
- 50 Exhibit 42-0001, 'Extract of Anglican Directory 1997', Case Study 42, ANG.0050.004.2894_R.
- 51 Exhibit 42-0001, 'Extract of Anglican Directory 1997', Case Study 42, ANG.0050.004.2894_R.
- 52 Exhibit 42-0001, 'Extract of Anglican Directory 1997', Case Study 42, ANG.0050.004.2894_R.
- 53 Exhibit 42-0001, 'Extract of Anglican Directory 1997', Case Study 42, ANG.0050.004.2894_R.
- 54 Exhibit 42-0001, 'Extract of Anglican Directory 1997', Case Study 42, ANG.0050.004.2894_R; Exhibit 42-0143, 'Statement of Christopher Hall', Case Study 42, STAT.1213.001.0001_R at [8].
- 55 Exhibit 42-0001 'Year Book 1968 Report of the Diocesan Homes for Children', Case Study 42, ANG.0050.003.5849; Exhibit 42-0004, 'Statement of Phillip D'Ammond', Case Study 42, STAT.1080.001.0001_R at [10].
- 56 Exhibit 42-0001, 'Extract from Anglican Directory 1997', Case Study 42, ANG.0050.004.2894_R; Exhibit 42-0075, 'Supplementary Statement of Archbishop Roger Herft', Case Study 42, STAT.1094.001.0001_R at [205].
- 57 Transcript of A Holland, Case Study 42, 3 August 2016 at 16306:20–33.
- 58 Exhibit 42-0001, 'Year Book of the Diocese of Newcastle the Bishop's Charge to Synod 13 August 1999', Case Study 42, ANG.0049.001.0087; Exhibit 42-0075, 'Supplementary Statement of Archbishop Roger Herft', Case Study 42, STAT.1094.001.0001_R at [205].
- 59 Exhibit 42-0001, 'Letter from Bishop Roger Herft to Peter Rushton dated 14 May 2001', Case Study 42, ANG.0050.003.5101_R.
- 60 Exhibit 42-0001, 'Retired Clergy with Permission to Officiate as at 12 January 2007', Case Study 42, ANG.0006.001.0104_R at 0106.
- 61 Transcript of C Ford, Case Study 42, 4 August 2016 at 16427:47–16428:2; Exhibit 42-0010, 'Statement of Pam Wilson', Case Study 42, STAT.1092.001.0001_R at [7]; Exhibit 42-0133, 'Statement of Reverend Chris Bird', Case Study 42, STAT.1100.001.0001_R at [25].
- 62 Transcript of C Ford, Case Study 42, 4 August 2016 at 16423:10; Exhibit 42-0148, 'Statement of Lindsay McLoughlin', Case Study 42, STAT.1115.001.0001_R at [11].
- 63 Exhibit 42-0148, 'Statement of Lindsay McLoughlin', Case Study 42, STAT.1115.001.0001_R at [11].
- 64 Exhibit 42-0001, 'Filenote by Michael Elliott re Jim Brown', Case Study 42, ANG.0050.001.1822_R.

- 65 Transcript of S Aslin, Case Study 42, 2 August 2016 at 16272:3–10; Transcript of G Lawrence,
Case Study 42, 23 November 2016 at 23507:30–32; Exhibit 42-0054, 'Further statement of
Michael Elliott', STAT.1088.001.0001_R at [219].
- 66 Transcript of C Ford, Case Study 42, 4 August 2016 at 16423:8–23.
- 67 Exhibit 42-0130, 'Reports of Abuse Allegedly Perpetrated by Father Peter Rushton', Case Study 42,
ANG.0367.001.0001.
- 68 Exhibit 42-0130, 'Reports of Abuse Allegedly Perpetrated by Father Peter Rushton', Case Study 42,
ANG.0367.001.0001.
- 69 Exhibit 42-0001, 'Media Statement about Father Peter Rushton', Case Study 42,
ANG.0048.001.4538_R.
- 70 Exhibit 42-0001, 'Statement of Agreed Facts on Sentence', Case Study 42, NSW.0030.006.0192_R.
- 71 Exhibit 42-0001, 'Statement of Agreed Facts on Sentence', Case Study 42, NSW.0030.006.0192_R;
Exhibit 42-0005, 'Statement of Suzan Aslin', Case Study 42, STAT.1103.001.0001_R at [9].
- 72 Exhibit 42-0001, 'Minutes of the Management Committee of St Alban's', Case Study 42,
ANG.0053.001.0523 at 0524.
- 73 Exhibit 42-0001, 'Filenote by John Cleary of meeting with Keith Allen on 11 February 2015',
Case Study 42, ANG.0132.001.0014_R at 0016_R.
- 74 Exhibit 42-0001, 'Letter to James Brown re Lay Licence', Case Study 42, ANG.0053.001.1235_R.
- 75 Exhibit 42-0004, 'Statement of Phillip D'Ammond', Case Study 42 STAT.1080.001.0001_R at [37].
- 76 Exhibit 42-0004, 'Statement of Phillip D'Ammond', Case Study 42, STAT.1080.001.0001_R at [39].
- 77 Exhibit 42-0001, 'Statement of Agreed Facts on Sentence' Case Study 42, NSW.0030.006.0192_R.
- 78 Exhibit 42-0001, 'Statement of Agreed Facts on Sentence' Case Study 42, NSW.0030.006.0192_R;
Exhibit 42-0001, 'Transcript of proceedings on sentence, Case Study 42, NSW.0030.006.0025_R.
- 79 Exhibit 42-0001, 'R v Brown [2012] NSWCCA 199', Case Study 42, NSW.0087.001.0028 at 0044.
- 80 Transcript of G Lawrence, Case Study 42, 18 November 2016 at 23398:8–10; Exhibit 42-0001, 'St
John's College, Morpeth, Students in Residence, Class of 1963', Case Study 42, ANG.0041.001.0262.
- 81 Exhibit 42-0001, 'St John's College, Morpeth, Students in Residence, Class of 1963', Case Study 42,
ANG.0041.001.0262_R; Exhibit 42-0001 'Letter from Bishop Herft to Father Parker dated
26 February 1996', ANG.0050.003.4678_R.
- 82 Exhibit 42-0023, 'Statement of CKA, Case Study 42, STAT.1093.001.0001_R at [13]; Exhibit 42-0092,
'Statement of CKB', Case Study 42 STAT.1109.001.0001_R at [8], [12].
- 83 Exhibit 42-0023, 'Statement of CKA', Case Study 42, STAT.1093.001.0001_R at [24].
- 84 Exhibit 42-0023, 'Statement of CKA', Case Study 42, STAT.1093.001.0001_R at [29].
- 85 Exhibit 42-0023, 'Statement of CKA', Case Study 42, STAT.1093.001.0001_R at [35], [37].
- 86 Exhibit 42-0023, 'Statement of CKA', Case Study 42, STAT.1093.001.0001_R at [39], [44];
Exhibit 42-0092, 'Statement of CKB', Case Study 42, STAT.1109.001.0001_R at [22].
- 87 Exhibit 42-0023, 'Statement of CKA', Case Study 42, STAT.1093.001.0001_R at [44], [47];
Exhibit 42-0092, 'Statement of CKB', Case Study 42, STAT.1109.001.0001_R at [24]–[25].
- 88 Exhibit 42-0023, 'Statement of CKA', Case Study 42, STAT.1093.001.0001_R at [48];
Exhibit 42-0092, 'Statement of CKB', Case Study 42, STAT.1109.001.0001_R at [26].
- 89 Exhibit 42-0032, 'Letter sent by Keith Allen to the Royal Commission, with attachments',
Case Study 42, IND.0466.001.0001_R.
- 90 Transcript of P Mitchell, Case Study 42, 10 August 2016 at 16902:45–47.
- 91 Exhibit 42-0001, 'Character Reference by Registrar Peter Mitchell for Father Parker', Case Study 42,
ANG.0050.003.9051_R; Exhibit 42-0001, 'Letter from Peter Mitchell to Keith Allen', Case Study 42,
IND.0486.001.0348_R.
- 92 Submissions on behalf of the State of NSW, Case Study 42, SUBM.1042.014.0001, para 4.
- 93 Submissions on behalf of the State of NSW, Case Study 42, SUBM.1042.014.0001, para 8.
- 94 Exhibit 42-0001, 'List of Students of St John's College resident at Morpeth', Case Study 42,
ANG.0048.002.7637_R.
- 95 Exhibit 42-0001, 'Pre-sentence Report for Stephen Hatley Gray', Case Study 42,
NSW.2008.001.0114_R at 0117_R.
- 96 Exhibit 42-0018, 'Crime Information Report', Case Study 42, NPF.045.001.0168_R.
- 97 Exhibit 42-0018, 'Crime Information Report', Case Study 42, NPF.045.001.0168_R.

- 98 Exhibit 42-0001, 'District Court indictment of Stephen Hatley Gray', Case Study 42, ANG.0050.002.5002_R.
- 99 Exhibit 42-0001, 'Good Behaviour Bond for Stephen Hatley Gray', Case Study 42, ANG.0050.002.5001_R.
- 100 Transcript of K Allen, Case Study 42, 8 August 2016 at 16655:36–39.
- 101 Exhibit 42-0001, 'Character reference for Stephen Hatley Gray by Bishop Alfred Holland', Case Study 42, ANG.0050.002.9884_R.
- 102 Exhibit 42-0001, 'St John's College, Morpeth, Students in Residence, Class of 1963', Case Study 42, ANG.0041.001.0262_R.
- 103 Exhibit 3-0001, 'PG3 – Transcript of sentence delivered by Judge Coolahan in Regina v Allan Kitchingham', Case Study 3, STAT.0063.001.0070 at 0074; Exhibit 3-0001, 'PG6 – Letter of reference from Bishop James of Newcastle to Judge Muir, Chairman of the Newcastle Quarter Sessions', Case Study 3, STAT.0063.001.0089 at 0089.
- 104 Exhibit 42-0001, 'Letter from Bishop of Newcastle to Bishop of Grafton', Case Study 42, ANG.9340.01002.0009.
- 105 Royal Commission into Institutional Responses to Child Sexual Abuse, *Report of Case Study No 3: Anglican Diocese of Grafton's response to child sexual abuse at the North Coast Children's Home* Sydney, 2013, pp 52–3.
- 106 Exhibit 42-0001, 'R v Alan Kitchingman – transcript of sentencing', Case Study 42, ANG.9320.01113.0047_R.
- 107 Exhibit 42-0001, 'R v Alan Kitchingman – transcript of sentencing', Case Study 42, ANG.9320.01113.0047_R at 0053_R–0055_R.
- 108 Royal Commission into Institutional Responses to Child Sexual Abuse, *Report of Case Study No 3: Anglican Diocese of Grafton's response to child sexual abuse at the North Coast Children's Home*, Sydney, 2013, pp 52–5 (Findings 19–24).
- 109 Transcript of G Lawrence, Case Study 42, 23 November 2016 at 23413:4–17.
- 110 Exhibit 42-0026, 'Statement of CKU', Case Study 42, STAT.1086.001.0001_R at [12]–[16].
- 111 Exhibit 42-0026, 'Statement of CKU', Case Study 42, STAT.1086.001.0001_R at [13].
- 112 Exhibit 42-0026, 'Statement of CKU', Case Study 42, STAT.1086.001.0001_R at [33].
- 113 Exhibit 42-0027, 'Statement of CKR', Case Study 42, STAT.1073.001.0001_R at [31].
- 114 Exhibit 42-0001, 'Letter from Bishop Roger Herft to Ian Barrack', ANG.0050.004.4922_R; Exhibit 42-0075, 'Supplementary Statement of Archbishop Roger Herft', STAT.1094.001.0001_R at [101]–[102].
- 115 Exhibit 42-0027, 'Statement of CKR', Case Study 42, STAT.1073.001.0001_R at [47]–[49]; Exhibit 42-0027, 'Statement of CKU', Case Study 42, STAT.1086.001.0001_R at [51]–[52].
- 116 Exhibit 42-0026, 'Statement of CKU', Case Study 42, STAT.1086.001.0001_R at [56].
- 117 Exhibit 42-0026, 'Statement of CKU', Case Study 42, STAT.1086.001.0001_R at [61].
- 118 Exhibit 42-0026, 'Statement of CKU', Case Study 42, STAT.1086.001.0001_R at [61].
- 119 Transcript of M Elliott, Case Study 42, 11 August 2016 at 17042:39–46; Transcript of CKH, Case Study 42, 9 August 2016 at 16871:37–39.
- 120 Transcript of M Elliott, Case Study 42, 11 August 2016 at 17043:9–13; Exhibit 42-0107, 'Statement of Bishop Brian Farran', Case Study 42, STAT.1072.001.0001 at [82].
- 121 Exhibit 42-0001, 'Statement of Bishop Brian Farran in relation to Graeme Lawrence et al', Case Study
- 122 Transcript of CKH, Case Study 42, 9 August 2016 at 16872:45–47.
- 123 Exhibit 42-0040, 'Statement of CKH', Case Study 42, STAT.1078.001.0001_R at [32]–[34], [46].
- 124 Exhibit 42-0001, 'Statement of Bishop Brian Farran in relation to Graeme Lawrence et al', Case Study 42, IND.0019.001.0012.
- 125 Exhibit 42-0141, 'Statement of Andrew Duncan', Case Study 42, STAT.1108.001.0001_R at [8]–[9].
- 126 Transcript of CKH, Case Study 42, 9 August 2016 at 16866:4–10.
- 127 Exhibit 42-0107, 'Statement of Bishop Brian Farran', Case Study 42, STAT.1072.001.0001_R at [94].
- 128 Exhibit 42-0147, 'Statement of Bruce Hoare', Case Study 42, STAT.1063.001.0001_R at [6].
- 129 Exhibit 42-0147, 'Statement of Bruce Hoare', Case Study 42, STAT.1063.001.0001_R at [6]; Transcript of G Lawrence, Case Study 42, 18 November 2016 at 23402:21–23.
- 130 Exhibit 42-0147, 'Statement of Bruce Hoare', Case Study 42, STAT.1063.001.0001_R at [6].
- 131 Exhibit 42-0147, 'Statement of Bruce Hoare', Case Study 42, STAT.1063.001.0001_R at [6].

- 132 Exhibit 42-0147, 'Statement of Bruce Hoare', Case Study 42, STAT.1063.001.0001_R at [6]–[7].
- 133 Exhibit 42-0107, 'Statement of Bishop Brian Farran', Case Study 42, STAT.1072.001.0001_R at [61], [163].
- 134 Exhibit 42-0107, 'Statement of Bishop Brian Farran', Case Study 42, STAT.1072.001.0001_R at [94].
- 135 Exhibit 42-0107, 'Statement of Bishop Brian Farran', Case Study 42, STAT.1072.001.0001_R at [321]–[325]; Transcript of G Lawrence, Case Study 42, 18 November 2016 at 23403:1–3.
- 136 Transcript of M Elliott, Case Study 42, 11 August 2016 at 17047:22–25.
- 137 Exhibit 42-0107, 'Statement of Bishop Brian Farran', Case Study 42, STAT.1072.001.0001_R at [94].
- 138 Exhibit 42-0107, 'Statement of Bishop Brian Farran', Case Study 42, STAT.1072.001.0001_R at [333].
- 139 Exhibit 42-0001, 'Trials, Tribulations and Triumphs – The Bishops of the Diocese of Newcastle 1847–2013', Case Study 42, PUB.0019.001.0001 at 0011.
- 140 Exhibit 42-0001, 'Trials Tribulations and Triumphs – The Bishops of the Diocese of Newcastle 1847–2013', Case Study 42, PUB.0019.001.0001 at 0011.
- 141 Transcript of G Thompson, Case Study 42, 24 November 2016 at 23635:27–23636:37.
- 142 Exhibit 42-0001, 'Email from Rod McLary to Michael Elliott', Case Study 42, ANG.0328.001.0018_R.
- 143 Exhibit 42-0075, 'Supplementary Statement of Archbishop Roger Herft' Case Study 42, STAT.1094.001.0001_R at [160].
- 144 Transcript of A Holland, Case Study 42, 3 August 2016 at 16304:24–27.
- 145 Exhibit 42-0001, 'Anglican Directory 2000', Case Study 42, ANG.0316.001.0001_R at 0002_R; Exhibit 42-0011, 'Statement of Bishop Alfred Holland', Case Study 42, STAT.1061.001.0001_R at 0008_R.
- 146 Exhibit 42-0011, 'Statement of Bishop Alfred Holland', Case Study 42, STAT.1061.001.0001_R at 0007_R, [5]–[6].
- 147 Transcript of A Holland, Case Study 42, 3 August 2016 at 16308:10–16309:7, 16310:12–15, 16311:12–24, 16312:4–16313:4, 16313:21–27, 16315:6–16316:16, 16317:1–11, 16317:34–39, 16318:29–35, 16319:27–16320:3, 16386:8–16387:23, 16392:22–29, 16393:44–16395:17, 16397:11–15, 16398:16–24, 16401:11–44; Exhibit 42-0104, 'Supplementary Statement of Bishop Alfred Holland', Case Study 42, STAT.1151.001.0001_R at [17], [18], [20]–[22]; Exhibit 42-0105, 'Further Supplementary Statement of Bishop Alfred Holland', Case Study 42, STAT.1265.001.0001_R at [22], [29]–[30].
- 148 Transcript of R Appleby, Case Study 42, 4 August 2016 at 16506:9–17.
- 149 Transcript of R Appleby, Case Study 42, 4 August 2016 at 16506:39–16507:15.
- 150 Exhibit 42-0025, 'Statement of Bishop Richard Appleby', Case Study 42, STAT.1085.001.0001_R at [14].
- 151 Transcript of R Appleby, Case Study 42, 4 August 2016 at 16514:14–27, 16515:12–27, 16521:6–13.
- 152 Transcript of R Appleby, Case Study 42, 4 August 2016 at 16514:29–31.
- 153 Transcript of R Appleby, Case Study 42, 4 August 2016 at 16514:32–40.
- 154 Transcript of R Appleby, Case Study 42, 4 August 2016 at 16502:18–29.
- 155 Transcript of R Appleby, Case Study 42, 4 August 2016 at 16511:26–43, 16520:12–22, 16522:27–16524:43, 16526:16–18, 16538:27–34, 16546:30–32, 16550:39–16551:2; Transcript of R Appleby, Case Study 42, 23 November 2016 at 23450:29–23451:32, 23455:37–23456:3, 23456:17–34.
- 156 Transcript of R Appleby, Case Study 42, 4 August 2016 at 16526:9–14.
- 157 Exhibit 42-0025, 'Statement of Bishop Appleby', Case Study 42, STAT.1085.001.0001_R at [15].
- 158 Exhibit 42-0025, 'Statement of Bishop Appleby', Case Study 42, STAT.1085.001.0001_R at [16]–[17].
- 159 Transcript of R Appleby, Case Study 42, 4 August 2016 at 16502:47–16503:14.
- 160 Exhibit 42-0116, 'Statement of Graeme Lawrence', Case Study 42, STAT.1079.001.0001_R at [1].
- 161 Transcript of R Appleby, Case Study 42, 4 August 2016 at 16503:29–31.
- 162 Transcript of R Appleby, Case Study 42, 4 August 2016 at 16503:20–22.
- 163 Exhibit 42-0074, 'Statement of Archbishop Roger Herft', Case Study 42, STAT.0073.001.0001_R at [5], [7].
- 164 Exhibit 42-0073, 'Statement of Archbishop Roger Herft', Case Study 42, STAT.1094.001.0001_R at [8].
- 165 Transcript of R Herft, Case Study 42, 12 August 2016 at 17229:13–17.
- 166 Transcript of R Herft, Case Study 42, 12 August 2016 at 17228:47–17229:11.
- 167 Transcript of R Herft, Case Study 42, 29 August 2016 at 17309:1–2.
- 168 Transcript of B Farran, Case Study 42, 16 November 2016 at 23202:42–44.
- 169 Transcript of B Farran, Case Study 42, 16 November 2016 at 23204:5–6.
- 170 Transcript of B Farran, Case Study 42, 16 November 2016 at 23204:11–13.
- 171 Transcript of B Farran, Case Study 42, 16 November 2016 at 23204:32–33.

- 172 Transcript of B Farran, Case Study 42, 16 November 2016 at 23204:38–23205:3.
 173 Transcript of B Farran, Case Study 42, 16 November 2016 at 23206:13–21.
 174 Transcript of B Farran, Case Study 42, 16 November 2016 at 23206:34–41, 23208:36–40.
 175 Transcript of B Farran, Case Study 42, 16 November 2016 at 23207:10.
 176 Transcript of B Farran, Case Study 42, 16 November 2016 at 23208:24–27.
 177 Exhibit 42-0107, ‘Statement of Bishop Brian Farran’, Case Study 42, STAT.1072.001.0001_R at [44].
 178 Exhibit 42-0107, ‘Statement of Bishop Brian Farran’, Case Study 42, STAT.1072.001.0001_R at [64]–[65];
 Exhibit 42-0142, ‘Statement of the Hon. Colin Elliott’, Case Study 42, STAT.1075.001.0001_R at [4].
 179 Exhibit 42-0107, ‘Statement of Bishop Brian Farran’, Case Study 42, STAT.1072.001.0001_R at [66], [82].
 180 Exhibit 42-0107, ‘Statement of Bishop Brian Farran’, Case Study 42, STAT.1072.001.0001_R at [66],
 [92]–[94].
 181 Exhibit 42-0142, ‘Statement of the Hon. Colin Elliott’, Case Study 42, STAT.1075.001.0001_R at [19],
 [22], [25]–[26].
 182 Exhibit 42-0107, ‘Statement of Bishop Brian Farran’, Case Study 42, STAT.1072.001.0001_R at [94].
 183 Transcript of B Farran, Case Study 42, 16 November 2016 at 23211:42.
 184 Transcript of B Farran, Case Study 42, 16 November 2016 at 23212 34 41
 185 Transcript of P Stuart, Case Study 42, 18 November 2016 at 23317:23–25.
 186 Transcript of P Stuart, Case Study 42, 18 November 2016 at 23317:42–23318:1.
 187 Transcript of P Stuart, Case Study 42, 18 November 2016 at 23373:22–26.
 188 Transcript of P Stuart, Case Study 42, 18 November 2016 at 23317:19–21; Exhibit 42-0114,
 ‘Supplementary Statement of Peter Stuart’, Case Study 42, STAT.1082.001.0001_R at [2.4.1.5].
 189 Transcript of G Thompson, Case Study 42, 24 November 2016 at 23634:44–45.
 190 Transcript of G Thompson, Case Study 42, 24 November 2016 at 23635:7–8.
 191 Transcript of G Thompson, Case Study 42, 24 November 2016 at 23635:27–23636:37.
 192 Transcript of G Thompson, Case Study 42, 24 November 2016 at 23636:47–23637:6.
 193 Transcript of G Thompson, Case Study 42, 24 November 2016 at 23642:9–23643:2; Exhibit 42-0001,
 ‘Letter to Royal Commission from various parishioners in the Newcastle Diocese’, Case Study 42,
 CORR.0220.001.0001_R.
 194 Transcript of G Lawrence, Case Study 42, 18 November 2016 at 23397:31.
 195 Transcript of G Lawrence, Case Study 42, 18 November 2016 at 23397:33–35.
 196 Transcript of G Lawrence, Case Study 42, 18 November 2016 at 23397:40–42.
 197 Transcript of G Lawrence, Case Study 42, 18 November 2016 at 23398:8–10.
 198 Transcript of G Lawrence, Case Study 42, 18 November 2016 at 23398:19–21.
 199 Transcript of G Lawrence, Case Study 42, 18 November 2016 at 23398:30–32.
 200 Transcript of B Farran, Case Study 42, 16 November 2016 at 23206:13–27.
 201 Transcript of G Lawrence, Case Study 42, 18 November 2016 at 23398:34–36.
 202 Transcript of G Lawrence, Case Study 42, 18 November 2016 at 23398:38–41.
 203 Transcript of G Lawrence, Case Study 42, 18 November 2016 at 23398:43–45.
 204 Transcript of G Lawrence, Case Study 42, 18 November 2016 at 23398:47–23399:17.
 [REDACTED]
 206 Transcript of G Lawrence, Case Study 42, 18 November 2016 at 23399:27–30.
 207 Transcript of G Lawrence, Case Study 42, 18 November 2016 at 23402:21–29.
 208 Transcript of G Lawrence, Case Study 42, 18 November 2016 at 23403:1–16.
 209 Transcript of G Lawrence, Case Study 42, 18 November 2016 at 23403:32–43.
 210 Transcript of G Lawrence, Case Study 42, 18 November 2016 at 23402:37–39, 23403:11–12,
 23403:45–46.
 211 Transcript of G Lawrence, Case Study 42, 18 November 2016 at 23402:44–46.
 212 Transcript of G Lawrence, Case Study 42, 18 November 2016 at 23403:24–30.
 [REDACTED]
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 215 Transcript of A Holland, Case Study 42, 3 August 2016 at 16306:35–37.
 216 Transcript of G Lawrence, Case Study 42, 18 November 2016 at 23399:44–23400:3.
 217 Transcript of G Lawrence, Case Study 42, 18 November 2016 at 23399:32–38.
 218 Transcript of G Lawrence, Case Study 42, 18 November 2016 at 23399:40–42, 23400:5–8.

- 219 Transcript of B Farran, Case Study 42, 16 November 2016 at 23209:25–23210:6.
 220 Transcript of G Lawrence, Case Study 42, 18 November 2016 at 23400:34–41.
 221 Transcript of G Lawrence, Case Study 42, 18 November 2016 at 23401:2–7; Exhibit 42-0001, 'The Sexual Abuse Working Group 'Work in Progress' Report to Standing Committee of General Synod', Case Study 42, ANG.9320.01800.1900.
 222 Transcript of G Lawrence, Case Study 42, 18 November 2016 at 23401:12–15.
 223 Transcript of G Lawrence, Case Study 42, 18 November 2016 at 23404:8–15.
 224 Transcript of G Lawrence, Case Study 42, 18 November 2016 at 23485:9–18.
 225 Exhibit 42-0147, 'Statement of Bruce Hoare', Case Study 42, STAT.1063.001.0001_R at [6a].
 226 Exhibit 42-0116, 'Statement of Graeme Lawrence', Case Study 42, STAT.1079.001.0001_R at [1].
 227 Exhibit 42-0116, 'Statement of Graeme Lawrence', Case Study 42, STAT.1079.001.0001_R at [1].
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 233 Transcript of K Allen, Case Study 42, 5 August 2016 at 16626:10–11.
 234 Transcript of K Allen, Case Study 42, 5 August 2016 at 16626:3–8.
 235 Transcript of K Allen, Case Study 42, 5 August 2016 at 16626:34–44.
 236 Transcript of K Allen, Case Study 42, 5 August 2016 at 16626 34–44; Transcript of K Allen, Case Study 42, 8 August 2016 at 16753:15–17.
 237 Transcript of K Allen, Case Study 42, 5 August 2016 at 16626:18–19.
 238 Transcript of K Allen, Case Study 42, 5 August 2016 at 16630:2–23.
 239 Transcript of K Allen, Case Study 42, 5 August 2016 at 16627:30–16628:7.
 240 Transcript of K Allen, Case Study 42, 5 August 2016 at 16628:29–46.
 241 Transcript of K Allen, Case Study 42, 8 August 2016 at 16655:36–39.
 242 Transcript of K Allen, Case Study 42, 8 August 2016 at 16676:45–16677:1.
 243 Transcript of K Allen, Case Study 42 8 August 2016 at 16669:31–16670:14, 16671:27.
 244 Exhibit 42-0033, 'Letter from Keith Allen to John Cleary', Case Study 42, ANG.0048.001.6210_R; Exhibit 42-0001, 'Filenote by John Cleary of meeting with Keith Allen on 11 February 2015', Case Study 42, ANG.0132.001.0014_R.
 245 Exhibit 42-0001, 'Filenote by John Cleary of meeting with Keith Allen on 11 February 2015', Case Study 42, ANG.0132.001.0014_R; Exhibit 42-0001, 'Filenote by John Cleary of meeting with Keith Allen and Bishop Greg Thompson on 18 February 2015', Case Study 42, NPF.0018.001.0024_R; Exhibit 42-0001, 'Filenote of meeting between Keith Allen, John Cleary and Bishop Greg Thompson', Case Study 42, ANG.0132 001.0008_R.
 246 Exhibit 42-0001, 'Letter from Bishop Greg Thompson to Keith Allen in relation to standing down from all positions', Case Study 42, ANG.0195.001.0041_R.
 247 Transcript of P Rosser, Case Study 42, 30 August 2016 at 17463:25–26.
 248 Transcript of P Rosser, Case Study 42, 30 August 2016 at 17463:45–17464:1.
 249 Transcript of P Rosser, Case Study 42, 30 August 2016 at 17464:32–37.
 250 Transcript of P Rosser, Case Study 42, 30 August 2016 at 17464:23–25.
 251 Transcript of P Rosser, Case Study 42, 30 August 2016 at 17475:3–5, 17518:43–17519:8.
 252 Transcript of P Rosser, Case Study 42, 30 August 2016 at 17479:38–40.
 253 Exhibit 42-0001, 'Email from Bishop Brian Farran to Paul Rosser QC in relation to the issue of a perceived conflict of interest', Case Study 42, ANG.0050.001.8589_R.
 254 Exhibit 42-0001, 'Letter from Paul Rosser QC to Bishop Farran', Case Study 42, ANG.0048.001.3015_R.
 255 Transcript of P Mitchell, Case Study 42, 10 August 2016 at 16920:6–19; Exhibit 42-0001, 'Letter from Peter Mitchell to Keith Allen', Case Study 42, IND.0486.001.0348_R.
 256 Exhibit 42-0001, 'Character Reference by Registrar Peter Mitchell for Father Parker', Case Study 42, ANG.0050.003.9051_R; Exhibit 42-0001, 'Letter from Peter Mitchell to Keith Allen', Case Study 42, IND.0486.001.0348_R.
 257 Transcript of P Mitchell, Case Study 42, 10 August 2016 at 16898:3–15, 16899:11–31, 16900:4–21.
 258 Transcript of P Mitchell, Case Study 42, 10 August 2016 at 16895:17–34.

- 259 Exhibit 42-0001, 'Article in the Newcastle Herald entitled: "Sorry" over trust betrayal', Case Study 42, PUB.0008.001.0053; Transcript of P Mitchell, Case Study 42, 10 August 2016 at 16895:17–34.
- 260 Exhibit 42-0044, 'Statement of Peter Mitchell', Case Study 42, STAT.1089.001.0001_R at [20].
- 261 Exhibit 42-0042, 'Statement of Jean Sanders', Case Study 42, STAT.1104.001.0001_R.
- 262 Exhibit 42-0042, 'Statement of Jean Sanders', Case Study 42, STAT.1104.001.0001_R at [9]–[10].
- 263 Exhibit 42-0042, 'Statement of Jean Sanders', Case Study 42, STAT.1104.001.0001_R at [9].
- 264 Exhibit 42-0042, 'Statement of Jean Sanders', Case Study 42, STAT.1104.001.0001_R at [12]–[13].
- 265 Exhibit 42-0042, 'Statement of Jean Sanders', Case Study 42, STAT.1104.001.0001_R at [20].
- 266 Exhibit 42-0042, 'Statement of Jean Sanders', Case Study 42, STAT.1104.001.0001_R at [27].
- 267 Exhibit 42-0042, 'Statement of Jean Sanders', Case Study 42, STAT.1104.001.0001_R at [16].
- 268 Exhibit 42-0042, 'Statement of Jean Sanders', Case Study 42, STAT.1104.001.0009_R at [41].
- 269 Exhibit 42-0042, 'Statement of Jean Sanders', Case Study 42, STAT.1104.001.0001_R at [37]–[39].
- 270 Transcript of R Caddies, Case Study 42, 30 August 2016 at 17552:8–9; Transcript of R Caddies, Case Study 42, 16 November 2016 at 23110:14–16; Transcript of R Caddies Case Study 42, 30 August 2016 at 17550:40–47.
- 271 Transcript of R Caddies, Case Study 42, 30 August 2016 at 17550:40–47
- 272 Exhibit 42-0001, 'Memorandum from Bishop Herft to Archdeacons, the Dean and Area Deans', Case Study 42, ANG.0054.001.0599.
- 273 Transcript of R Caddies, Case Study 42, 30 August 2016 at 17551:43–17552:13.
- 274 Transcript of R Caddies, Case Study 42, 30 August 2016 at 17552:8–9.
- 275 Transcript of R Caddies, Case Study 42, 16 November 2016 at 23118:37–23123:40; Exhibit 42-0001, 'Presentation by Robert Caddies', Case Study 42, ANG.0054.001.0742; Exhibit 42-0001, 'Observations provided to Stuart Littlemore QC re possible complaints of sexual harassment provided by Rankin & Nathan', Case Study 42, ANG.0207.001.0358; Exhibit 42-0001, 'Memorandum of advice prepared by Stuart Littlemore QC', Case Study 42, ANG.0048.001.7476; Exhibit 42-0001, 'Facsimile from Robert Caddies to Bishop Roger Herft enclosing advice of Stuart Littlemore', Case Study 42, ANG.0048.001.7475; Exhibit 42-0001, Further Memorandum of Advice by Stuart Littlemore QC', Case Study 42, ANG.0327.001.0002.
- 276 Transcript of R Caddies, Case Study 42, 30 August 2016 at 17551:9–23.
- 277 Transcript of R Caddies, Case Study 42, 30 August 2016 at 17551:35–41.
- 278 Transcript of R Caddies, Case Study 42, 30 August 2016 at 17551:28–33.
- 281 Exhibit 42-0001, Letter from Various to Archbishop Glenn Davies', Case Study 42, ANG.0309.001.0002_R; Exhibit 42-0001, 'Letter to Royal Commission from various parishioners in the Newcastle Diocese', Case Study 42, CORR.0220.001.0001_R; Transcript of R Caddies, Case Study 42, 16 November 2016 at 23117:7–9.
- 282 Transcript of J Cleary, Case Study 42, 23 November 2016 at 23538:41–46.
- 283 Transcript of J Cleary, Case Study 42, 23 November 2016 at 23539:4–10.
- 284 Transcript of J Cleary, Case Study 42, 23 November 2016 at 23539:26–30.
- 285 Transcript of J Cleary, Case Study 42, 23 November 2016 at 23540:28–32.
- 286 Transcript of J Cleary, Case Study 42, 23 November 2016 at 23541:45–23542:11.
- 287 Transcript of J Cleary, Case Study 42, 23 November 2016 at 23545:15–36.
- 288 Exhibit 42-0056, 'Statement of Michael Elliott', Case Study 42, STAT.0062.001.0001_R at [7]; Exhibit 42-0054, 'Further Statement of Michael Elliott', Case Study 42, STAT.1088.001.0001_R at [11], [46].
- 289 Transcript of M Elliott, Case Study 42, 11 August 2016 at 17068:12–44.
- 290 Transcript of M Elliott, Case Study 42, 11 August 2016 at 17069:19–22.
- 291 Exhibit 42-0001, 'Trials, Tribulations and Triumphs – The Bishops of the Diocese of Newcastle 1847–2013', Case Study 42, PUB.0019.001.0001 at 0075.
- 292 Exhibit 42-0074, 'Supplementary Statement of Archbishop Roger Herft', Case Study 42, STAT.1094.001.0001_R at [160].
- 293 Exhibit 42-0129, 'Supplementary Statement of Bishop Gregory Thompson', Case Study 42, STAT.1081.001.0001_R at [15].
- 294 Submissions on behalf of the State of NSW, Case Study 42, SUBM1042.014.0001, para 8.

- 295 Exhibit 42-0080, 'Statement of Noelle Freeman', Case Study 42, STAT.1112.001.0001_R at [9]–[12].
- 296 Exhibit 42-0001, 'Offences Canon 1962', Case Study 42, ANG.0050.002.1172.
- 297 Exhibit 42-0001, 'Clergy Discipline Ordinance 1966', Case Study 42, ANG.0050.004.1677.
- 298 Exhibit 42-0001, 'The Constitution of the Anglican Church of Australia', Case Study 42, ANG.0048.002.1533 at 1551, s 54.
- 299 Transcript of P Gray, Case Study 42, 2 August 2016 at 16239:41–43.
- 300 Transcript of P Gray, Case Study 42, 2 August 2016 at 16241:42.
- 301 Transcript of P Gray, Case Study 42, 2 August 2016 at 16240:3–9.
- 302 Transcript of P Gray, Case Study 42, 2 August 2016 at 16240:13–24.
- 303 Transcript of P Gray, Case Study 42, 2 August 2016 at 16240:28–29.
- 304 Transcript of P Gray, Case Study 42, 2 August 2016 at 16240:7–11, 26–28.
- 305 Transcript of P Gray, Case Study 42, 2 August 2016 at 16240:35–43.
- 306 Transcript of P Gray, Case Study 42, 2 August 2016 at 16241:4–7.
- 307 Transcript of P Gray, Case Study 42, 2 August 2016 at 16241:47–16242:7.
- 308 Transcript of P Gray, Case Study 42, 2 August 2016 at 16242:18–34.
- 309 Transcript of P Gray, Case Study 42, 2 August 2016 at 16241:10–18.
- 310 Transcript of P Gray, Case Study 42, 2 August 2016 at 16243:26–46.
- 311 Transcript of P Gray, Case Study 42, 2 August 2016 at 16244:1–4.
- 312 Transcript of P Gray, Case Study 42, 2 August 2016 at 16244:6–35.
- 313 Transcript of P Gray, Case Study 42, 2 August 2016 at 16244 13–27.
- 314 Transcript of P Gray, Case Study 42, 2 August 2016 at 16239:33–34.
- 315 Transcript of P Gray, Case Study 42, 2 August 2016 at 16244 42–47.
- 316 Transcript of P Gray, Case Study 42, 2 August 2016 a 16245:2–7; Exhibit 42-0003, 'Deed of Settlement and Release between Paul Gray and the Anglican Diocese of Newcastle', Case Study 42, ANG.0050.002.7274_R.
- 317 Transcript of P Gray, Case Study 42, 2 August 2016 at 16245:40–41; Exhibit 42-0003, 'Deed of Settlement and Release between Paul Gray and the Anglican Diocese of Newcastle', Case Study 42, ANG.0050.002.7274.
- 318 Transcript of P D'Ammond, Case Study 42, 2 August 2016 at 16253:21–22.
- 319 Transcript of P D'Ammond, Case Study 42, 2 August 2016 at 16253:45–16254:1.
- 320 Transcript of P D'Ammond Case Study 42, 2 August 2016 at 16254:20–21, 29–33.
- 321 Transcript of P D'Ammond Case Study 42, 2 August 2016 at 16255:4–5.
- 322 Transcript of P D'Ammond Case Study 42, 2 August 2016 at 16254:31–32.
- 323 Transcript of P D'Ammond, Case Study 42, 2 August 2016 at 16255:15–30, 45–46.
- 324 Transcript of P D'Ammond, Case Study 42, 2 August 2016 at 16256:9–28.
- 325 Transcript of P D'Ammond, Case Study 42, 2 August 2016 at 16257:8–14.
- 326 Transcript of P D'Ammond, Case Study 42, 2 August 2016 at 16258:5–10.
- 327 Transcript of P D'Ammond, Case Study 42, 2 August 2016 at 16258:25–28.
- 328 Transcript of P D'Ammond, Case Study 42, 2 August 2016 at 16258:5.
- 329 Transcript of P D'Ammond, Case Study 42, 2 August 2016 at 16258:46–16259:2.
- 330 Transcript of P D'Ammond, Case Study 42, 2 August 2016 at 16255:23–25.
- 331 Transcript of P D'Ammond, Case Study 42, 2 August 2016 at 16260:3–19.
- 332 Transcript of P D'Ammond, Case Study 42, 2 August 2016 at 16259:25–30.
- 333 Exhibit 42-0094, 'Statement of Paul Rosser QC', Case Study 42, STAT.1062.001.0001_R at [29]–[30], [43].
- 334 Transcript of P D'Ammond, Case Study 42, 2 August 2016 at 16260:19–28.
- 335 Exhibit 42-0001, 'Transcript of proceedings on sentence', Case Study 42, NSW.0030.006.0025_R at 0037_R.
- 336 Exhibit 42-0094, 'Statement of Paul Rosser QC', Case Study 42, STAT.1062.001.0001_R at [43].
- 337 Exhibit 42-0001, 'R v Brown [2012] NSWCCA 199', Case Study 42, NSW.0087.001.0028 at 0030 at [6].
- 338 Exhibit 42-0001, 'Statement of agreed facts on sentence', Case Study 42, NSW.0030.006.0192_R at 0212_R at [156].
- 339 Exhibit 42-0001, 'R v Brown [2012] NSWCCA 199', Case Study 42, NSW.0087.001.0028 at 0029–0030.
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- 341 Exhibit 42-0001, 'R v Brown [2012] NSWCCA 199', Case Study 42, NSW.0087.001.0028 at 0030.

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 343 Transcript of P D'Ammond, Case Study 42, 2 August 2016 at 16258:36–38, 16262:1–5.
 344 Transcript of P D'Ammond, Case Study 42, 2 August 2016 at 16261:31–34.
 345 Exhibit 42-0008, 'Deed of Settlement and Release between Phillip D'Ammond and the Anglican
 Diocese of Newcastle', Case Study 42, ANG.0050.002.8782_R; Transcript of P D'Ammond, Case Study
 42, 2 August 2016 at 16264:29–32.
- 346 Exhibit 42-0023, 'Statement of CKA', Case Study 42, STAT.1093.001.0001_R at [5].
 347 Exhibit 42-0092, 'Statement of CKB', Case Study 42, STAT.1109.001.0001_R at [4].
 348 Exhibit 42-0023, 'Statement of CKA', Case Study 42, STAT.1093.001.0001_R.
 349 Exhibit 42-0092, 'Statement of CKB', Case Study 42, STAT.1109.001.0001_R.
 350 Exhibit 42-0023, 'Statement of CKA', Case Study 42, STAT.1093.001.0001_R at [6]; Exhibit 42-0092,
 'Statement of CKB', Case Study 42, STAT.1109.001.0001_R at [6].
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 352 Exhibit 42-0023, 'Statement of CKA', Case Study 42, STAT.1093.001.0001_R at [7]; Exhibit 42-0092,
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 353 Exhibit 42-0023, 'Statement of CKA', Case Study 42, STAT.1093.001.0001_R at [9]; Exhibit 42-0092,
 'Statement of CKB', Case Study 42, STAT.1109.001.0001_R at [7].
 354 Exhibit 42-0023, 'Statement of CKA', Case Study 42, STAT.1093.001.0001_R at [10]; Exhibit 42-0092,
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 355 Exhibit 42-0023, 'Statement of CKA', Case Study 42, STAT.1093.001.0001_R at [18]–[19]; Exhibit 42-
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 356 Exhibit 42-0023, 'Statement of CKA', Case Study 42, STAT.1093.001.0001_R at [19]; Exhibit 42-0092,
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 358 Exhibit 42-0023, 'Statement of CKA', Case Study 42, STAT.1093.001.0001_R at [21]–[22]; Exhibit 42-
 0092, 'Statement of CKB', Case Study 42, STAT.1109.001.0001_R at [15].
 359 Exhibit 42-0024, 'Statement of CKL', Case Study 42, STAT.1084.001.0001_R at [15]–[20].
 360 Exhibit 42-0023, 'Statement of CKA', Case Study 42, STAT.1093.001.0001_R at [25]–[26]; Exhibit 42-
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 362 Exhibit 42-0023, 'Statement of CKA', Case Study 42, STAT.1093.001.0001_R at [35], [37].
 363 Exhibit 42-0092, 'Statement of CKB', Case Study 42, STAT.1109.001.0001_R at [20].
 364 Exhibit 42-0023, 'Statement of CKA', Case Study 42, STAT.1093.001.0001_R at [39], [44]; Exhibit 42-
 0092, 'Statement of CKB', Case Study 42, STAT.1109.001.0001_R at [22].
 365 Exhibit 42-0023, 'Statement of CKA', Case Study 42, STAT.1093.001.0001_R at [44]; Exhibit 42-0092,
 'Statement of CKB', Case Study 42, STAT.1109.001.0001_R at [24].
 366 Exhibit 42-0023, 'Statement of CKA', Case Study 42, STAT.1093.001.0001_R at [48]; Exhibit 42-0092,
 'Statement of CKB', Case Study 42, STAT.1109.001.0001_R at [26].
 367 Exhibit 42-0023, 'Statement of CKA', Case Study 42, STAT.1093.001.0001_R at [47]; Exhibit 42-0092,
 'Statement of CKB', Case Study 42, STAT.1109.001.0001_R at [24]–[26].
 368 Exhibit 42-0023, 'Statement of CKA', Case Study 42, STAT.1093.001.0001_R at [54], [50]–[62].
 369 Exhibit 42-0023, 'Statement of CKA', Case Study 42, STAT.1093.001.0001_R at [56]–[62].
 370 Exhibit 42-0092, 'Statement of CKB', Case Study 42, STAT.1109.001.0001_R at [30].
 371 Exhibit 42-0092, 'Statement of CKB', Case Study 42, STAT.1109.001.0001_R at [34].
 372 Exhibit 42-0023, 'Statement of CKA', Case Study 42, STAT.1093.001.0001_R at [65].
 373 Exhibit 42-0023, 'Statement of CKA', Case Study 42, STAT.1093.001.0001_R at [65].
 374 Exhibit 42-0023, 'Statement of CKA', Case Study 42, STAT.1093.001.0001_R at [64]; Exhibit 42-0092,
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 375 Exhibit 42-0023, 'Statement of CKA', Case Study 42, STAT.1093.001.0001_R at [67]; Transcript of CKA,
 Case Study 42, 4 August 2016 at 16455:34–16456:28.
 376 Exhibit 42-0023, 'Statement of CKA', Case Study 42, STAT.1093.001.0001_R at [66]; Exhibit 42-0092,
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 377 Exhibit 42-0023, 'Statement of CKA', Case Study 42, STAT.1093.001.0001_R at [66]; Exhibit 42-0092,
 'Statement of CKB', Case Study 42, STAT.1109.001.0001_R at [31].

378 Exhibit 42-0023, 'Statement of CKA', Case Study 42, STAT.1093.001.0001_R at [68]; Exhibit 42-0092,
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 379 Exhibit 42-0023, 'Statement of CKA', Case Study 42, STAT.1093.001.0001_R at [64].
 380 Exhibit 42-0023, 'Statement of CKA', Case Study 42, STAT.1093.001.0001_R at [63].
 381 Transcript of CKA, Case Study 42, 4 August 2016, 16456:16–28.
 382 Exhibit 42-0023, 'Statement of CKA', Case Study 42, STAT.1093.001.0001_R at [72].
 383 Exhibit 42-0138, 'Statement of CKG', Case Study 42, STAT.1090.001.0001_R.
 384 Exhibit 42-0138, 'Statement of CKG', Case Study 42, STAT.1090.001.0001_R at [7].
 385 Exhibit 42-0138, 'Statement of CKG', Case Study 42, STAT.1090.001.0001_R at [8], [22].
 386 Exhibit 42-0138, 'Statement of CKG', Case Study 42, STAT.1093.001.0001_R at [8].
 387 Exhibit 42-0138, 'Statement of CKG', Case Study 42, STAT.1090.001.0001_R at [10]–[12].
 388 Exhibit 42-0138, 'Statement of CKG', Case Study 42, STAT.1090.001.0001_R at [12].
 389 Exhibit 42-0138, 'Statement of CKG', Case Study 42, STAT.1090.001.0001_R at [13].
 390 Exhibit 42-0138, 'Statement of CKG', Case Study 42, STAT.1090.001.0001_R at [15]–[19].
 391 Exhibit 42-0138, 'Statement of CKG', Case Study 42, STAT.1090.001.0001_R at [25]–[26].
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 395 Exhibit 42-0132, 'Statement of Norman Barry', Case Study 42, STAT.1264.001.0001 at [6].
 396 Exhibit 42-0132, 'Statement of Norman Barry', Case Study 42, STAT.1264.001.0001 at [8].
 397 Transcript of P Gray, Case Study 42, 2 August 2016 at 16242:18–28.
 398 Exhibit 42-0138, 'Statement of CKG', Case Study 42, STAT.1090.001.0001_R at [8].
 399 Exhibit 42-0138, 'Statement of CKG', Case Study 42, TAT.1090.001.0001_R at [19]–[20].
 400 Exhibit 42-0138, 'Statement of CKG', Case Study 42, STAT.1090.001.0001_R at [15].
 401 Transcript of P D'Ammond, Case Study 42, 2 August 2016 at 16256:3–7.
 402 Submissions of Phillip D'Ammond, Case Study 42, SUBM.1042.016.0001, para 16.
 403 Exhibit 42-0132, 'Statement of Norman Barry', Case Study 42, STAT.1264.001.0001.
 404 Exhibit 42-0132, 'Statement of Norman Barry', Case Study 42, STAT.1264.001.0001 at [13]–[15].
 405 Exhibit 42-0132, 'Statement of Norman Barry', Case Study 42, STAT.1264.001.0001 at [19], [27].
 406 Exhibit 42-0132, 'Statement of Norman Barry', Case Study 42, STAT.1264.001.0001 at [23]–[25].
 407 Exhibit 42-0132, 'Statement of Norman Barry', Case Study 42, STAT.1264.001.0001 at [10].
 408 Exhibit 42-0080, 'Statement of Noelle Freeman', Case Study 42, STAT.1112.001.0001_R at [5]–[6].
 409 Exhibit 42-0080, 'Statement of Noelle Freeman', Case Study 42, STAT.1112.001.0001_R at [7]–[9].
 410 Exhibit 42-0080, 'Statement of Noelle Freeman', Case Study 42, STAT.1112.001.0001_R at [11].
 411 Exhibit 42-0080, 'Statement of Noelle Freeman', Case Study 42, STAT.1112.001.0001_R at [10].
 412 Exhibit 42-0024, 'Statement of CKL', Case Study 42, STAT.1084.001.0001_R at [15]–[18].
 413 Exhibit 42-0024, 'Statement of CKL', Case Study 42, STAT.1084.001.0001_R at [17].
 414 Exhibit 42-0024, 'Statement of CKL', Case Study 42, STAT.1084.001.0001_R at [19].
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 416 Exhibit 42-0023, 'Statement of CKA', Case Study 42, STAT.1093.001.0001_R at [24].
 417 Transcript of R Herft, Case Study 42, 29 August 2016 at 17351:14–37, 17400:31–32; Exhibit 42-0001,
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 418 Exhibit 42-0001, 'Email from Rod McLary to Michael Elliott', Case Study 42, ANG.0328.001.0018_R.
 419 Exhibit 42-0001, 'Email from Rod McLary to Michael Elliott', Case Study 42, ANG.0328.001.0018_R.
 420 Exhibit 42-0001, 'Deed of Release between [Redacted] and Diocese Synod of North Queensland',
 Case Study 42, ANG.0321.001.0013_R.
 421 Transcript of G Thompson, Case Study 42, 24 November 2016 at 23635:27–29.
 422 Transcript of G Thompson, Case Study 42, 24 November 2016 at 23635:30–32.
 423 Transcript of G Thompson, Case Study 42, 24 November 2016 at 23635:33–37.
 424 Transcript of G Thompson, Case Study 42, 24 November 2016 at 23635:39–44.
 425 Transcript of G Thompson, Case Study 42, 24 November 2016 at 23635:43–44.
 426 Transcript of G Thompson, Case Study 42, 24 November 2016 at 23636:8–12.
 427 Transcript of G Thompson, Case Study 42, 24 November 2016 at 23636:14–25.

- 428 Transcript of G Thompson, Case Study 42, 24 November 2016 at 23636:47–23637:6.
- 429 Transcript of A Holland, Case Study 42, 3 August 2016 at 16304:24–27.
- 430 Exhibit 42-0025, ‘Statement of Bishop Richard Appleby’, Case Study 42, STAT.1085.001.0001_R at 0002_R, [14].
- 431 Exhibit 42-0011, ‘Statement of Bishop Alfred Holland’, Case Study 42, STAT.1061.001.0001_R at 0005_R, [7].
- 432 Transcript of R Appleby, Case Study 42, 4 August 2016 at 16526:9–11.
- 433 Transcript of A Holland, Case Study 42, 3 August 2016 at 16308:10–15; Exhibit 42-0011, ‘Statement of Bishop Alfred Holland’, Case Study 42, STAT.1061.001.0001_R at 0005_R, [6]; Exhibit 42-0025, ‘Statement of Bishop Richard Appleby’, Case Study 42, STAT.1085.001.0001_R at [63].
- 434 Exhibit 42-0011, ‘Statement of Bishop Alfred Holland’, Case Study 42, STAT.1061.001.0001_R at 0010_R, [33]; Exhibit 42-0025, ‘Statement of Bishop Richard Appleby’, Case Study 42, STAT.1085.001.0001_R at [71].
- 435 Transcript of A Holland, Case Study 42, 3 August 2016 at 16307:31–34; Exhibit 42-0011, ‘Statement of Bishop Alfred Holland’, Case Study 42, STAT.1061.001.0001_R at 0005_R, [5].
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- 437 Transcript of R Appleby, Case Study 42, 4 August 2016 at 16502:31–34.
- 438 Transcript of R Appleby, Case Study 42, 4 August 2016 at 16525:29–35.
- 439 Transcript of R Appleby, Case Study 42, 4 August 2016 at 16526:1–7.
- 440 Transcript of R Appleby, Case Study 42, 4 August 2016 at 16526:9–11.
- 441 Submissions of Bishop Alfred Holland, Case Study 42, SUBM0042.003.0001, para 1.
- 442 Exhibit 42-0001, ‘Filenote by John Cleary of meeting with Keith Allen on 11 February 2015’, Case Study 42, ANG.0132.001.0014_R at 0016_R
- 443 Transcript of A Holland, Case Study 42, 3 August 2016 at 16304:33–43.
- 444 Transcript of A Holland, Case Study 42 3 August 2016 at 16305:29–38.
- 445 Transcript of K Allen, Case Study 42, 8 August 2016 at 16651:41–16652:23.
- 446 Transcript of K Allen, Case Study 42, 8 August 2016 at 16653:41–16654:9, 16654:19–22, 16654:34–42.
- 447 Exhibit 42-0001, ‘Letter from Royal Commission to solicitor for Bishop Holland, Miranda Moody of Forbes Chambers’, Case Study 42, CORR.0335.001.0001_R; Exhibit 42-0001, ‘Letter from Royal Commission to solicitor for Bishop Holland, Miranda Moody of Forbes Chambers’, Case Study 42, CORR.0332.001 0001_R; Exhibit 42-0001, ‘Letter from Royal Commission to solicitor for Bishop Holland, Miranda Mo dy of Forbes Chambers’, Case Study 42, CORR.0337.001.0001_R.
- 448 Exhibit 42 0104, ‘Supplementary Statement of Bishop Alfred Holland’, Case Study 42, STAT.1151.001.0001_R; Exhibit 42-0105, ‘Further Supplementary Statement of Bishop Alfred Holland’, Case Study 42, STAT.1265.001.0001_R.
- 449 Exhibit 42-0001, ‘Letter from Royal Commission to solicitor for Bishop Holland, Miranda Moody of Forbes Chambers’, Case Study 42, CORR.0332.001.0001_R; ‘Letter from Royal Commission to solicitor for Bishop Holland, Miranda Moody of Forbes Chambers’, Case Study 42, CORR.0337.001.0001_R.
- 450 Exhibit 42-0105, ‘Further Supplementary Statement of Bishop Alfred Holland’, Case Study 42, STAT.1265.001.0001_R.
- 451 Exhibit 42-0001, ‘Pre-sentence Report for Stephen Hatley Gray’, Case Study 42, NSW.2008.001.0114_R at 0117_R, [7].
- 452 Exhibit 42-0001, ‘District Court indictment of Stephen Hatley Gray’, Case Study 42, ANG.0050.002.5002_R.
- 453 Exhibit 42-0018, ‘Crime Information Report’, Case Study 42, NPF.045.001.0168_R.
- 454 Transcript of K Allen, Case Study 42, 8 August 2016 at 16651:12–21.
- 455 Transcript of K Allen, Case Study 42, 5 August 2016 at 16626:18–19.
- 456 Transcript of K Allen, Case Study 42, 8 August 2016 at 16655:37–39.
- 457 Exhibit 42-0001, ‘Good Behaviour Bond for Stephen Hatley Gray’, Case Study 42, ANG.0050.002.5001_R.
- 458 Exhibit 42-0011, ‘Statement of Bishop Alfred Holland’, Case Study 42, STAT.1061.001.0001_R at 0009_R, [26]–[27]; Transcript of A Holland, Case Study 42, 3 August 2016 at 16384:26–28, 16389:2–17.
- 459 Transcript of R Appleby, Case Study 42, 4 August 2016 at 16537:10–18, 16538:27–31.

460 Exhibit 42-0011, 'Statement of Bishop Alfred Holland', Case Study 42, STAT.1061.001.0001_R
at 0009_R, [24], [27]; Transcript of A Holland, Case Study 42, 3 August 2016 at 16383:3–5;
Transcript of R Appleby, Case Study 42, 4 August 2016 at 16540:19–24.

461 Transcript of A Holland, Case Study 42, 3 August 2016 at 16395:19–46, 16402:17–38,
16412:27–16413:32; Exhibit 42-0011, 'Statement of Bishop Alfred Holland', Case Study 42,
STAT.1061.001.0001_R at 0008_R, [16]–[17].

462 Transcript of A Holland, Case Study 42, 3 August 2016 at 16382:27–40, 16413:25–38, 16414:23–34;
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0008_R, [18].

463 Transcript of A Holland, Case Study 42, 3 August 2016 at 16382:38–40, 16415:37–43.

464 Transcript of A Holland, Case Study 42, 3 August 2016 at 16392:36–40.

465 Exhibit 42-0020, 'Letter from Keith Allen to Bishop Holland', Case Study 42, ANG.0050.001.3180.

466 Transcript of A Holland, Case Study 42, 3 August 2016 at 16388:34–37.

467 Transcript of K Allen, Case Study 42, 8 August 2016 at 16656:16–24.

468 Transcript of A Holland, Case Study 42, 3 August 2016 at 16415:23–26.

469 Exhibit 42-0001, '31 May 1990 letter from Bishop Holland to Keith Allen', Case Study 42,
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470 Exhibit 42-0001, 'Draft reference for Stephen Hatley Gray', Case Study 42 ANG.0050.002.9893.

471 Transcript of A Holland, Case Study 42, 3 August 2016 at 16389:2–6; Exhibit 42-0011, 'Statement of
Bishop Alfred Holland', Case Study 42, STAT.1061.001.0001_R at 0009_R, [24]; Submissions of Bishop
Alfred Holland, Case Study 42, SUBM.0042.003.0001, para 9.

472 Submissions of Bishop Alfred Holland, Case Study 42, SUBM 1042.030.0001, para 2.

473 Transcript of A Holland, Case Study 42, 3 August 2016 at 16394:30–35.

474 Transcript of A Holland, Case Study 42, 3 August 2016 at 16389:8–10.

475 Exhibit 42-0104, 'Supplementary Statement of Bishop Alfred Holland', Case Study 42,
STAT.1151.001.0001 at 0004_R, [29].

476 Transcript of A Holland, Case Study 42 3 August 2016 at 16417:41–16418:7.

477 Transcript of K Allen, Case Study 42 8 August 2016 at 16656:31–38.

478 Transcript of K Allen, Case Study 42, 8 August 2016 at 16656:16–24.

479 Transcript of K Allen, Case Study 42, 8 August 2016 at 16657:16–23.

480 Transcript of K Allen, Case Study 42 8 August 2016 at 16657:33–40.

481 Transcript of R Appleby Case Study 42, 4 August 2016 at 16533:19–30; Exhibit 42-0025,
'Statement of Bishop Richard Appleby', Case Study 42, STAT.1085.001.0001_R at [76].

482 Transcript of R Appleby, Case Study 42, 4 August 2016 at 16533:27–43; Exhibit 42-0025,
'Statement of Bishop Richard Appleby', Case Study 42, STAT.1085.001.0001_R at [77].

483 Transcript of R Appleby, Case Study 42, 4 August 2016 at 16549:19–24.

484 Transcript of R Appleby, Case Study 42, 4 August 2016 at 16534:11–14.

485 Transcript of R Appleby, Case Study 42, 4 August 2016 at 16534:24–33.

486 Transcript of R Appleby, Case Study 42, 4 August 2016 at 16539:6–22.

487 Exhibit 42-0025, 'Statement of Bishop Richard Appleby', Case Study 42, STAT.1085.001.0001_R at [80];
Exhibit 42-0001, 'Letter from Keith Allen to Bishop Appleby requesting reference for Stephen Hatley
Gray', Case Study 42, ANG.0050.001.2484.

488 Transcript of R Appleby, Case Study 42, 5 August 2016 at 16546:9–14; Exhibit 42-0025,
'Statement of Bishop Richard Appleby', Case Study 42, STAT.1085.001.0001_R at [80].

489 Transcript of R Appleby, Case Study 42, 4 August 2016 at 16541:18–21.

490 Transcript of R Appleby, Case Study 42, 4 August 2016 at 16541:12–16.

491 Exhibit 42-0001, 'Pre-sentence Report for Stephen Hatley Gray', Case Study 42,
NSW.2008.001.0114_R.

492 Exhibit 42-0001, 'Pre-sentence Report for Stephen Hatley Gray', Case Study 42,
NSW.2008.001.0114_R at 0115_R, 0120_R.

493 Exhibit 42-0136, 'Statement of Hugh Bright', Case Study 42, STAT.1164.001.0001_R at [16].

494 Exhibit 42-0136, 'Statement of Hugh Bright', Case Study 42, STAT.1164.001.0001_R at [17].

495 Exhibit 42-0150, 'Statement of Raymond Manuel', Case Study 42, STAT.1236.001.0001 at [14], [18].

496 Exhibit 42-0150, 'Statement of Raymond Manuel', Case Study 42, STAT.1236.001.0001 at [21].

- 497 Exhibit 42-0150, 'Statement of Raymond Manuel', Case Study 42, STAT.1236.001.0001 at [23].
 498 Transcript of G Lawrence, Case Study 42, 18 November 2016 at 23408:37–44.
 499 Exhibit 42-0150, 'Statement of Raymond Manuel', Case Study 42, STAT.1236.001.0001 at [31].
 500 Exhibit 42-0001, 'Minister charged with sexual assault of 15-year-old boy', Case Study 42,
 ANG.0050.001.3260.
 501 Exhibit 42-0001, 'Letter from Bishop John Reid to Bishop Alfred Holland', Case Study 42,
 ANG.0050.002.9911.
 502 Submissions of Bishop Alfred Holland, Case Study 42, SUBM.0042.003.0001, paras 12, 19.
 503 Transcript of K Allen, Case Study 42, 8 August 2016 at 16656:16–38, 16746:34–40.
 504 Exhibit 42-0150, 'Statement of Raymond Manuel', Case Study 42, STAT.1236.001.0001 at [31].
 505 Exhibit 42-0001, 'Letter from Bishop John Reid to Bishop Alfred Holland', Case Study 42,
 ANG.0050.002.9911.
 506 Transcript of A Holland, Case Study 42, 3 August 2016 at 16385:41–46, 16386:8–15.
 507 Exhibit 42-0011, 'Statement of Bishop Alfred Holland', Case Study 42, STAT.1061.001.0001_R at
 0009_R, [20].
 508 Transcript of A Holland, Case Study 42, 3 August 2016 at 16385:41–16386:6.
 509 Submission of Bishop Alfred Holland, Case Study 42, SUBM.1042.003.0001, para 21.
 510 Transcript of A Holland, Case Study 42, 3 August 2016 at 16410:6–12.
 511 Transcript of A Holland, Case Study 42, 3 August 2016 at 16409:18–31.
 512 Russell Powell, 'Vale Bishop John Reid', *Sydney Anglicans* www.sydneyanglicans.net/news/vale-bishop-john-reid (viewed 11 April 2017).
 513 Exhibit 42-0018, 'Crime Information Report', Case Study 42, NPF.045.001.0168_R.
 514 Transcript of R Appleby, Case Study 42, 4 August 2016 at 16533:31–43, 16536:47–16537:4.
 515 Transcript of R Appleby, Case Study 42, 4 August 2016 at 16539:6–22.
 516 Exhibit 42-0001, 'Letter of Resignation from Stephen Hatley Gray to Bishop Alfred Holland',
 Case Study 42, ANG.0050.002.9906.
 517 Exhibit 42-0001, 'Filenote by John Cleary', Case Study 42, ANG.0207.001.0279_R; Exhibit 42-0001,
 'Filenote by John Cleary of meeting with Keith Allen and Bishop Greg Thompson on 18 February
 2015', Case Study 42, NPF.0018.001.0024_R.
 518 Submissions of K Allen, Case Study 42, SUBM.1042.023.0001 at 0004.
 519 Transcript of K Allen, Case Study 42, 8 August 2016 at 16669:31–16670:14, 16671:27.
 520 Transcript of R Appleby, Case Study 42, 5 August 2016 at 16549:26–16550:20.
 521 Transcript of K Allen, Case Study 42, 8 August 2016 at 16671:25–36.
 522 Exhibit 42 0037, Newcastle Yearbook 1990 Extract referring to Stephen Gray's resignation',
 Case Study 42 ANG.0341.001.0001_E_R at 0002_E_R.
 523 Transcript of K Allen, Case Study 42, 8 August 2016 at 16671:21–23.
 524 Transcript of K Allen, Case Study 42, 8 August 2016 at 16671:15–23.
 525 Exhibit 42-0011, 'Statement of Bishop Alfred Holland', Case Study 42, STAT.1061.001.0001_R
 at 0008_R, [18].
 526 Exhibit 42-0136, 'Statement of Hugh Bright', Case Study 42, STAT.1164.001.0001_R at [17];
 Exhibit 42-0150, 'Statement of Raymond Manuel', Case Study 42, STAT.1236.001.0001 at [32].
 527 Exhibit 42-0001, 'Filenote by John Cleary of meeting with Keith Allen and Bishop Greg Thompson on
 18 February 2015', Case Study 42, NPF.0018.001.0024_R at 0025_R.
 528 Submissions of Bishop Alfred Holland, Case Study 42, SUBM.0042.003.0001, para 32.
 529 *Child Protection (Prohibited Employment) Act 1998* (NSW), ss 7 and 8; *Commission for Children and
 Young People Act 1998* (NSW), s 37.
 530 Exhibit 42-0001, 'Anglican Directory 2000', Case Study 42, ANG.0316.001.0001_R.
 531 Exhibit 42-0001, 'File note by Michael Elliott re Jim Brown', Case Study 42, ANG.0050.001.1822.
 532 Exhibit 42-0001, 'Timeline, Jim BROWN', Case Study 42, ANG.0050.001.8695_R.
 533 Exhibit 42-0001, 'Report of the Diocesan Homes for Children', Case Study 42, ANG.0050.003.5849 at
 5852; Exhibit 42-0004, 'Statement of Phil D'Ammond', Case Study 42, STAT.1080.001.0001_R at [10].
 534 Exhibit 42-0001, 'Minutes of the Management Committee of St Alban's dated 21 November 1977',
 Case Study 42, ANG.0053.001.0523 at 0524; Exhibit 42-0001, 'List of Committee Members of
 St Alban's Family Group Home', Case Study 42, ANG.0050.001.1991.

535 Exhibit 42-0001, 'Anglican Directory 2000', Case Study 42, ANG.0316.001.0001_R; Exhibit 42-0001,
 'Timeline, Jim BROWN', Case Study 42, ANG.0050.001.8695_R.
 536 Transcript of S Aslin, Case Study 42, 2 August 2016 at 16266:22–44.
 537 Transcript of S Aslin, Case Study 42, 2 August 2016 at 16267:12–18.
 538 Transcript of S Aslin, Case Study 42, 2 August 2016 at 16267:25–40.
 539 Transcript of S Aslin, Case Study 42, 2 August 2016 at 16268:24.
 540 Transcript of S Aslin, Case Study 42, 2 August 2016 at 16268:36–16269:1; Exhibit 42-005,
 'Statement of Suzan Aslin', Case Study 42, STAT.1103.001.0001 at [18].
 541 Transcript of S Aslin, Case Study 42, 2 August 2016 at 16269:47–16270:16.
 542 Transcript of S Aslin, Case Study 42, 2 August 2016 at 16269:8–38.
 543 Exhibit 42-005, 'Statement of Suzan Aslin', Case Study 42, STAT.1103.001.0001 at [19]–[21].
 544 Transcript of S Aslin, Case Study 42, 2 August 2016 at 16271:12–17.
 545 Transcript of S Aslin, Case Study 42, 2 August 2016 at 16271:44–16272:1.
 546 Transcript of S Aslin, Case Study 42, 2 August 2016 at 16272:3–10.
 547 Transcript of S Aslin, Case Study 42, 2 August 2016 at 16272:22–39.
 548 Transcript of S Aslin, Case Study 42, 2 August 2016 at 16272:12–20.
 549 Transcript of S Aslin, Case Study 42, 2 August 2016 at 16273:15–30.
 550 Exhibit 42-0005, 'Statement of Suzan Aslin', Case Study 42, STAT.1103.001 0001_R at [25].
 551 Transcript of S Aslin, Case Study 42, 2 August 2016 at 16273:32–37.
 552 Exhibit 42-0081, 'Statement of David Leonard Frost', Case Study 42, STAT.1122.001.0001 at [19]–[20].
 553 Exhibit 42-0081, 'Statement of David Leonard Frost', Case Study 42, STAT.1122.001.0001 at [21]–[22].
 554 Exhibit 42-0081, 'Statement of David Leonard Frost', Case Study 42, STAT.1122.001.0001 at [23].
 555 Transcript of S Aslin, Case Study 42, 2 August 2016 a 16274 17–21.
 556 Transcript of S Aslin, Case Study 42, 2 August 2016 at 16273:39–16274:7.
 557 Transcript of S Aslin, Case Study 42, 2 August 2016 at 16280:9–18.
 558 Transcript of S Aslin, Case Study 42, 2 August 2016 at 16273:23–30, 16274:9–35.
 559 Transcript of S Aslin, Case Study 42, 2 August 2016 at 16278:10–34.
 560 Transcript of S Aslin, Case Study 42 2 August 2016 at 16274:11–13.
 561 Transcript of S Aslin, Case Study 42, 2 August 2016 at 16275:27–40.
 562 Exhibit 42-0006, 'Statement of Ian Ross-Gowan', Case Study 42, STAT.1106.001.0001_R at [19].
 563 Transcript of A Holland, Case Study 2, 3 August 2016 at 16315:17–25; Exhibit 42-0104,
 'Supplementary Statement of Bi hop Alfred Holland', STAT.1151.001.0001 at [15].
 564 Transcript of A Holland, Case Study 42, 3 August 2016 at 16315:6–15, 27–33, 39–43; Exhibit 42-0104,
 'Supplementary Statement of Bishop Alfred Holland', STAT.1151.001.0001 at [16].
 565 Exhibit 42-0104, 'Supplementary Statement of Bishop Alfred Holland', STAT.1151.001.0001_R at [17].
 566 Submissions of Bishop Alfred Holland, Case Study 42, SUBM.0042.003.0001, para 41.
 567 Exhibit 42-0081, 'Statement of David Frost', Case Study 42, STAT.1122.001.0001 at [12]–[13].
 568 Exhibit 42-0081, 'Statement of David Frost', Case Study 42, STAT.1122.001.0001 at [21]–[23].
 569 Transcript of P Wilson, Case Study 42, 3 August 2016 at 16296:29–16299:1; Exhibit 42-0010,
 'Statement of Pamela Wilson', Case Study 42, STAT.1092.001.0001_R at [10].
 570 Transcript of P Wilson, Case Study 42, 3 August 2016 at 16295:39–41.
 571 Transcript of P Wilson, Case Study 42, 3 August 2016 at 16296:29–16299:1; Exhibit 42-0010,
 'Statement of Pamela Wilson', Case Study 42, STAT.1092.001.0001_R at [10].
 572 Transcript of A Holland, Case Study 42, 3 August 2016 at 16312:12–16.
 573 Exhibit 42-0105, 'Further Supplementary Statement of Bishop Alfred Holland', Case Study 42,
 STAT.1265.001.0001_R at [30].
 574 Exhibit 42-0143, 'Statement of Christopher Hall', Case Study 42, STAT.1213.001.0001_R at [7].
 575 Exhibit 42-0143, 'Statement of Christopher Hall', Case Study 42, STAT.1213.001.0001_R at [9]–[10].
 576 Exhibit 42-0143, 'Statement of Christopher Hall', Case Study 42, STAT.1213.001.0001_R at [11].
 577 Exhibit 42-0144, 'Statement of Valerie Hall', Case Study 42, STAT.1214.001.0001_R at [11]–[12].
 578 Exhibit 42-0010, 'Statement of Pamela Wilson', Case Study 42, STAT.1092.001.0001_R at [6].
 579 Transcript of P Wilson, Case Study 42, 3 August 2016 at 16297:33–41; Exhibit 42-0010, 'Statement
 of Pamela Wilson', Case Study 42, STAT.1092.001.0001_R at [9].
 580 Exhibit 42-0010, 'Statement of Pamela Wilson', Case Study 42, STAT.1092.001.0001_R at [10].

- 581 Transcript of P Wilson, Case Study 42, 3 August 2016 at 16298:14–23.
- 582 Transcript of P Wilson, Case Study 42, 3 August 2016 at 16299:30–31; Exhibit 42-0010, ‘Statement of Pamela Wilson’, Case Study 42’, STAT.1092.001.0001_R at [10].
- 583 Exhibit 42-0010, ‘Statement of Pamela Wilson’, Case Study 42, STAT.1092.001.0001_R at [11].
- 584 Exhibit 42-0010, ‘Statement of Pamela Wilson’, Case Study 42, STAT.1092.001.0001_R at [12].
- 585 Exhibit 42-0010, ‘Statement of Pamela Wilson’, Case Study 42, STAT.1092.001.0001_R at [12].
- 586 Transcript of P Wilson, Case Study 42, 3 August 2016 at 16301:35–38.
- 587 Exhibit 42-0010, ‘Statement of Pamela Wilson’, Case Study 42, STAT.1092.001.0001_R at [13].
- 588 Exhibit 42-0010, ‘Statement of Pamela Wilson’, Case Study 42, STAT.1092.001.0001_R at [13]–[14].
- 589 Exhibit 42-0140, ‘Statement of Lesley Danger’, Case Study 42, STAT.1120.001.0001_R at [4].
- 590 Exhibit 42-0140, ‘Statement of Lesley Danger’, Case Study 42, STAT.1120.001.0001_R at [8]–[10].
- 591 Transcript of A Holland, Case Study 42, 3 August 2016 at 16312:12–16.
- 592 Transcript of A Holland, Case Study 42, 3 August 2016 at 16308:17–27.
- 593 Transcript of A Holland, Case Study 42, 3 August 2016 at 16312:46–16313:4.
- 594 Exhibit 42-0105, ‘Further Supplementary Statement of Bishop Alfred Holland’, Case Study 42, STAT.1265.001.0001_R at [22].
- 595 Exhibit 42-0105, ‘Further Supplementary Statement of Bishop Alfred Holland’, Case Study 42, STAT.1265.001.0001_R at [23]–[24].
- 596 Transcript of A Holland, Case Study 42, 3 August 2016 at 16308:35–45.
- 597 Exhibit 42-0104, ‘Supplementary Statement of Bishop Alfred Holland’, Case Study 42, STAT.1151.001.0001_R at [19]–[20].
- 598 Exhibit 42-0104, ‘Supplementary Statement of Bishop Alfred Holland’, Case Study 42, STAT.1151.001.0001_R at [21]–[22].
- 599 Exhibit 42-0105, ‘Further Supplementary Statement of Bishop Alfred Holland’, Case Study 42, STAT.1265.001.0001_R at [6].
- 600 Exhibit 42-0105, ‘Further Supplementary Statement of Bishop Alfred Holland’, Case Study 42, STAT.1265.001.0001_R at [7].
- 601 Transcript of A Holland, Case Study 42, 3 August 2016 at 16306:7–12.
- 602 Transcript of A Holland, Case Study 42, 3 August 2016 at 16306:30–33.
- 603 Transcript of youth worker Case Study 42, 2 August 2016 at 16283:20–39. Transcript redacted for de-identification purposes.
- 604 Transcript of youth worker, Case Study 42, 2 August 2016 at 16287:20–28. Transcript redacted for de-identification purposes.
- 605 Exhibit 42-0007, ‘Statement of youth worker’, Case Study 42, STAT.1101.001.0001_R at [19].
- 606 Exhibit 42-0007, ‘Statement of youth worker’, Case Study 42, STAT.1101.001.0001_R at [19].
- 607 Exhibit 42-0001, ‘Extract from Anglican Directory’, Case Study 42, ANG.0050.004.2894_R.
- 608 Exhibit 42-0007, ‘Statement of youth worker’, Case Study 42, STAT.1101.001.0001_R at [19].
- 609 Transcript of R Appleby, Case Study 42, 4 August 2016 at 16530:24–38. Transcript redacted for de-identification purposes.
- 610 Transcript of R Appleby, Case Study 42, 4 August 2016 at 16530:40–47. Transcript redacted for de-identification purposes.
- 611 Transcript of R Appleby, Case Study 42, 4 August 2016 at 16532:9–17. Transcript redacted for de-identification purposes.
- 612 Exhibit 42-0161, ‘Memo re Lay Reader’s Licence for James Brown dated 31 January 1986’, Case Study 42, NPF.045.002.1481_R.
- 613 Transcript of R Appleby, Case Study 42, 4 August 2016 at 16531:8–18, 16532:19–22, 16533:3–7. Transcript redacted for de-identification purposes.
- 614 Transcript of R Appleby, Case Study 42, 4 August 2016 at 16531:18–24, 39–41. Transcript redacted for de-identification purposes.
- 615 Exhibit 42-0001, ‘Extract of entries from Bishop Appleby’s diaries including filenote prepared by Bishop Appleby’, Case Study 42, IND.0570.001.0001_R at 0009_R. Evidence redacted for de-identification purposes.
- 616 Exhibit 42-0001, ‘Extract of entries from Bishop Appleby’s diaries including filenote prepared by Bishop Appleby’, Case Study 42, IND.0570.001.0001_R at 0010_R, 0011_R; Transcript of R Appleby, Case Study 42, 23 November 2016 at 23455:13–21, 23456:13–15.

617 Transcript of R Appleby, Case Study 42, 23 November 2016 at 23454:27–29.
 618 Transcript of R Appleby, Case Study 42, 23 November 2016 at 23454:32–36.
 619 Transcript of R Appleby, Case Study 42, 23 November 2016 at 23456:31–34.
 620 Transcript of R Appleby, Case Study 42, 23 November 2016 at 23455:22–26.
 621 Transcript of R Appleby, Case Study 42, 4 August 2016 at 16530:24–38. Transcript redacted
 for de-identification purposes.
 622 Exhibit 42-0007, ‘Statement of youth worker’, Case Study 42, STAT.1101.001.0001_R at [23].
 623 Exhibit 42-0007, ‘Statement of youth worker’, Case Study 42, STAT.1101.001.0001_R at [23].
 624 Transcript of youth worker, Case Study 42, 2 August 2016 at 16285:23–35. Transcript redacted
 for de-identification purposes; Exhibit 42-0007, ‘Statement of youth worker’, Case Study 42,
 STAT.1101.001.0001_R at [19].
 625 Exhibit 42-0007, ‘Statement of youth worker’, Case Study 42, STAT.1101.001.0001_R at [19].
 626 Exhibit 42-0023, ‘Statement of CKA’, Case Study 42, STAT.1093.001.0001_R at [29]; Transcript
 of CKA, Case Study 42, 4 August 2016 at 16454:34–45, 16458:38–16459:1, 23 39.
 627 Transcript of CKA, Case Study 42, 4 August 2016 at 16454:34–37.
 628 Exhibit 42-0023, ‘Statement of CKA’, Case Study 42, STAT.1093.001.0001_R at [29].
 629 Exhibit 42-0023, ‘Statement of CKA’, Case Study 42, STAT.1093.001.0001_R a [31].
 630 Exhibit 42-0023, ‘Statement of CKA’, Case Study 42, STAT.1093.001.0001_R at [33].
 631 Exhibit 42-0001, ‘Facsimile from [CKA] to [Redacted] (ODPP)’, Case Study 42, NSW.0037.001.0295_R.
 632 Exhibit 42-0001, ‘Filenote of Dean Graeme Lawrence about Diocesan response to [CKA] from 8–12
 January 1999’, Case Study 42, NSW.0037.001.0442.
 633 Exhibit 42-0025, ‘Statement of Bishop Appleby’, Case Study 42, STAT.1085.001.0001_R at [75];
 Transcript of R Appleby, Case Study 42, 4 August 2016 at 16522:33–16523:10.
 634 Transcript of R Appleby, Case Study 42, 4 August 2016 at 16524:33–43.
 635 Exhibit 42-0025, ‘Statement of Bishop Appleby’, Case Study 42, STAT.1085.001.0001_R at [74].
 636 Transcript of R Appleby, Case Study 42, 5 August 2016 at 16556:13–19.
 637 Exhibit 42-0001, ‘Extract of entries from Bishop Appleby’s diaries including filenote prepared by
 Bishop Appleby’, Case Study 42, IND.0570.001.0001_R.
 638 Transcript of R Appleby, Case Study 42 23 November 2016 at 23450:2–3; Exhibit 42-0001, ‘Extract of
 entries from Bishop Appleby’s diaries including filenote prepared by Bishop Appleby’, Case Study 42,
 IND.0570.001.0001_R at 0005_R.
 639 Transcript of R Appleby Case Study 42, 23 November 2016 at 23450:5–22; Exhibit 42-0001, ‘Extract
 of entries from Bishop Appleby s diaries including filenote prepared by Bishop Appleby’, Case Study
 42, IND.0570.001 0001_R at 0006_R.
 640 Exhibit 42-0117, ‘Supplementary Statement of Bishop Appleby’, Case Study 42, STAT.1085.002.0001_R
 at [11].
 641 Exhibit 42-0117, ‘Supplementary Statement of Bishop Appleby’, Case Study 42, STAT.1085.002.0001_R
 at [7].
 642 Exhibit 42-0117, ‘Supplementary Statement of Bishop Appleby’, Case Study 42, STAT.1085.002.0001_R
 at [8].
 643 Exhibit 42-0117, ‘Supplementary Statement of Bishop Appleby’, Case Study 42, STAT.1085.002.0001_R
 at [9]; Transcript of R Appleby, Case Study 42, 23 November 2016 at 23450:29–33, 23451:21–24.
 644 Exhibit 42-0117, ‘Supplementary Statement of Bishop Appleby’, Case Study 42, STAT.1085.002.0001_R
 at [10]–[11].
 645 Exhibit 42-0117, ‘Supplementary Statement of Bishop Appleby’, Case Study 42, STAT.1085.002.0001_R
 at [17].
 646 Transcript of CKA, Case Study 42, 4 August 2016 at 16454:34–16455:6.
 647 Exhibit 42-0001, ‘Letter from Bishop Herft to Father Parker dated 26 February 1996’,
 ANG.0050.003.4678_R.
 648 Exhibit 42-0001, ‘Filenote of John Cleary dated 27 March 2015’, Case Study 42, ANG.0132.001.0008
 at 0009.
 649 Transcript of A Holland, Case Study 42, 3 August 2016 at 16309:23–26.
 650 Transcript of A Holland, Case Study 42, 3 August 2016 at 16318:18–22.
 651 Transcript of A Holland, Case Study 42, 3 August 2016 at 16310:2–10.

- 652 Transcript of A Holland, Case Study 42, 3 August 2016 at 16310:12–15.
- 653 Exhibit 42-0001, 'Email from Bishop Holland to Bishop Farran re Rushton dated 20 October 2010', Case Study 42, ANG.0050.003.5053_R; Submission of Bishop Alfred Holland, Case Study 42, SUBM.0042.003.0001, paras 6–7.
- 654 Exhibit 42-0130, 'Reports of Abuse Allegedly Perpetrated by Father Peter Rushton', Case Study 42, ANG.0367.001.0001.
- 655 Exhibit 42-0001, 'Anglican Directory 2000', Case Study 42, ANG.0316.001.0001_R at 0002_R; Exhibit 42-0011, 'Statement of Bishop Alfred Holland', Case Study 42, STAT.1061.001.0001_R at 0008_R.
- 656 Exhibit 42-0001, 'R v Brown [2012] NSWCCA 199', Case Study 42, NSW.0087.001.0028.
- 657 Submissions of Archbishop Roger Herft, Case Study 42, SUBM.1042.018.0001 at [1]–[2].
- 658 Exhibit 42-0001, 'Anglican Directory 2000', ANG.0316.001.0001_R; Transcript of R Herft, Case Study 42, 12 August 2016 at 17272:6–18.
- 659 Transcript of R Herft, Case Study 42, 12 August 2016 at 17242:33–47.
- 660 Transcript of R Herft, Case Study 42, 12 August 2016 at 17224:19–47, 17225:1–4.
- 661 Transcript of R Herft, Case Study 42, 12 August 2016 at 17245:35–37.
- 662 Transcript of R Herft, Case Study 42, 12 August 2016 at 17238:32–44.
- 663 Transcript of R Herft, Case Study 42, 12 August 2016 at 17253:26–30.
- 664 Transcript of R Herft, Case Study 42, 12 August 2016 at 17226:22–27.
- 665 Transcript of R Herft, Case Study 42, 12 August 2016 at 17227:20–25.
- 666 Transcript of R Herft, Case Study 42, 12 August 2016 at 17227:39–44.
- 667 Transcript of R Herft, Case Study 42, 12 August 2016 at 17227:31–37.
- 668 Exhibit 42-0001, 'Offences Canon 1962', Case Study 42, ANG.0050.002.1172.
- 669 Exhibit 42-0001, 'Clergy Discipline Ordinance 1966', Case Study 42, ANG.0050.004.1677.
- 670 Transcript of R Herft, Case Study 42, 12 August 2016 at 17254:8–41.
- 671 Transcript of R Herft, Case Study 42, 12 August 2016 at 17253:37–46, 17254:8–21.
- 672 Transcript of R Herft, Case Study 42, 12 August 2016 at 17254:30.
- 673 Transcript of R Herft, Case Study 42, 12 August 2016 at 17254:8–41.
- 674 Exhibit 42-0001, 'October 1993 Principles and Procedures for Dealing with Sexual Harassment by Ministers in the Diocese of Newcastle', Case Study 42, ANG.0327.001.0059.
- 675 Exhibit 42-0001, 'October 1993 Principles and Procedures for Dealing with Sexual Harassment by Ministers in the Diocese of Newcastle', Case Study 42, ANG.0327.001.0059 at 0060.
- 676 Exhibit 42-0001, 'October 1993 Principles and Procedures for Dealing with Sexual Harassment by Ministers in the Diocese of Newcastle', Case Study 42, ANG.0327.001.0059 at 0055.
- 677 Exhibit 42-0001, 'Principles & Procedures for dealing with sexual harassment by ministers in the Diocese of Newcastle', Case Study 42, ANG.0327.001.0059 at 0060.
- 678 Exhibit 42-0001, 'Principles & Procedures for dealing with sexual harassment by ministers in the Diocese of Newcastle', Case Study 42, ANG.0327.001.0059 at 0060.
- 679 Exhibit 42-0001, 'Principles & Procedures for dealing with sexual harassment by ministers in the Diocese of Newcastle', Case Study 42, ANG.0327.001.0059 at 0060.
- 680 Exhibit 42-0001, 'Clergy Discipline Ordinance 1966-2001', Case Study 42, ANG.0050.004.1677 at 0059–0060.
- 681 Exhibit 42-0001, 'Principles & Procedures for dealing with sexual harassment by ministers in the Diocese of Newcastle', Case Study 42, ANG.0327.001.0059 at 0056, [8].
- 682 Exhibit 42-0001, 'Principles & Procedures for dealing with sexual harassment by ministers in the Diocese of Newcastle', Case Study 42, ANG.0327.001.0059 at 0060.
- 683 Exhibit 42-0001, 'Principles & Procedures for dealing with sexual harassment by ministers in the Diocese of Newcastle', Case Study 42, ANG.0327.001.0059.
- 684 Exhibit 42-0001, 'Principles and Procedures for Dealing with Sexual Harassment by Ministers in the Diocese of Newcastle', Case Study 42, ANG.0054.001.0874.
- 685 Exhibit 42-0001, 'Memorandum from Bishop Herft to Archdeacons and others dated 12 September 1994', Case Study 42, ANG.0054.001.0599.
- 686 Exhibit 42-0001, 'Professional Standards Ordinance 2005', Case Study 42, ANG.0050.001.4524 at 4524.

- 687 Exhibit 42-0076, 'Statement of Archbishop Roger Herft', Case Study 42, STAT.0073.001.0001_R at [11];
Exhibit 42-0100, 'Statement of Robert Caddies', Case Study 42, STAT.1070.001.0001_R at 0002_R,
[2(c)]–[3].
- 688 Exhibit 42-0001, 'Memorandum from Bishop Herft to Archdeacons, the Dean and Area Deans',
Case Study 42, ANG.0054.001.0599; Exhibit 42-0001, 'Notes of meeting between Bishop Herft,
Deidre Anderson, Peter Mitchell and Paul Rosser', Case Study 42, ANG.0054.001.0405.
- 689 Transcript of R Caddies, Case Study 42, 16 November 2016 at 23118:4–18.
- 690 Exhibit 42-0042, 'Statement of Jean Sanders', Case Study 42, STAT.1104.001.0001_R at [12].
- 691 Transcript of R Herft, Case Study 42, 12 August 2016 at 17241:25–29.
- 692 Transcript of R Herft, Case Study 42, 12 August 2016 at 17237:38–41, 17245:7–17.
- 693 Transcript of R Herft, Case Study 42, 12 August 2016 at 17239:15–24.
- 694 Exhibit 42-0001, 'Principles and Procedures for Dealing with Sexual Harassment by Ministers
in the Diocese of Newcastle', Case Study 42, ANG.0054.001.0874 at 0877.
- 695 Transcript of R Herft, Case Study 42, 12 August 2016 at 17248:26–30.
- 696 Exhibit 42-0042, 'Statement of Jean Sanders', Case Study 42, STAT.1104.001.0001_R at [16].
- 697 Exhibit 42-0046, 'Guidelines for Care in Working with Children and Youth in the Anglican
Diocese of Newcastle', Case Study 42, IND.0482.001.0026.
- 698 Exhibit 42-0046, 'Guidelines for Care in Working with Children and Youth in the Anglican
Diocese of Newcastle', Case Study 42, IND.0482.001.0026 at 0056.
- 699 Exhibit 42-0046, 'Guidelines for Care in Working with Children and Youth in the Anglican
Diocese of Newcastle', Case Study 42, IND.0482.001.0026 at 0033.
- 700 Exhibit 42-0046, 'Guidelines for Care in Working with Children and Youth in the Anglican
Diocese of Newcastle', Case Study 42, IND.0482.001.0026 at 0033.
- 701 Exhibit 42-0046, 'Guidelines for Care in Working with Children and Youth in the Anglican
Diocese of Newcastle', Case Study 42, IND.0482.001.0026 at 0033.
- 702 Exhibit 42-0001, 'Ethics in Ministry', Case Study 42 ANG.0048.001.1507.
- 703 Exhibit 42-0001, 'Ethics in Ministry', Case Study 2, ANG.0048.001.1507 at [2.1].
- 704 Transcript of R Herft, Case Study 42 12 August 2016 at 17243:25–27.
- 705 Exhibit 42-0001, 'Ethics in Ministry', Case Study 42, ANG.0048.001.1507 at [8.6].
- 706 Exhibit 42-0001, 'Ethics in Ministry', Case Study 42, ANG.0048.001.1507 at [6.4].
- 707 Exhibit 42-0001, 'Ethics in Ministry' Case Study 42, ANG.0048.001.1507 at [6.8].
- 708 Exhibit 42-0001, 'Ethics in Ministry', Case Study 42, ANG.0048.001.1507 at [4.5].
- 709 Exhibit 42-0001, 'Principles and Procedures for Dealing with Allegations of Sexual Misconduct',
Case Study 42, STAT.0073.001.0117_R.
- 710 Exhibit 42-0001, 'Principles and Procedures for Dealing with Allegations of Sexual Misconduct',
Case Study 42, STAT.0073.001.0117_R at 0118.
- 711 Exhibit 42-0001, 'Principles and Procedures for Dealing with Allegations of Sexual Misconduct',
Case Study 42, STAT.0073.001.0117_R at 0118.
- 712 Exhibit 42-0001, 'Principles and Procedures for Dealing with Allegations of Sexual Misconduct',
Case Study 42, STAT.0073.001.0117_R at 0118.
- 713 Exhibit 42-0001, 'Principles and Procedures for Dealing with Allegations of Sexual Misconduct',
Case Study 42, STAT.0073.001.0117_R at 0124.
- 714 *Crimes (Public Justice) Amendment Act 1990* (NSW), Sch 1(2) and 1(5).
- 715 *Crimes Act 1900* (NSW), s 316(1).
- 716 *Crimes Act 1900* (NSW), s 4(1).
- 717 *Wilson v Department of Public Prosecutions (NSW)* [2016] NSWSC 1458 at [33].
- 718 *Wilson v Department of Public Prosecutions (NSW)* [2016] NSWSC 1458 at [34].
- 719 Section 316(4) and (5) were inserted by the *Crimes Legislation Amendment Act 1997* (NSW) and
on 1 September 2000 a member of the clergy was prescribed as being a person to whom s 316(4)
applied pursuant to cl 6(f) of the *Crimes (General) Regulation 2000* (NSW).
- 720 *Crimes Act 1900* (NSW), s 316(4).
- 721 Exhibit 42-0001, 'Ethics in Ministry', ANG.0048.001.1507 at [4.9].
- 722 Transcript of R Herft, Case Study 42, 12 August 2016 at 17244:35–39.

- 723 Exhibit 42-0001, 'Sexual Harassment – Legal Aspects', ANG.0054.001.0742; Transcript of R Caddies, Case Study 42, 16 November 2016 at 23123:22–25.
- 724 Exhibit 42-0001, 'Sexual Harassment – Legal Aspects', ANG.0054.001.0742 at 0742.
- 725 Exhibit 42-0001, 'Sexual Harassment – Legal Aspects', ANG.0054.001.0742 at 0746;
- 726 *Child Welfare (Amendment) Act 1977* (NSW), Sch 5, which added s 148B to the *Child Welfare Act 1939* (NSW).
- 727 *Child Welfare Act 1939* (NSW), s 148B(5)(b).
- 728 *Children (Care and Protection) Act 1987* (NSW), ss 22(2)(b) and 22(3).
- 729 *Children (Care and Protection) Act 1987* (NSW), s 22(4).
- 730 When the legislation came into operation on 18 January 1988, the Department was called 'Youth and Community Services'. It was later called the 'Department of Community Services'. It is presently called the 'Department of Family and Community Services'.
- 731 *Children (Care and Protection) Act 1987* (NSW), s 22(3).
- 732 Schedule 1(2) of the *Children (Care and Protection) Amendment Act 1987* (NSW) amended the definition of 'child' in s 3 of the *Children (Care and Protection) Act 1987* (NSW) to a person aged under 16. This amendment commenced on 13 January 1988.
- 733 Proclaimed by New South Wales Government Gazette No 159, 8 December 2000, p 12778.
- 734 *Children and Young Persons (Care and Protection) Act 1998* (NSW) s 27(1)(a).
- 735 *Children and Young Persons (Care and Protection) Act 1998* (NSW), s 27(1)(b).
- 736 *Children and Young Persons (Care and Protection) Act 1998* (NSW), s 27(2).
- 737 *Children and Young Persons (Care and Protection) Act 1998* (NSW), s 23(1)(c).
- 738 *Children and Young Persons (Care and Protection) Act 1998* (NSW), s 3.
- 739 *Children's Protection Act 1993* (SA), ss 11(2)(ga) and 11(4).
- 740 Transcript of R Herft, Case Study 42, 12 August 2016 at 17221:22–28.
- 741 Transcript of R Herft, Case Study 42, 12 August 2016 at 17222:1–5.
- 742 Transcript of R Herft, Case Study 42, 12 August 2016 at 17222:46–17223:3.
- 743 Transcript of R Herft, Case Study 42, 12 August 2016 at 17252:47–1717253:3, 17255:27–38.
- 744 Transcript of R Herft, Case Study 42, 12 August 2016 at 17255:33–38.
- 745 Transcript of R Herft, Case Study 42, 12 August 2016 at 17253:26–34.
- 746 Transcript of P Mitchell, Case Study 42, 10 August 2016 at 16936:7–9; Exhibit 42-0001, 'Notes from a meeting on 13 May 1998', Case Study 42, ANG.0054.001.0405.
- 747 Exhibit 42-0001 'Notes from a meeting on 13 May 1998', Case Study 42, ANG.0054.001.0405.
- 748 Exhibit 42-0001, 'Notes from a meeting on 13 May 1998', Case Study 42, ANG.0054.001.0405.
- 749 Transcript of R Herft, Case Study 42, 12 August 2016 at 17252:24–27.
- 750 Transcript of P Rosser, Case Study 42, 30 August 2016 at 17468:27–17469:8.
- 751 Transcript of P Rosser, Case Study 42, 30 August 2016 at 17472:32–46.
- 752 Transcript of P Rosser, Case Study 42, 30 August 2016 at 17470:2–35.
- 753 Exhibit 42-0001, 'Notes from a meeting on 13 May 1998', Case Study 42, ANG.0054.001.0405 at 0405.
- 754 Transcript of R Herft, Case Study 42, 12 August 2016 at 17256:33–17257:1.
- 755 Transcript of P Rosser, Case Study 42, 30 August 2016 at 17472:1–21.
- 756 Transcript of R Herft, Case Study 42, 12 August 2016 at 17258:23–24, 17258:35–36.
- 757 Transcript of R Herft, Case Study 42, 12 August 2016 at 17259:23–32.
- 758 Transcript of R Herft, Case Study 42, 12 August 2016 at 17253:1–8.
- 759 Exhibit 42-0076, 'Further Supplementary Witness Statement of Archbishop Roger Herft', Case Study 42, STAT.1094.002.0001_R at [27].
- 760 Transcript of R Herft, Case Study 42, 12 August 2016 at 17221:22–24.
- 761 Transcript of R Herft, Case Study 42, 12 August 2016 at 17226:20–39, 17227:20–25.
- 762 Exhibit 42-0029, 'Statement of Tim Mawson', Case Study 42, STAT.1110.001.0001_R at [5]–[6].
- 763 Exhibit 42-0029, 'Statement of Tim Mawson', Case Study 42, STAT.1110.001.0001_R at [10]–[11].
- 764 Exhibit 42-0001, 'Notes from a meeting on 13 May 1998', Case Study 42, ANG.0054.001.0405 at 0406.
- 765 Exhibit 42-0001, 'Notes from a meeting on 13 May 1998', Case Study 42, ANG.0054.001.0405 at 0406.
- 766 Exhibit 42-0001, 'Notes from a meeting on 13 May 1998', Case Study 42, ANG.0054.001.0405 at 0406.
- 767 Exhibit 42-0001, 'Notes from a meeting on 13 May 1998', Case Study 42, ANG.0054.001.0405 at 0406.
- 768 Transcript of P Mitchell, Case Study 42, 10 August 2016 at 16937:18–16938:28.

769 Transcript of R Herft, Case Study 42, 12 August 2016 at 17264:46–17265:3.
 770 Exhibit 42-0042, ‘Statement of Jean Sanders’, Case Study 42, STAT.1104.001.0001_R at [22].
 771 Exhibit 42-0042, ‘Statement of Jean Sanders’, Case Study 42, STAT.1104.001.0001_R at [14].
 772 Exhibit 42-0042, ‘Statement of Jean Sanders’, Case Study 42, STAT.1104.001.0001_R at [15].
 773 Exhibit 42-0042, ‘Statement of Jean Sanders’, Case Study 42, STAT.1104.001.0001_R at [16].
 774 Exhibit 42-0042, ‘Statement of Jean Sanders’, Case Study 42, STAT.1104.001.0001_R at [20].
 775 Transcript of R Herft, Case Study 42, 12 August 2016 at 17265:5–32.
 776 Exhibit 42-0042, ‘Statement of Jean Sanders’, Case Study 42, STAT.1104.001.0001_R at [21]
 777 Exhibit 42-0042, ‘Statement of Jean Sanders’, Case Study 42, STAT.1104.001.0001_R at [41].
 778 Exhibit 42-0042, ‘Statement of Jean Sanders’, Case Study 42, STAT.1104.001.0001_R at [41].
 779 Exhibit 42-0042, ‘Statement of Jean Sanders’, Case Study 42, STAT.1104.001.0001_R at [42].
 780 Exhibit 42-0042, ‘Statement of Jean Sanders’, Case Study 42, STAT.1104.001.0001_R at [48].
 781 Exhibit 42-0084, ‘Statement of Bruce Hockman’, Case Study 42, STAT.1060.001.0001 at 0002.
 782 Exhibit 42-0084, ‘Statement of Bruce Hockman’, Case Study 42, STAT.1060.001 0001 at 0003.
 783 Exhibit 42-0042, ‘Statement of Jean Sanders’, Case Study 42, STAT.1104.001 0001_R at [12], [22]–[23].
 784 Exhibit 42-0042, ‘Statement of Jean Sanders’, Case Study 42, STAT.1104 001.0001_R at [14]
 785 Exhibit 42-0042, ‘Statement of Jean Sanders’, Case Study 42, STAT.110 .001.0001_R at [23]; Exhibit
 42-0001, ‘Protocol for Storage of Records managed by CASM’, Case Study 42, ANG.0054.001.0250.
 786 Transcript of M Elliott, Case Study 42, 11 August 2016 at 17061:11–16; Transcript of R Herft, Case
 Study 42, 12 August 2016 at 17263:47; Exhibit 42-0084, ‘Statement of Bruce Hockman’, Case
 Study 42, STAT.1060.001.0001 at 0003; Transcript of P Mitchell Case Study 42, 10 August 2016 at
 16920:21–41.
 787 Exhibit 42-0042, ‘Statement of Jean Sanders’, Case Study 42 STAT.1104.001.0001_R at [23]; Exhibit
 42-0001, ‘Protocol for Storage of Records managed by CASM’, Case Study 42, ANG.0054.001.0250.
 788 Exhibit 42-0042, ‘Statement of Jean Sanders’ Case Study 42, STAT.1104.001.0001_R at [23].
 789 Exhibit 42-0042, ‘Statement of Jean Sanders’, Case Study 42, STAT.1104.001.0001_R at [23].
 790 Exhibit 42-0042, ‘Statement of Jean Sanders’, Case Study 42, STAT.1104.001.0001_R at [24].
 791 Transcript of R Herft, Case Study 42 12 August 2016 at 17269:40–17270:4.
 792 Transcript of Michael Elliott, Case Study 42, 11 August 2016 at 17058:3–19.
 793 Transcript of Michael Elliott, Case Study 42, 11 August 2016 at 17058:25–35.
 794 Exhibit 42-0001, ‘The “Yellow Envelopes Report” by Michael Elliott’, Case Study 42,
 ANG.0207.001.2371_R; Transcript of M Elliott, Case Study 42, 11 August 2016 at 17080:9–19.
 795 Transcript of M Elliott, Case Study 42, 11 August 2016 at 17059:21–29.
 796 Exhibit 42-0001, ‘The “Yellow Envelopes Report” by Michael Elliott’, Case Study 42,
 ANG.0207.001.2371_R.
 797 Exhibit 42-0042, ‘Statement of Jean Sanders’, Case Study 42, STAT.1104.001.0001_R at [41];
 Exhibit 42-0001, ‘Letter from Jean Sanders to Bishop Herft re CASM matters’, Case Study 42,
 IND.0482.001.0241_R.
 798 Transcript of R Herft, Case Study 42, 12 August 2016 at 17624:10–28.
 799 Exhibit 42-0079, ‘Supplementary Statement of Michael Elliott’, Case Study 42, STAT.1142.001.0001_R
 at [5]; Exhibit 42-0001, ‘The “Yellow Envelopes Report” by Michael Elliott’, Case Study 42,
 ANG.0207.001.2371 at 2376_R.
 800 Exhibit 42-0079, ‘Supplementary Statement of Michael Elliott’, Case Study 42, STAT.1142.001.0001_R
 at [11].
 801 Transcript of M Elliott, Case Study 42, 12 August 2016 at 17164:37–17165:3, 17165:20–22; Exhibit 42-
 0079, ‘Supplementary Statement of Michael Elliott’, Case Study 42, STAT.1142.001.0001_R at [7]–[13], [25].
 802 Exhibit 42-0079, ‘Supplementary Statement of Michael Elliott’, Case Study 42, STAT.1142.001.0001_R
 at [23]–[24]; Exhibit 42-0093, ‘Yellow Envelope No. 11 relating to complaint by CKA against Father
 George Parker (CKC)’, Case Study 42, ANG.0354.002.0001_R; Exhibit 42-0001, ‘The “Yellow Envelopes
 Report” by Michael Elliott’, Case Study 42, ANG.0207.001.2371 at 2376_R.
 803 Exhibit 42-0079, ‘Supplementary Statement of Michael Elliott’, Case Study 42, STAT.1142.001.0001_R
 at [22], [24]; Transcript of M Elliott, Case Study 42, 12 August 2016 at 17164:46–17165:3.
 804 Exhibit 42-0001, ‘The “Yellow Envelopes Report” by Michael Elliott’, Case Study 42,
 ANG.0207.001.2371 at 2375_R–2378_R.

- 805 Transcript of R Herft, Case Study 42, 29 August 2016 at 17323:2–15.
- 806 Transcript of R Herft, Case Study 42, 29 August 2016 at 17416:39–17417:40; Transcript of R Herft, Case Study 42, 30 August 2016 at 17430:38–40.
- 807 Exhibit 42-0093, 'Yellow Envelope No. 1', Case Study 42, ANG.0354.001.0001_R; Exhibit 42-0093, 'Yellow Envelope No. 2', Case Study 42, ANG.0354.002.0163_R; Exhibit 42-0093, 'Yellow Envelope No. 4', Case Study 42, ANG.0354.004.0001_R; Exhibit 42-0093, 'Yellow Envelope No. 6', Case Study 42, ANG.0354.006.0001_R; Exhibit 42-0093, 'Yellow Envelope No. 8', Case Study 42, ANG.0354.008.0001_R; Exhibit 42-0093, 'Yellow Envelope No. 9', Case Study 42, ANG.0354.009.0001_R; Exhibit 42-0093, 'Yellow Envelope No. 10', Case Study 42, ANG.0354.010.0001_R; Exhibit 42-0093, 'Yellow Envelope No. 11', Case Study 42, ANG.0354.011.0001_R; Exhibit 42-0093, 'Yellow Envelope No. 13', Case Study 42, ANG.0354.013.0001_R; Exhibit 42-0093, 'Yellow Envelope No. 14', Case Study 42, ANG.0354.014.0001_R; Exhibit 42-0093, 'Yellow Envelope No. 15', Case Study 42, ANG.0354.015.0001_R; Exhibit 42-0093, 'Yellow Envelope No. 19' Case Study 42, ANG.0354.019.0001_R; Exhibit 42-0093, 'Yellow Envelope No. 20', Case Study 42, ANG.0354.020.0001_R; Exhibit 42-0093, 'Yellow Envelope No. 22', Case Study 42, ANG.0354.022.0001_R; Exhibit 42-0093, 'Yellow Envelope No. 23', Case Study 42, ANG.0354.023.0001_R; Exhibit 42-0093, 'Yellow Envelope No. 25' Case Study 42, ANG.0354.025.0001_R; Exhibit 42-0093, 'Yellow Envelope No. 26', Case Study 42, ANG.0354.026.0001_R; Exhibit 42-0093, 'Yellow Envelope No. 27', Case Study 42, ANG.0354.027.0001_R; Exhibit 42-0093, 'Yellow Envelope No. 29', Case Study 42, ANG.0354.029.0001_R; Exhibit 42-0093, 'Yellow Envelope No. 30', Case Study 42, ANG.0354.030.0001_R; Exhibit 42-0093, 'Yellow Envelope No. 31', Case Study 42, ANG.0354.031.0001_R; Exhibit 42-0093, 'Yellow Envelope No. 32', Case Study 42, ANG.0354.032.0001_R; Exhibit 42-0093, 'Yellow Envelope No. 33', Case Study 42, ANG.0354.033.0001_R.
- 808 Exhibit 42-0093, 'Yellow Envelope No. 2' Case Study 42, ANG.0354.002.0163_R; Exhibit 42-0093, 'Yellow Envelope No. 13', Case Study 42, ANG.0354.013.0001_R; Exhibit 42-0093, 'Yellow Envelope No. 22', Case Study 42, ANG.0354.022.0001 at 0003.
- 809 Exhibit 42-0093, 'Yellow Envelope No. 6', Case Study 42, ANG.0354.006.0001_R; Exhibit 42-0093, 'Yellow Envelope No. 14', Case Study 42, ANG.0354.014.0001_R; Exhibit 42-0093, 'Yellow Envelope No. 25', Case Study 42, ANG.0354.025.0001_R; Exhibit 42-0093, 'Yellow Envelope No. 30', Case Study 42, ANG.0354.030.0001_R.
- 810 Exhibit 42-0093, 'Yellow Envelope No. 15', Case Study 42, ANG.0354.015.0001_R.
- 811 Exhibit 42-0093, 'Yellow Envelope No. 26', Case Study 42, ANG.0354.026.0001_R.
- 812 Exhibit 42-0093, 'Yellow Envelope No. 8', Case Study 42, ANG.0354.008.0001_R; Exhibit 42-0093, 'Yellow Envelope No. 10', Case Study 42, ANG.0354.010.0001_R.
- 813 Exhibit 42-0093, 'Yellow Envelope No. 4', Case Study 42, ANG.0354.004.0001_R; Exhibit 42-0093, 'Yellow Envelope No. 11', Case Study 42, ANG.0354.010.0001_R; Exhibit 42-0093, 'Yellow Envelope No. 20', Case Study 42, ANG.0354.020.0001_R; Exhibit 42-0093, 'Yellow Envelope No. 27', Case Study 42, ANG.0354.027.0001_R; Exhibit 42-0093, 'Yellow Envelope No. 29', Case Study 42, ANG.0354.029.0001_R; Exhibit 42-0093, 'Yellow Envelope No. 31', Case Study 42, ANG.0354.031.0001_R; Exhibit 42-0093, 'Yellow Envelope No. 32', Case Study 42, ANG.0354.032.0001_R.
- 814 Further Submissions on behalf of the State of NSW, Case Study 42, SUBM.1042.038.0001_R, appending COPS Entry dated 24 September 1998, NSW.2115.001.0001_R.
- 815 Exhibit, 42-0093, 'Yellow Envelope No. 9', Case Study 42, ANG.0354.009.0001_R at 0016_R.
- 816 Exhibit, 42-0093, 'Yellow Envelope No. 9', Case Study 42, ANG.0354.009.0001_R at 0014_R–0015_R.
- 817 Exhibit, 42-0093, 'Yellow Envelope No. 9', Case Study 42, ANG.0354.009.0001_R at 0012_R.
- 818 Exhibit 42-0093, 'Yellow Envelope No. 9', Case Study 42, ANG.0354.009.0001_R at 0010_R–0011_R.
- 819 Exhibit 42-0093, 'Yellow Envelope No. 1', Case Study 42, ANG.0354.010.0001_R.
- 820 Exhibit 42-0093, 'Yellow Envelope No. 19', Case Study 42, ANG.0354.019.0001_R; Exhibit 42-0093, 'Yellow Envelope No. 23', Case Study 42, ANG.0354.023.0001_R; Exhibit 42-0093, 'Yellow Envelope No. 33', Case Study 42, ANG.0354.033.0001_R.

Category	Percentage
1	85%
2	90%
3	85%
4	75%
5	90%
6	90%
7	90%
8	90%
9	95%
10	100%
11	95%
12	90%
13	80%
14	100%

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

- 874 Exhibit 42-0001, 'Principles & Procedures for dealing with sexual harassment by ministers in the Diocese of Newcastle', Case Study 42, ANG 0327 001.0059.
- 875 Exhibit 42-0001, 'Presentation by Robert Caddies', Case Study 42, ANG.0054.001.0742.
- 876 Transcript of R Herft, Case Study 42, 29 Augus 2016 at 17250:7–25; Exhibit 42-0001, 'Memorandum of Advice prepared by Stuart Littlemore QC', Case Study 42, ANG.0048.001.7476.

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- 942 Transcript of J Cleary, Case Study 42, 24 November 2016 at 23626:42–23627:9.
- 943 Exhibit 42-0074, 'Supplementary Statement of Archbishop Roger Herft', Case Study 42, STAT.1094.001.0001_R at [206]; Transcript of R Herft, Case Study 42, 12 August 2016 at 17228:23–26.
- 944 Transcript of R Herft, Case Study 42, 12 August 2016 at 17227:46–17228:5.
- 945 Exhibit 42-0074, 'Supplementary Statement of Archbishop Roger Herft', Case Study 42, STAT.1094.001.0001_R at [207]; Transcript of R Herft, Case Study 42, 12 August 2016 at 17228:10–26.
- 946 Exhibit 42-0074, 'Supplementary Statement of Archbishop Roger Herft', Case Study 42, STAT.1094.001.0001_R at [208].
- 947 Exhibit 42-0074, 'Supplementary Statement of Archbishop Roger Herft', Case Study 42, STAT.1094.001.0001_R at [208]; Transcript of R Herft, Case Study 42, 12 August 2016 at 17228:16–18.
- 948 Transcript of G Askie, Case Study 42, 10 August 2016 at 16886:38–16887:11.
- 949 Transcript of G Askie, Case Study 42, 10 August 2016 at 16887:13–19.
- 950 Exhibit 42-0041, 'Statement of Jim Jackson', Case Study 42, STAT.1077.001.0001 at [8].
- 951 Exhibit 42-0021, 'Statement of Colvin Ford', Case Study 42, STAT.1096.001.0001 at [9].
- 952 Exhibit 42-0021, 'Statement of Colvin Ford', Case Study 42, STAT.1096.001.0001 at [10].
- 953 Exhibit 42-0021, 'Statement of Colvin Ford', Case Study 42, STAT.1096.001.0001 at [12]; Exhibit 42-0001, 'Letter from Colvin Ford to Bishop Herft re Farragher Removals complaint', Case Study 42, ANG.0050.001.1894_R.
- 954 Exhibit 42-0093, 'Yellow Envelope No. 20', Case Study 42, ANG.0354.0020.0001_R at 0004_R.
- 955 Transcript of R Caddies, Case Study 42, 16 November 2016 at 23183:8–46.
- 956 Exhibit 42-0021, 'Statement of Colvin Ford', Case Study 42, STAT.1096.001.0001 at [13].
- 957 Exhibit 42-074, 'Supplementary Statement of Archbishop Roger Herft', Case Study 42, STAT.1094.001.0001_R at [214].
- 958 Exhibit 42-0001, 'Diocesan Council Minutes', Case Study 42, ANG.0006.001.0298_R.
- 959 Transcript of R Herft, Case Study 42, 28 August 2016 at 17328:12–14.
- 960 Exhibit 42-0074, 'Supplementary Statement of Archbishop Roger Herft', Case Study 42, STAT.1094.001.0001_R at [213].
- 961 Exhibit 42-0093, 'Yellow Envelope No. 20', Case Study 42, ANG.0354.0020.0001_R at 0005_R.
- 962 Exhibit 42-0093, 'Yellow Envelope No. 20', Case Study 42, ANG.0354.0020.0001_R at 0005_R.
- 963 Exhibit 42-0093, 'Yellow Envelope No. 20', Case Study 42, ANG.0354.0020.0001_R at 0006_R–0007_R.
- 964 Exhibit 42-0021, 'Statement of Colvin Ford', Case Study 42, STAT.1096.001.0001 at [14].
- 965 Exhibit 42-0021, 'Statement of Colvin Ford', Case Study 42, STAT.1096.001.0001 at [15].
- 966 Exhibit 42-0001, Letter from Colvin Ford to Bishop Herft re further conversation with Jim Jackson', Case Study 42, ANG.0050.001.1890_R.
- 967 Transcript of R Caddies, Case Study 42, 16 November 2016 at 23183:46–23183:3.
- 968 Exhibit 42-0093, 'Yellow Envelope No. 20', Case Study 42, ANG.0354.0020.0001_R at 0024_R.
- 969 Exhibit 42-0093, 'Yellow Envelope No. 20', Case Study 42, ANG.0354.0020.0001_R at 0028_R.
- 970 Exhibit 42-0093, 'Yellow Envelope No. 20', Case Study 42, ANG.0354.0020.0001_R at 0030_R.
- 971 Exhibit 42-0021, 'Statement of Colvin Ford', Case Study 42, STAT.1096.001.0001 at [16]; Exhibit 42-0001, 'Letter from Colvin Ford to Bishop Herft re further conversation with Jim Jackson', Case Study 42, ANG.0050.001.1867_R.
- 972 Exhibit 42-0145, 'Statement of Robert Gregory Hansen', STAT.1027.001.0001_R at [10].
- 973 Exhibit 42-0001, 'Notes of meeting between Bishop Roger Herft, Messrs Greg Hansen and Peter Mitchell', Case Study 42, ANG.0050.001.1866.
- 974 Exhibit 42-0001, 'Notes of meeting between Bishop Roger Herft, Messrs Greg Hansen and Peter Mitchell', Case Study 42, ANG.0050.001.1866.
- 975 Exhibit 42-0001, 'Notes of meeting between Bishop Roger Herft, Messrs Greg Hansen and Peter Mitchell', Case Study 42, ANG.0050.001.1866.
- 976 Exhibit 42-0145, 'Supplementary Statement of Robert Gregory Hansen', STAT.1068.001.0001 at 0002.
- 977 Transcript of P Mitchell, Case Study 42, 10 August 2016 at 16897:28–34; Transcript of R Herft, Case Study 42, 29 August 2016 at 17325:26–28, 17328:14–16.
- 978 Transcript of R Herft, Case Study 42, 29 August 2016 at 17328:24–26, 33–35.
- 979 Transcript of P Mitchell, Case Study 42, 10 August 2016 at 16898:15–21.
- 980 Transcript of P Mitchell, Case Study 42, 10 August 2016 at 16898:23–26.

981 Exhibit 42-0093, 'Yellow Envelope No. 20', Case Study 42, ANG.0354.0020.0001_R at 0034_R.
 982 Exhibit 42-0145, 'Supplementary Statement of Robert Gregory Hansen', Case Study 42,
 STAT.1068.001.0001 at 0001.
 983 Transcript of P Mitchell, Case Study 42, 10 August 2016 at 16898:2–7; Exhibit 42-0045,
 'Supplementary Statement of Peter Mitchell', Case Study 42, STAT.1114.001.0001_R at [10].
 984 Transcript of P Mitchell, Case Study 42, 10 August 2016 at 16898:37–43; Exhibit 42-0001, 'List of
 sexually explicit material provided by Peter Father Rushton', Case Study 42, ANG.0050.001.1908.
 985 Transcript of R Herft, Case Study 42, 29 August 2016 at 17332:19–23, 29–33; Transcript of P Mitchell,
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 986 Transcript of R Herft, Case Study 42, 29 August 2016 at 17327:26–28.
 987 Transcript of R Herft, Case Study 42, 29 August 2016 at 17327:41–44.
 988 Transcript of R Herft, Case Study 42, 29 August 2017 at 17325:3–7, 17326:42–44, 17328:28–31,
 17331:39–44, 17332:20–22; Exhibit 42-0001, 'Notes of meeting between Bishop Roger Herft,
 Messrs Greg Hansen and Peter Mitchell', Case Study 42, ANG.0050.001.1866
 989 Transcript of R Herft, Case Study 42, 29 August 2016 at 17332:39–41, 17326:15–17.
 990 Transcript of R Herft, Case Study 42, 29 August 2016 at 17332:47–17333:14.
 991 Transcript of G Askie, Case Study 42, 10 August 2016 at 16887:36–38.
 992 Transcript of G Askie, Case Study 42, 10 August 2016 at 16888:12 13, 28–33.
 993 Transcript of G Askie, Case Study 42, 10 August 2016 at 16888:35–37, 16892:38–43.
 994 Transcript of P Mitchell, Case Study 42, 10 August 2016 at 17026:24–26; Transcript of R Herft,
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 995 Exhibit 42-0001, 'Letter from Sparke Helmore to Rankin & Nathan in relation to John Farragher
 Removals', Case Study 42, ANG.0050.001.1904.
 996 Exhibit 42-0093, 'Yellow Envelope No. 20', Case Study 42 ANG.0354.0020.0001_R at 0040_R.
 997 Exhibit 42-0093, 'Yellow Envelope No. 20', Case Study 42, ANG.0354.0020.0001_R at 0044_R.
 998 Transcript of R Herft, Case Study 42, 29 August 2016 at 17331:17–23.
 999 Transcript of R Herft, Case Study 42, 29 August 2016 at 1717330:36–45.
 1000 Transcript of R Herft, Case Study 42 29 August 2016 at 17331:46–17332:2.
 1001 Exhibit 42-0093, 'Yellow Envelope No 20', Case Study 42, ANG.0354.020.0001_R at 0042_R.
 1002 Exhibit 42-0022, 'Statement of John Farragher', Case Study 42, STAT.1113.001.0001 at [8].
 1003 Exhibit 42-0022, 'Statement of John Farragher', Case Study 42, STAT.1113.001.0001 at [11].
 1004 Exhibit 42-0021, 'Statement of Colvin Ford', Case Study 42, STAT.1096.001.0001 at [18].
 1005 Exhibit 42-0021, 'Statement f Colvin Ford', Case Study 42, STAT.1096.001.0001 at [19].
 1006 Transcript of R Herft, Case Study 42, 29 August 2016 at 17332:4–10.
 1007 Submissions of Archbishop Roger Herft, Case Study 42, SUBM.1042.018.0001_R, para 60.
 1008 Submissions of Archbishop Roger Herft, Case Study 42, SUBM.1042.018.001_R, para 53.
 1009 Submissions of Archbishop Roger Herft, Case Study 42, SUBM.1042.018.001_R, paras 53, 58, 63.
 1010 Exhibit 42-0001, 'Letter from Sparke Helmore to Rankin & Nathan in relation to John Farragher
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 1011 Submissions of Archbishop Roger Herft, Case Study 42, SUBM.1042.018.0001_R, para 66.
 1012 Exhibit 42-0093, 'Yellow Envelope No. 20', Case Study 42, ANG.0354.020.0001_R.
 1013 Transcript of R Herft, Case Study 42, 28 August 2016 at 17325:47–17326:17
 1014 Transcript of R Herft, Case Study 42, 28 August 2016 at 17334:26–28.
 1015 Exhibit 42-0001, 'Letter from Peter Father Rushton to Bishop Herft re agreement to provide
 assurances', Case Study 42, ANG.0050.003.5116.
 1016 Transcript of R Herft, Case Study 42, 29 August 2016 at 17333:27–41.
 1017 Exhibit 42-0001, 'Letter from Dr Howard Johnson to Bishop Herft re assessment of Peter Father
 Rushton', Case Study 42, Case Study 42, ANG.0050.001.1906.
 1018 Transcript of R Herft, Case Study 42, 29 August 2016 at 17334:12–22; Submissions of Archbishop
 Roger Herft, Case Study 42, SUBM.1042.018.0001_R, para 68.
 1019 Exhibit 42-0001, 'Letter from Bishop Herft to Peter Father Rushton', Case Study 42,
 ANG.0050.003.5115_R.
 1020 Transcript of R Herft, Case Study 42, 29 August 2016 at 17335:39–46.

- 1021 Transcript of R Herft, Case Study 42, 29 August 2016 at 17366:2–17367:5; Exhibit 42-0001, ‘Letter from Archbishop Roger Herft to Bishop Brian Farran’, Case Study 42, ANG.0050.003.5056.
- 1022 Transcript of R Herft, Case Study 42, 29 August 2016 at 17367:35–40.
- 1023 Submissions of Archbishop Roger Herft, Case Study 42, SUBM.1042.018.0001_R, para 69.
- 1024 Transcript of R Herft, Case Study 42, 12 August 2016 at 17273:33–44.
- 1025 Submissions of Archbishop Roger Herft, Case Study 42, SUBM.1042.018.0001_R, paras 72–72; Transcript of R Herft, Case Study 42, 12 August 2018 at 17273:42–44; Transcript of R Herft, Case Study 42, 30 August 2016, 17442:11–16, 25–30.
- 1026 Transcript of R Herft, Case Study 42, 12 August 2016 at 17335:37–46.
- 1027 Transcript of R Herft, Case Study 42, 12 August 2016 at 17343:23.
- 1028 Exhibit 42-0001, ‘Anglican Directory 2000’, Case Study 42, ANG.0316.001.0001_R at 0002_R.
- 1029 Exhibit 42-0074, ‘Supplementary Statement of Archbishop Roger Herft’, Case Study 42, STAT.1094.001.0001_R at [205], [220].
- 1030 Transcript of R Herft, Case Study 42, 12 August 2016 at 17272:12–18.
- 1031 Submissions of Archbishop Roger Herft, Case Study 42, SUBM.1042.018.0001_R, para 73.
- 1032 Exhibit 42-0066, ‘Statement of Graham Jackson’, Case Study 42, STAT.1098.001.0001_R at [5].
- 1033 Exhibit 42-0066, ‘Statement of Graham Jackson’, Case Study 42, STAT.1098.001.0001_R at [6].
- 1034 Exhibit 42-0066, ‘Statement of Graham Jackson’, Case Study 42, STAT.1098.001.0001_R at [9].
- 1035 Exhibit 42-0066, ‘Statement of Graham Jackson’, Case Study 42, STAT.1098.001.0001_R at [10].
- 1036 Exhibit 42-0001, ‘Filenote by Bishop Herft of conversion with Graham Jackson’, Case Study 42, ANG.0050.003.5095_R.
- 1037 Exhibit 42-0066, ‘Statement of Graham Jackson’, Case Study 42, STAT.1098.001.0001_R at [14]; Exhibit 42-0001, ‘Letter from Reverend Graham Jackson to Bishop Roger Herft’, Case Study 42, ANG.0050.001.4908_R.
- 1038 Exhibit 42-0066, ‘Statement of Graham Jackson’, Case Study 42, STAT.1098.001.0001_R at [16].
- 1039 Exhibit 42-0074, ‘Supplementary Statement of Archbishop Roger Herft’, Case Study 42, STAT.1094.001.0001_R at [224].
- 1040 Submissions of Bishop Roger Herft, Case Study 42, SUBM.1041.018.001_R, para 77.
- 1041 Submissions of Bishop Roger Herft, Case Study 42, SUBM.1041.018.001_R, para 78.
- 1042 Transcript of R Herft, Case Study 42, 12 August 2016 at 17273:33–37.
- 1043 Submissions of Bishop Roger Herft, Case Study 42, SUBM.1041.018.001_R, para 79.
- 1044 Exhibit 42-0042 ‘Statement of Jean Sanders’, Case Study 42, STAT.1104.001.0001_R at [25]–[26].
- 1045 Transcript of R Herft, Case Study 42, 12 August 2016 at 17272:29–34.
- 1046 Transcript of R Herft, Case Study 42, 29 August 2016 at 17336:7–13.
- 1047 Transcript of R Herft, Case Study 42, 29 August 2016 at 17336:15–19, 32–34.
- 1048 Transcript of R Herft, Case Study 42, 29 August 2016 at 17336:36–38, 40–46.
- 1049 Exhibit 42-0093, ‘Yellow Envelope No. 27’, Case Study 42, ANG.0354.027.001_R.
- 1050 Exhibit 42-0093, ‘Yellow Envelope No. 27’, Case Study 42, ANG.0354.027.0001_R at 0012_R.
- 1051 Exhibit 42-0001, ‘Extract from Anglican Directory 1997’, Case Study 42, ANG.0050.004.2894_R.
- 1052 Exhibit 42-0093, ‘Yellow Envelope No. 27’, Case Study 42, ANG.0354.027.001_R at 0047_R.
- 1053 Exhibit 42-0093, ‘Yellow Envelope No. 27’, Case Study 42, ANG.0354.027.001_R at 0022_R.
- 1054 Exhibit 42-0093, ‘Yellow Envelope No. 20’, Case Study 42, ANG.0354.0027.0001_R at 0013_R.
- 1055 Exhibit 42-0093, ‘Yellow Envelope No. 20’, Case Study 42, ANG.0354.0027.0001_R at 0022_R; Transcript of R Herft, Case Study 42, 29 August 2016 at 17338:8–20.
- 1056 Exhibit 42-0093, ‘Yellow Envelope No. 27’, Case Study 42, ANG.0354.027.001_R.
- 1057 Transcript of R Herft, Case Study 42, 29 August 2016 at 17339:20–31.
- 1058 Transcript of R Herft, Case Study 42, 29 August 2016 at 17340:14–16.
- 1059 Exhibit 42-0093, ‘Yellow Envelope No. 27’, Case Study 42, ANG.0354.027.0001_R at 0044_R.
- 1060 Transcript of R Herft, Case Study 42, 29 August 2016 at 17341:22–35.
- 1061 Transcript of R Herft, Case Study 42, 29 August 2016 at 17342:4–7.
- 1062 Transcript of R Herft, Case Study 42, 29 August 2016 at 17340:23–25.
- 1063 Transcript of R Herft, Case Study 42, 29 August 2016 at 17340:36–39, 17341:37–41.
- 1064 Exhibit 42-0093, ‘Yellow Envelope No. 27’, Case Study 42, ANG.0354.027.0001_R at 0054_R.
- 1065 Submissions of Bishop Roger Herft, Case Study 42, SUBM.1041.018.001_R, para 79.

- 1066 Submissions of Bishop Roger Herft, Case Study 42, SUBM.1041.018.001_R, para 84.
 1067 Exhibit 42-0093, 'Yellow Envelope No. 27', Case Study 42, ANG.0354.027.0001_R at 0044_R.
 1068 Transcript of R Herft, Case Study 42, 12 August 2016 at 17274:20–26.
 1069 Transcript of R Herft, Case Study 42, 12 August 2016 at 17279:3–16.
 1070 Transcript of R Herft, Case Study 42, 12 August 2016 at 17277:18–37.
 1071 Transcript of R Herft, Case Study 42, 12 August 2016 at 17274:14–26.
 1072 Transcript of R Herft, Case Study 42, 29 August 2016 at 17343:9–19
 1073 Transcript of R Herft, Case Study 42, 29 August 2016 at 17343:21–30.
 1074 Transcript of R Herft, Case Study 42, 29 August 2016 at 17351:14–37, 17400:31–32.
 1075 Exhibit 42-0001 at Tab 22, 'Report for the Sexual Harassment File by Dean Graeme Lawrence', Case Study 42, ANG.0050.002.2960_R.
 1076 Transcript of G Lawrence, Case Study 42, 18 November 2016 at 23414:37–38.
 1077 Exhibit 42-0023, 'Statement of CKA', Case Study 42, STAT.1093.001.0001_R at [34].
 1078 Transcript of G Lawrence, Case Study 42, 18 November 2016 at 23415:35.
 1079 Transcript of R Herft, Case Study 42, 29 August 2016 at 17352:11–13.
 1080 Transcript of R Herft, Case Study 42, 29 August 2016 at 17352:5–22.
 1081 Exhibit 42-0001, 'Report for the Sexual Harassment File by Dean Graeme Lawrence', Case Study 42, ANG.0050.002.2960_R.
 1082 Exhibit 42-0001, 'Report for the Sexual Harassment File by Dean Graeme Lawrence', Case Study 42, ANG.0050.002.2960_R.
 1083 Exhibit 42-0023, 'Statement of CKA', Case Study 42, STAT 1093 001.0001_R at [36].
 [REDACTED]
 [REDACTED]
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 1088 Exhibit 42-0001, 'Letter from Dean Graeme Lawrence to Bishop Herft enclosing "Report for the Sexual Harassment File" dated 29 April 1996' Case Study 42, ANG.0050.002.2959.
 1089 Exhibit 42-0001, 'Letter from Dean Graeme Lawrence to Bishop Herft', Case Study 42, ANG.0050.002.2959_R; Transcript of R Herft, Case Study 42, 29 August 2016 at 17351:39–17352:32.
 1090 Transcript of R Herft, Case Study 42, 29 August 2016 at 17352:24–17353:11.
 [REDACTED]
 1092 Transcript of G Lawrence, Case Study 42, 23 November 2016 at 23519:38–42.
 1093 Exhibit 42-0001, 'Fascimile from [CKA] to [Redacted] [ODPP]', Case Study 42, NSW.0037.001.0295_R.
 1094 Exhibit 42-0001, 'Letter from Bishop Herft to Dean Lawrence', Case Study 42, NSW.0037.001.0440.
 1095 Transcript of R Herft, Case Study 42, 29 August 2016 at 17392:47–17393:11.
 1096 Transcript of R Herft Case Study 42, 29 August 2016 at 17393:18–24.
 1097 Transcript of R Herft, Case Study 42, 29 August 2016 at 17393:35–39.
 1098 Exhibit 42-0075, 'Supplementary Statement of Archbishop Roger Herft', Case Study 42, STAT.1094.001.0001_R at [156].
 1099 Submissions of Archbishop Roger Herft, Case Study 42, SUBM.1042.018.0001, [100].
 1100 Exhibit 42-0023, 'Statement of CKA', Case Study 42, STAT.1093.001.0001_R at [37]; Exhibit 42-0001, 'Filenote of Dean Graeme Lawrence about Diocesan response to CKA from 8–12 January 1999', Case Study 42, NSW.0037.001.0442_R.
 1101 Exhibit 42-0001, 'Filenote of Dean Graeme Lawrence about Diocesan response to CKA from 8–12 January 1999', Case Study 42, NSW.0037.001.0442_R.
 1102 Transcript of G Lawrence, Case Study 42, 18 November 2016 at 23425:24–31.
 1103 Transcript of G Lawrence, Case Study 42, 18 November 2016 at 23425:33–39; Exhibit 42-0001, 'Filenote of Dean Graeme Lawrence about Diocesan response to CKA from 8–12 January 1999', Case Study 42, NSW.0037.001.0442_R.
 1104 Exhibit 42-0001, 'Filenote of Dean Graeme Lawrence about Diocesan response to CKA from 8–12 January 1999', Case Study 42, NSW.0037.001.0442_R.
 1105 Exhibit 42-0001, 'Filenote of Dean Graeme Lawrence about Diocesan response to CKA from 8–12 January 1999', Case Study 42, NSW.0037.001.0442_R.

- 1106 Exhibit 42-0001, '12 January 1999 letter from Dean Lawrence to Bishop Herft', Case Study 42, ANG.0050.002.2555.
- 1107 Exhibit 42-0001, 'Filenote by Bishop Herft about Diocesan response to CKA from 9–12 January 1999', Case Study 42, ANG.0050.002.2740_R.
- 1108 Exhibit 42-0001, 'Filenote of Dean Graeme Lawrence about Diocesan response to CKA from 8–12 January 1999', Case Study 42, NSW.0037.001.0442_R; Exhibit 42-0001, 'Filenote by Bishop Herft about Diocesan response to CKA from 9–12 January 1999', Case Study 42, ANG.0050.002.2740_R.
- 1109 Exhibit 42-0023, 'Statement of CKA', Case Study 42, STAT.1093.001.0001_R at [37].
- 1110 Exhibit 42-0001, 'Filenote by Bishop Herft dated 14 January 1999', Case Study 42, ANG.0050.002.2558.
- 1111 Exhibit 42-0023, 'Statement of CKA', Case Study 42, STAT.1093.001.0001_R at [37].
- 1112 Transcript of R Herft, Case Study 42, 29 August 2016 at 17395:14–17, 17354:9–22.
- 1113 Exhibit 42-0001, 'Filenote by Archbishop Herft re meeting with Rosser dated 20 January 1999', Case Study 42, ANG.0050.001.6979_R; Transcript of R Herft, Case Study 42, 29 August 2016 at 17354:9–17355:3.
- 1114 Transcript of P Rosser, Case Study 42, 30 August 2016 at 17477:36–46
- 1115 Exhibit 42-0001, 'Letter from Lawrence to CKA dated 22 January 1999' Case Study 42, NSW.0037.001.0077_R.
- 1116 Exhibit 42-0001, 'Letter from Lawrence to Bishop Herft dated 22 January 1991', Case Study 42, ANG.0050.002.2560.
- 1117 Exhibit 42-0001, 'Letter from Lawrence to CKA dated 22 January 1999', Case Study 42, NSW.0037.001.0077_R.
- 1118 Exhibit 42-0001, 'Letter from Lawrence to CK dated 22 January 1999', Case Study 42, NSW.0037.001.0077_R at 0078_R.
- 1119 Transcript of P Rosser, Case Study 42 30 August 2016 at 17478:43–17479:36.
- 1120 Transcript of R Herft, Case Study 42, 29 August 2016 at 17355:39–17356:2; Transcript of P Rosser, Case Study 42, 30 August 2016 at 17479:12–16.
- 1121 Exhibit 42-0023, 'Statement of CKA', Case Study 42, STAT.1093.001.0001_R at [38]; Exhibit 42-0001, 'Letter from Lawrence to CKA dated 22 January 1999', Case Study 42, NSW.0037.001.0077_R.
- 1122 Transcript of R Herft, Case Study 42, 29 August 2016 at 17396:27–44; Exhibit 42-0001, 'Letter from Lawrence to CKA dated 22 January 1999', Case Study 42, NSW.0037.001.0077_R.
- 1123 Exhibit 42-0001 'Letter from Dean Lawrence to Bishop Herft enclosing copy of a letter from Lawrence to CKA', Case Study 42 ANG.0050.002.2560_R.
- 1124 Transcript of R Herft, Case Study 42, 29 August 2016 at 17353:23–32.
- 1125 Transcript of R Herft, Case Study 42, 29 August 2016 at 17393:8–17394:24.
- 1126 Transcript of R Herft, Case Study 42, 30 August 2016 at 17446:3–17447:28.
- 1127 Transcript of R Herft, Case Study 42, 30 August 2016 at 17447:5–32.
- 1128 Submissions of Archbishop Roger Herft, Case Study 42, SUBM.1042.018.0001, para [101].
- 1129 Exhibit 42-0023, 'Statement of CKA', Case Study 42, STAT.1093.001.0001_R at [39]; Exhibit 42-0092, 'Statement of CKB', Case Study 42, STAT.1109.001.0001_R at [22].
- 1130 Exhibit 42-0023, 'Statement of CKA', Case Study 42, STAT.1093.001.0001_R at [39].
- 1131 Exhibit 42-0035, 'Summons as against Father Parker in respect of the complaint made by [CKB]', Case Study 42, NSW.0037.001.0495_R; Exhibit 42-0036, 'Summons as against Father Parker in respect of the complaint made by [CKA]', Case Study 42, NSW.0037.001.0496_R; Transcript of K Allen, Case Study 42, 8 August 2016 at 16683:24–44.
- 1132 Exhibit 42-0023, 'Statement of CKA', Case Study 42, STAT.1093.001.0001_R at [40].
- 1133 Exhibit 42-0023, 'Statement of CKA', Case Study 42, STAT.1093.001.0001_R at [18]; Exhibit 42-0092, 'Statement of CKB', Case Study 42, STAT.1109.001.0001_R at [11]–[12].
- 1134 Exhibit 42-0092, 'Statement of CKB', Case Study 42, STAT.1109.001.0001_R at [11], [13].
- 1135 Exhibit 42-0023, 'Statement of CKA', Case Study 42, STAT.1093.001.0001_R at [44]; Exhibit 42-0092, 'Statement of CKB', Case Study 42, STAT.1109.001.0001_R at [23].
- 1136 Transcript of P Mitchell, Case Study 42, 10 August 2016 at 16905:10–24; Exhibit 42-0001, 'Filenote by W. Brown in relation to Father Parker on 7 February 2000, received by Peter Mitchell on 14 February 2000', Case Study 42, ANG.0050.003.9059_R.

- 1137 Transcript of P Mitchell, Case Study 42, 10 August 2016 at 16904:45–16906:8; Exhibit 42-0001, 'Filenote by W. Brown in relation to Father Parker on 7 February 2000, received by Peter Mitchell on 14 February 2000', Case Study 42, ANG.0050.003.9059_R.
- 1138 Exhibit 42-0001, 'Filenote by Theresa Kerr in relation to Father Parker', Case Study 42, ANG.0050.003.9058_R.
- 1139 Exhibit 42-0001, 'Filenote by Theresa Kerr in relation to Father Parker', Case Study 42, ANG.0050.003.9058_R.
- 1140 Transcript of G Lawrence, Case Study 42, 18 November 2016 at 23442:36–23443:7.
[REDACTED]
- 1142 Transcript of P Mitchell, Case Study 42, 10 August 2016 at 16907:40–42.
- 1143 Transcript of P Mitchell, Case Study 42, 10 August 2016 at 16908:36–16909:3; Exhibit 42-0001, 'Letter from Dean Graham Lawrence to Registrar Peter Mitchell enclosing filenote submitted by Secretary to the Dean, Theresa Kerr', Case Study 42, ANG.0050.003.9057; Exhibit 42-0001, 'Filenote by Theresa Kerr in relation to Father Parker', Case Study 42, ANG.0050.003.9058_R.
- 1144 Transcript of P Mitchell, Case Study 42, 10 August 2016 at 16910:35–45.
- 1145 Transcript of P Mitchell, Case Study 42, 10 August 2016 at 16911:7–22.
- 1146 Transcript of P Mitchell, Case Study 42, 10 August 2016 at 16902:45–47
- 1147 Transcript of P Mitchell, Case Study 42, 10 August 2016 at 16903:2–13; Exhibit 42-0001, 'Character Reference by Registrar Peter Mitchell for Father Parker', Case Study 42, ANG.0050.003.9051_R.
- 1148 Transcript of P Mitchell, Case Study 42, 10 August 2016 at 16903:26–16904:3.
- 1149 Transcript of P Mitchell, Case Study 42, 10 August 2016 at 16967:13–16969:22.
- 1150 Transcript of P Mitchell, Case Study 42, 10 August 2016 at 16904:30–38
- 1151 Transcript of P Mitchell, Case Study 42, 10 August 2016 at 16904:20–28.
- 1152 Transcript of P Mitchell, Case Study 42, 10 August 2016 at 16909:5–15.
- 1153 Transcript of P Mitchell, Case Study 42, 10 August 2016 at 16909:17–39; Exhibit 42-0001, 'Filenote by W. Brown in relation to Father Parker on 7 February 2000, received by Peter Mitchell on 14 February 2000', Case Study 42, ANG.0050.003.9059_R.
- 1154 Transcript of P Mitchell, Case Study 42, 10 August 2016 at 16931:20–24.
- 1155 Transcript of P Mitchell, Case Study 42, 10 August 2016 at 16914:20–22, 16931:14–24.
- 1156 Transcript of K Allen, Case Study 42, 8 August 2016 at 16677:38–16678:11.
- 1157 Transcript of K Allen, Case Study 42, 8 August 2016 at 16678:24–16679:2.
- 1158 Exhibit 42-0001, 'Letter from Registrar Mitchell to Allen', Case Study 42, NSW.0037.001.0305_R.
- 1159 Submissions of Mr Allen, Case Study 42, SUBM.1042.023.0001, para 0010.
- 1160 Transcript of P Rosser, Case Study 42, 30 August 2016 at 17534:9–25.
- 1161 Exhibit 42-0094, 'Statement of Paul Rosser', Case Study 42, STAT.1062.001.0001_R at [91]–[93].
- 1162 Exhibit 42-0001, 'Diocesan Council Minutes', Case Study 42, ANG.0058.001.0001.
- 1163 Transcript of P Rosser, Case Study 42, 30 August 2016 at 17463:45–17464:25.
- 1164 Exhibit 42-0023, 'Statement of CKA', Case Study 42, STAT.1093.001.0001_R at [45].
- 1165 Transcript of K Allen, Case Study 42, 8 August 2016 at 16679:4–16.
- 1166 Transcript of K Allen, Case Study 42, 8 August 2016 at 16679:27–35.
- 1167 Transcript of K Allen, Case Study 42, 5 August 2016 at 16630:39–16631:10.
- 1168 Transcript of K Allen, Case Study 42, 5 August 2016 at 16631:1–20.
- 1169 Transcript of K Allen, Case Study 42, 5 August 2016 at 16631:17–20.
- 1170 Transcript of K Allen, Case Study 42, 8 August 2016 at 16757:44–16758:2.
- 1171 Transcript of K Allen, Case Study 42, 9 August 2016 at 16765:27–31.
- 1172 Transcript of K Allen, Case Study 42, 8 August 2016 at 16756:43–16757:8.
- 1173 Transcript of K Allen, Case Study 42, 8 August 2016 at 16758:18–41.
- 1174 Transcript of K Allen, Case Study 42, 9 August 2016 at 16765:1–6.
- 1175 Transcript of K Allen, Case Study 42, 9 August 2016 at 16765:33–41.
- 1176 Transcript of K Allen, Case Study 42, 9 August 2016 at 16804:19–29.
- 1177 Transcript of K Allen, Case Study 42, 9 August 2016 at 16804:31–40.
- 1178 Transcript of K Allen, Case Study 42, 8 August 2016 at 16680:40–16681:21, 16682:8–14.
- 1179 Transcript of K Allen, Case Study 42, 8 August 2016 at 16681:23–43.

- 1180 Transcript of K Allen, Case Study 42, 8 August 2016 at 16681:32–39.
- 1181 Transcript of P Rosser, Case Study 42, 30 August 2016 at 17479:38–47.
- 1182 Exhibit 42-0001, 'Letter from Lawrence to CKA dated 22 January 1999', Case Study 42, ANG.0050.002.2560_R; Transcript of P Rosser, Case Study 42, 30 August 2016 at 17480:12–30.
- 1183 Transcript of P Rosser, Case Study 42, 30 August 2016 at 17482:10–22.
- 1184 Transcript of P Rosser, Case Study 42, 30 August 2016 at 17482:5–19.
- 1185 Transcript of P Rosser, Case Study 42, 30 August 2016 at 17483:24–31.
- 1186 Submissions of Mr Rosser QC, Case Study 42, SUBM.0042.004.0001, para 0003.
- 1187 Exhibit 42-0001, 'Letter from Allen to Rosser re Father Parker matter', Case Study 42, IND.0519.001.1311_R.
- 1188 Transcript of R Herft, Case Study 42, 29 August 2016 at 17356:16–31.
- 1189 Transcript of P Rosser, Case Study 42, 30 August 2016 at 17488:15–36.
- 1190 Transcript of P Rosser, Case Study 42, 30 August 2016 at 17488:1–20.
- 1191 Transcript of P Rosser, Case Study 42, 30 August 2016 at 17482:11–19
- 1192 Transcript of P Rosser, Case Study 42, 30 August 2016 at 17489:2–7.
- 1193 Exhibit 42-0001, 'Letter from Dean Lawrence to Bishop Herft in relation to CKA', Case Study 42, ANG.0050.002.2566_R; Transcript of R Herft, Case Study 42, 29 August 2016 at 17362:8–14.
- 1194 Transcript of R Herft, Case Study 42, 29 August 2016 at 17362:22
- 1195 Transcript of R Herft, Case Study 42, 29 August 2016 at 17357:18–31, 17358:35–46; Exhibit 42-0001, 'Email from Tracy McKelligott to Peter Mitchell re NBN Transcript', Case Study 42, IND.0486.001.0386_R.
- 1196 Transcript of R Herft, Case Study 42, 29 August 2016 at 17356:10–14.
- 1197 Transcript of R Herft, Case Study 42, 30 August 2016 at 17448:8–17452:29; Transcript of P Mitchell, Case Study 42, 10 August 2016 at 16932:7–20, 16963:7–14.
- 1198 Transcript of R Herft, Case Study 42, 29 August 2016 at 17361:32–34.
- 1199 Transcript of R Herft, Case Study 42, 29 August 2016 at 173358:3–4.
- 1200 Transcript of R Herft, Case Study 42, 29 August 2016 at 173358:6–9.
- 1201 Transcript of R Herft, Case Study 42, 29 August 2016 at 173358:18–25.
- 1202 Transcript of R Herft, Case Study 42, 29 August 2016 at 173358:13–16.
- 1203 Transcript of P Mitchell, Case Study 42, 10 August 2016 at 16896:1–14.
- 1204 Exhibit 42-0001, 'Letter from Registrar Mitchell to Allen', NSW.0037.001.0305_R; Transcript of P Rosser, Case Study 42, 30 August 2016 at 17547:12–21; Transcript of P Mitchell, Case Study 42, 10 August 2016 at 16911:45–16912:5, 16917:36–39.
- 1205 Transcript of P Mitchell, Case Study 42, 10 August 2016 at 16918:34–40.
- 1206 Transcript of P Mitchell, Case Study 42, 10 August 2016 at 16912:16–23.
- 1207 Transcript of P Rosser, Case Study 42, 30 August 2016 at 17528:33–39.
- 1208 Transcript of K Allen, Case Study 42, 8 August 2016 at 16685:12–29.
- 1209 Transcript of K Allen, Case Study 42, 5 August 2016 at 16685:31–35.
- 1210 Transcript of K Allen, Case Study 42, 8 August 2016 at 16685:37–40.
- 1211 Exhibit 42-0001, 'Letter from the Director of Public Prosecutions to Registrar Mitchell, Case Study 42, NSW.0037.001.0425_R; Exhibit 42-0001, 'Letter from NSW Police to DPP regarding Father Parker', Case Study 42, NSW.0037.001.0882_R.
- 1212 Exhibit 42-0001, 'NSW Police Duty Book', Case Study 42, NSW.0037.001.0334_R.
- 1213 Transcript of P Mitchell, Case Study 42, 10 August 2016 at 16914:29–16915:23.
- 1214 Transcript of K Allen, Case Study 42, 5 August 2016 at 16633:39–16634:6.
- 1215 Exhibit 42-0035, 'Summons as against Father Parker in respect of the complaint made by [CKB]', Case Study 42, NSW.0037.001.0495_R; Exhibit 42-0036, 'Summons as against Father Parker in respect of the complaint made by [CKA]', Case Study 42, NSW.0037.001.0496_R; Transcript of K Allen, Case Study 42, 8 August 2016 at 16683:24–44.
- 1216 Exhibit 42-0001, 'Hand-written notes of Detective re his knowledge of dates', Case Study 42, NSW.0037.001.0372_R.
- 1217 Exhibit 42-0001, 'Hand-written notes of Detective re his knowledge of dates', Case Study 42, NSW.0037.001.0372_R.

- 1218 Exhibit 42-0023, 'Statement of CKA', Case Study 42, STAT.1093.001.0001_R at [44]; Exhibit 42-0092, 'Statement of CKB', Case Study 42, STAT.1109.001.0001_R at [23]; Exhibit 42-0001, 'Indictment of Father Parker', Case Study 42, NSW.0037.001.0027_R.
- 1219 Exhibit 42-0001, 'Letter from Keith Allen to Registrar Peter Mitchell enclosing Subpoena for Production', Case Study 42, ANG.0050.003.9054_R; Transcript of P Mitchell, Case Study 42, 10 August 2016 at 16915:25–16916:1; Transcript of K Allen, Case Study 42, 8 August 2016 at 16686:23–41.
- 1220 Exhibit 42-0001, 'Subpoena for Production', Case Study 42, ANG.0050.001.6128_R.
- 1221 Transcript of P Mitchell, Case Study 42, 10 August 2016 at 16977:24–28.
- 1222 Transcript of P Mitchell, Case Study 42, 10 August 2016 at 16973:9–10, 16976:1–5.
- 1223 Transcript of P Mitchell, Case Study 42, 10 August 2016 at 16920:6–19; Exhibit 42-0001, 'Letter from Peter Mitchell to Keith Allen', Case Study 42, IND.0486.001.0348_R.
- 1224 Exhibit 42-0001, 'Schedule A: "Documents from the files of the Anglican Diocese of Newcastle"', Case Study 42, ANG.0050.002.2553_R.
- 1225 Transcript of P Mitchell, Case Study 42, 10 August 2016, 16919:47–16920:41; Exhibit 42-0001, 'Letter from Registrar Peter Mitchell to Keith Allen', Case Study 42, NSW.0037.001.0305_R; Exhibit 42-0001, 'Schedule A: "Documents from the files of the Anglican Diocese of Newcastle"' Case Study 42, ANG.0050.002.2553_R.
- 1226 Transcript of K Allen, Case Study 42, 8 August 2016 at 16688:11–29.
- 1227 Transcript of P Mitchell, Case Study 42, 10 August 2016 at 16916:3–29.
- 1228 Transcript of P Mitchell, Case Study 42, 10 August 2016 at 16919:38–40; Exhibit 42-0001, 'Letter from Registrar Peter Mitchell to Keith Allen', Case Study 42, NSW.0037.001.0305_R.
- 1229 Transcript of P Mitchell, Case Study 42, 10 August 2016 at 16918:34–40.
- 1230 Transcript of P Mitchell, Case Study 42, 10 August 2016 at 16919:17–20.
- 1231 Transcript of K Allen, Case Study 42, 8 August 2016 at 16687:22–45.
- 1232 Submissions of Mr Mitchell, Case Study 42, SUBM.1042.019.0001, para 0009.
- 1233 Exhibit 42-0001, 'Schedule A: "Documents from the files of the Anglican Diocese of Newcastle"', Case Study 42, ANG.0050.002.2553_R.
- 1234 Transcript of P Mitchell, Case Study 42, 10 August 2016 at 16920:6–19; Exhibit 42-0001, 'Letter from Peter Mitchell to Keith Allen', Case Study 42, IND.0486.001.0348_R.
- 1235 Transcript of CKA, Case Study 42, 4 August 2016 at 16475:15–21; Transcript of K Allen, Case Study 42, 8 August 2016 at 16689:7–14.
- 1236 Exhibit 42-0001, 'Scheduled first day of trial when the Crown presented an amended indictment', Case Study 42, NSW.0037.001.0455_R.
- 1237 Transcript of K Allen, Case Study 42, 8 August 2016 at 16689:16–23.
- 1238 Transcript of K Allen, Case Study 42, 8 August 2016 at 16689:31–35.
- 1239 Exhibit 42-0023, 'Statement of CKA', Case Study 42, STAT.1093.001.0001_R at [44]; Exhibit 42-0092, 'Statement of CKB', Case Study 42, STAT.1109.001.0001_R at [23]; Transcript of CKA, Case Study 42, 4 August 2016 at 16475:27–35; Transcript of K Allen, Case Study 42, 8 August 2016 at 16688:47–16689:5; Exhibit 42-0001, 'Facsimile from CKA to ODPP', Case Study 42, NSW.0037.001.0295_R.
- 1240 Transcript of K Allen, Case Study 42, 8 August 2016 at 16691:6–13; Exhibit 42-0001, 'DPP memorandum to the director', Case Study 42, NSW.0037.001.0329_R.
- 1241 Exhibit 42-0001, 'Letter from Keith Allen to the Director of Public Prosecutions enclosing letter from Registrar Peter Mitchell to Keith Allen dated 17 February 2000', Case Study 42, NSW.0037.001.0306_R; Transcript of KW Allen, Case Study 42, 8 August 2016 at 16689:37–45.
- 1242 Transcript of K Allen, Case Study 42, 8 August 2016 at 16689:47–16690:7.
- 1243 Transcript of K Allen, Case Study 42, 8 August 2016 at 16690:9–16.
- 1244 Exhibit 42-0001, 'Document titled "Clergy Discipline Ordinance 1966 Notes for conduct of a hearing to commence on 23 February 1998"', Case Study 42, ANG.0048.001.2218_R.
- 1245 Australian Broadcasting Corporation, *Long-serving District Court Judge dies*, www.abc.net.au/news/2011-11-30/long-serving-newcastle-district-court-judge-ralph-coolahan-dies/3704308 (viewed 16 May 2017).
- 1246 Exhibit 42-0038, 'Letter from Keith Allen to Paul Rosser QC', Case Study 42, IND.0501.001.0034_R.
- 1247 Transcript of K Allen, Case Study 42, 8 August 2016 at 166762:44–16763:2.
- 1248 Transcript of K Allen, Case Study 42, 8 August 2016 at 166762:38–42.

- 1249 Transcript of P Rosser, Case Study 42, 30 August 2016 at 17532:22–28.
- 1250 Transcript of K Allen, Case Study 42, 8 August 2016 at 16690:18–33; Exhibit 42-0001, 'Letter from Keith Allen to Registrar Peter Mitchell enclosing draft character reference for Father Parker', Case Study 42, ANG.0050.003.9053_R; Exhibit 42-0001, 'Character Reference by Registrar Peter Mitchell for Father Parker', Case Study 42, ANG.0050.003.9051_R; Transcript of P Mitchell, Case Study 42, 10 August 2016 at 17018:31–33.
- 1251 Exhibit 42-0001, 'Character Reference by Registrar Peter Mitchell for Father Parker', Case Study 42, ANG.0050.003.9051_R.
- 1252 Transcript of K Allen, Case Study 42, 9 August 2016 at 16770:41–47.
- 1253 Transcript of K Allen, Case Study 42, 8 August 2016 at 16690:45–16691:4.
- 1254 Transcript of K Allen, Case Study 42, 9 August 2016 at 16771:2–11.
- 1255 Transcript of K Allen, Case Study 42, 8 August 2016 at 16691:6–13; Exhibit 42-0001, 'Scheduled first day of trial when the Crown presented an amended indictment', Case Study 42, NSW.0037.001.0455_R; Exhibit 42-0001, 'Amended Indictment of Father Parker', Case Study 42, NSW.0037.001.0885_R.
- 1256 Transcript of K Allen, Case Study 42, 8 August 2016 at 16691:6–21; Exhibit 42-0001, 'Scheduled first day of trial when the Crown presented an amended indictment', Case Study 42, NSW.0037.001.0455_R; Exhibit 42-0001, 'DPP memorandum to the Director', Case Study 42, NSW.0037.001.0329_R.
- 1257 Exhibit 42-0001, 'Scheduled first day of trial when the Crown presented an amended indictment', Case Study 42, NSW.0037.001.0455_R.
- 1258 Exhibit 42-0001, 'DPP memorandum to the Director', Case Study 42, NSW.0037.001.0329_R.
- 1259 Exhibit 42-0001, 'DPP memorandum to the Director', Case Study 42, NSW.0037.001.0329_R.
- 1260 Transcript of K Allen, Case Study 42, 8 August 2016 at 16692:27–31, 16765:8–15.
- 1261 Transcript of K Allen, Case Study 42, 8 August 2016 at 16692:33–39.
- 1262 Exhibit 42-0001, 'Extract of Register of Services', Case Study 42, NPF.0016.001.2219_E_R at 2221_E_R. This document has been redacted for de-identification purposes and has not been published. The unredacted version of this document, which was shown to the parties and the Royal Commission during the public hearing, clearly shows that there were three church services.
- 1263 Exhibit 42-0001, 'DPP memorandum to the Director', Case Study 42, NSW.0037.001.0329_R.
- 1264 Transcript of P Rosser, Case Study 42, 30 August 2016 at 17530:20–27.
- 1265 Exhibit 42-0001, 'DPP memorandum to the Director', Case Study 42, NSW.0037.001.0329_R.
- 1266 Exhibit 42-0001, 'Transcript of Proceedings', Case Study 42, NPF.045.010.0096_R.
- 1267 Exhibit 42-0001, 'Transcript of Proceedings', Case Study 42, NPF.045.010.0096_R.
- 1268 Transcript of K Allen, Case Study 42, 8 August 2016 at 16695:5–11.
- 1269 Exhibit 42-0001, 'Transcript of Proceedings', Case Study 42, NPF.045.010.0096_R.
- 1270 Exhibit 42-0001, 'Transcript of Proceedings', Case Study 42, NPF.045.010.0096_R.
- 1271 Transcript of K Allen, Case Study 42, 8 August 2016 at 16691:45–16692:9, 16799:39–41.
- 1272 Exhibit 42-0028, 'Statement of Sonia Roulston', Case Study 42, STAT.1116.001.0001_R at [5].
- 1273 Exhibit 42-0028, 'Statement of Sonia Roulston', Case Study 42, STAT.1116.001.0001_R at [6].
- 1274 Transcript of CKA, Case Study 42, 4 August 2016 at 16473:22–23; Transcript of P Rosser, Case Study 42, 30 August 2016 at 17485:26–17486:3; Transcript of K Allen, Case Study 42, 9 August 2016 at 16846:13–24; Exhibit 42-0153, 'Supplementary Statement of Sonia Roulston', Case Study 42, STAT.1125.001.0001_R at [8]–[11].
- 1275 Transcript of K Allen, Case Study 42, 8 August 2016 at 16682:37–16683:6.
- 1276 Exhibit 42-0001, 'Extract of Register of Services', Case Study 42, NPF.0016.001.2219_E_R at 2221_E_R.
- 1277 Transcript of K Allen, Case Study 42, 9 August 2016 at 16792:2–10.
- 1278 Transcript of K Allen, Case Study 42, 9 August 2016 at 16792:12–46, 16794:2–26, 16795:38–40.
- 1279 Transcript of K Allen, Case Study 42, 9 August 2016 at 16795:42–16796:36.
- 1280 Transcript of K Allen, Case Study 42, 9 August 2016 at 16795:42–16796:36.
- 1281 Transcript of K Allen, Case Study 42, 9 August 2016 at 16797:39–16799:8.
- 1282 Transcript of K Allen, Case Study 42, 9 August 2016 at 16791:13–21.
- 1283 Transcript of K Allen, Case Study 42, 8 August 2016 at 16693:12–18.

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- 1324 Transcript of P Mitchell, Case Study 42, 10 August 2016 at 16981:20–30, 16982:8–16.
- 1325 Transcript of P Mitchell, Case Study 42, 10 August 2016 at 17021:11–15.
- 1326 Transcript of P Mitchell, Case Study 42, 10 August 2016 at 16994:44–27; Exhibit 42-0001, 'Facsimile from Keith Allen to Peter Mitchell in relation to Father Parker', Case Study 42, ANG.0050.002.2767_R.
- 1327 Submissions of Mr Mitchell, Case Study 42, SUBM.1042.019.0001, para 0011.
- 1328 Transcript of P Mitchell, Case Study 42, 10 August 2016 at 16982:18–22, 16983:9–10; Exhibit 42-0001, 'Facsimile from Peter Mitchell to Keith Allen regarding draft article in relation to Father Parker', Case Study 42, ANG.0050.003.9304_R.
- 1329 Submissions of Archbishop R Herft, Case Study 42, SUBM.1042.018.001_R, [132].
- 1330 Transcript of P Mitchell, Case Study 42, 10 August 2016 at 16981:32–16982:10.
- 1331 Transcript of P Mitchell, Case Study 42, 10 August 2016 at 16983:3–19.
- 1332 Transcript of P Mitchell, Case Study 42, 10 August 2016 at 16983:21–38.
- 1333 Transcript of P Mitchell, Case Study 42, 10 August 2016 at 16984:1–15.
- 1334 Exhibit 42-0001, 'Anglican Encounter article entitled "Confusion over false action" by Registrar Peter Mitchell', Case Study 42, ANG.0207.001.0065.
- 1335 Transcript of P Mitchell, Case Study 42, 10 August 2016 at 16986:44–16987:8.
- 1336 Transcript of P Mitchell, Case Study 42, 10 August 2016 at 17003:16–20; Exhibit 42-0001, 'Letter from Office of the Director of Public Prosecutions to Peter Mitchell in relation to Father Parker', Case Study 42, NSW.0037.001.0907_R; Exhibit 42-0001, 'Letter from Registrar Peter Mitchell to Office of the Director of Public Prosecutions in relation to Father Parker', Case Study 42, NSW.0037.001.0311_R.
- 1337 Transcript of P Mitchell, Case Study 42, 10 August 2016 at 17003:9–20; Transcript of P Mitchell, Case Study 42, 10 August 2016 at 17015:3–17025:19
- 1338 Transcript of P Mitchell, Case Study 42, 10 August 2016 at 16988:24–34.
- 1339 Transcript of P Mitchell, Case Study 42, 10 August 2016 at 16988:31–39.
- 1340 Transcript of P Mitchell, Case Study 42, 10 August 2016 at 16988:41–45, 17022:25–30.
- 1341 Exhibit 42-0001, 'Letter from Peter Mitchell to DPP', Case Study 42, NSW.0037.001.0313_R; Transcript of P Mitchell, Case Study 42, 10 August 2016 at 16969:39–16970:7.
- 1342 Exhibit 42-0001 'Letter from Peter Mitchell to DPP', Case Study 42, NSW.0037.001.0313_R; Transcript of P Mitchell, Case Study 42, 10 August 2016 at 16970:32–42.
- 1343 Transcript of P Mitchell, Case Study 42, 10 August 2016 at 16970:47–16971:34.
- 1344 Exhibit 42-0001, 'Letter from CKA to Bishop Herft dated 3 October 2001', Case Study 42, STAT.0221.001.0032_R; Transcript of R Herft, Case Study 42, 29 August 2016 at 17360:5–17.
- 1345 Exhibit 42-0023, 'Statement of CKA', Case Study 42, STAT.1093.001.0001_R at [46].
- 1346 Exhibit 42-0023, 'Statement of CKA', Case Study 42, STAT.1093.001.0001_R at [52].
- 1347 Exhibit 42-0001, 'Memo from Bishop Herft to Peter Mitchell', Case Study 42, ANG.0207.001.0550_R.
- 1348 Transcript of P Mitchell, Case Study 42, 10 August 2016 at 16929:20–36.
- 1349 Exhibit 42-0001, 'Letter from Robert Caddies to Registrar Peter Mitchell enclosing draft response to [CKA]', Case Study 42, ANG.0050.003.9084_R; Exhibit 42-0001, 'Draft response to [CKA]', Case Study 42, ANG.0050.003.9215_R.
- 1350 Transcript of P Mitchell, Case Study 42, 10 August 2016 at 16928:1–4.
- 1351 Transcript of P Mitchell, Case Study 42, 10 August 2016 at 16929:47–16930:6.
- 1352 Exhibit 42-0001, 'Letter from Registrar Mitchell to CKA dated 16 October 2001', Case Study 42, STAT.0221.001.0033; Transcript of P Mitchell, Case Study 42, 10 August 2016 at 16974:17–22.
- 1353 Exhibit 42-0001, 'Letter from Registrar Mitchell to CKA dated 16 October 2001', Case Study 42, STAT.0221.001.0033.
- 1354 Transcript of P Mitchell, Case Study 42, 10 August 2016 at 16927:24–30, 16930:8–16.
- 1355 Transcript of K Allen, Case Study 42, 8 August 2016 at 16699:22–16700:35.
- 1356 Transcript of K Allen, Case Study 42, 8 August 2016 at 16691:32–16692:17; Exhibit 42-0028, 'Statement of Archdeacon Sonia Ralston', Case Study 42, STAT.1116.001.0001_R at 0001_R–0003_R.
- 1357 Submissions of Mr Mitchell, Case Study 42, SUBM.1042.019.0001, para 0012.
- 1358 Transcript of P Mitchell, Case Study 42, 10 August 2016 at 16989:1–18.
- 1359 Transcript of P Mitchell, Case Study 42, 10 August 2016 at 16993:30–35.
- 1360 Exhibit 42-0023, 'Statement of CKA', Case Study 42, STAT.1093.001.0001_R at [47]; Exhibit 42-0092, 'Statement of CKB', Case Study 42, STAT.1109.001.0001_R at [24].

- 1361 Exhibit 42-0023, 'Statement of CKA', Case Study 42, STAT.1093.001.0001_R at [47].
 1362 [REDACTED]
 1363 Exhibit 42-0163, 'Statement of Rod Bower', Case Study 42, STAT.1327.001.0001 at [7]–[8].
 1364 Transcript of R Herft, Case Study 42, 29 August 2016 at 17360:27–31.
 1365 Transcript of R Herft, Case Study 42, 29 August 2016 at 17360:33–39.
 1366 Transcript of R Herft, Case Study 42, 29 August 2016 at 17360:41–17361:4.
 1367 Exhibit 42-0023, 'Statement of CKA', Case Study 42, STAT.1093.001.0001_R at [42].
 1368 Exhibit 42-0091, 'Statement of Katherine Ross', Case Study 42, STAT.1064.001.0001_R at [3]–[5].
 1369 Exhibit 42-0091, 'Statement of Katherine Ross', Case Study 42, STAT.1064.001.0001_R at [25].
 1370 Exhibit 42-0091, 'Statement of Katherine Ross', Case Study 42, STAT.1064.001.0001_R at [8], [25].
 1371 Exhibit 42-0001, 'Letter from Dean Lawrence to Bishop Herft in relation to CKA', Case Study 42, ANG.0050.002.2566_R.
 1372 Exhibit 42-0001, 'Letter from Dean Lawrence to Bishop Herft in relation to CKA', Case Study 42, ANG.0050.002.2566_R.
 1373 Exhibit 42-0001, 'Letter from Bishop Herft to Dean Lawrence in relation to CKA' Case Study 42, ANG.0050.002.2567_R.
 1374 Transcript of R Herft, Case Study 42, 29 August 2016 at 17403:1–5.
 1375 Transcript of R Herft, Case Study 42, 29 August 2016 at 17403:40–47.
 1376 Exhibit 42-0001, 'Letter from Kathy Ross to CKA', Case Study 42 PS.0532.001.0033.
 1377 Exhibit 42-0023, 'Statement of CKA', Case Study 42, STAT 1093 001.0001_R at [43].
 1378 Exhibit 42-0091, 'Statement of Katherine Ross', Case Study 42, STAT.1064.001.0001_R at [13].
 1379 Transcript of G Lawrence, Case Study 42, 23 November 2016 at 23523:2–23524:38; Exhibit 42-0093, 'Yellow Envelope No. 11', Case Study 42, ANG.0355.002.0001_R at 0075_R.
 1380 Exhibit 42-0001, 'Filenote by Bishop Herft of meeting with CKA and Mr Lawrence', Case Study 42, IND.0486.001.0402_R.
 1381 Exhibit 42-0001, 'Filenote by Bishop Herft of meeting with CKA and Mr Lawrence', Case Study 42, IND.0486.001.0402_R.
 1382 Transcript of R Herft, Case Study 42, 29 August 2016 at 17365:7–27.
 1383 Exhibit 42-0075, 'Further Supplementary Statement of Archbishop Roger Herft', Case Study 42, STAT.1094.002.0001_R at [24]; Transcript of R Herft, Case Study 42, 29 August 2016 at 17412:41–46.
 1384 Transcript of R Herft, Case Study 42, 29 August 2016 at 17413:1–15.
 1385 Transcript of CKA, Case Study 42, 4 August 2016 at 16468:19–24.
 1386 Transcript of CKA, Case Study 42, 4 August 2016 at 16468:35–38.
 1387 Exhibit 42-0023, 'Statement of CKA', Case Study 42, STAT.1093.001.0001_R at [55].
 1388 Exhibit 42-0075, 'Further Supplementary Statement of Archbishop Roger Herft', Case Study 42, STAT.1094.002.0001_R at [8].
 1389 Exhibit 42-0075, 'Further Supplementary Statement of Archbishop Roger Herft', Case Study 42, STAT.1094.002.0001_R at [8].
 1390 Transcript of R Herft, Case Study 42, 29 August 2016 at 17414:11–16; Exhibit 42-0075, 'Further Supplementary Statement of Archbishop Roger Herft', Case Study 42, STAT.1094.002.0001_R at [12].
 1391 Transcript of R Herft, Case Study 42, 29 August 2016 at 17401:1–20.
 1392 Transcript of R Herft, Case Study 42, 29 August 2016 at 17365:29–32.
 1393 Exhibit 42-0001, 'Letter from Robert Caddies to Bishop Herft re CKA', Case Study 42, ANG.0050.002.2593_R.
 1394 Exhibit 42-0001, 'Letter from Bishop Herft to Robert Caddies', Case Study 42, ANG.0050.003.8965_R.
 1395 Exhibit 42-0075, 'Further Supplementary Statement of Archbishop Roger Herft', Case Study 42, STAT.1094.002.0001_R at [24].
 1396 Exhibit 42-0001, 'The "Yellow Envelopes Report" by Michael Elliott', Case Study 42, ANG.0207.001.2371 at 2376; Exhibit 42-0001, 'Letter from Garry Weatherill to Royal Commission dated 22 July 2016', Case Study 42, AND.0334.001.0131_R.
 1397 Exhibit 42-0001, 'Letter from Garry Weatherill to Royal Commission dated 22 July 2016', Case Study 42, AND.0334.001.0131_R.
 1398 Exhibit 42-0023, 'Statement of CKA', Case Study 42, STAT.1093.001.0001_R at [54].

- 1399 Exhibit 42-0001, 'Email from CKA to Bishop Herft re Father Parker', Case Study 42, ANG.0050.002.2549_R.
- 1400 Exhibit 42-0001, 'Letter from Bishop Herft to CKA', Case Study 42, PS.0532.001.0031_R.
- 1401 Exhibit 42-0001, 'Letter from Bishop Herft to CKA', Case Study 42, PS.0532.001.0031_R.
- 1402 Exhibit 42-0023, 'Statement of CKA', Case Study 42, STAT.1093.001.0001_R at [54].
- 1403 Exhibit 42-0164, 'Email chain between CKA and Archbishop Roger Herft', Case Study 42, ANG.0408.001.0001_R at 0002_R
- 1404 Exhibit 42-0164, 'Email chain between CKA and Archbishop Roger Herft', Case Study 42, ANG.0408.001.0001_R.
- 1405 Further submissions of CKA, Case Study 42, SUBM.1042.040.0001.
- 1406 Submissions in reply on behalf of the State of NSW, Case Study 42, SUBM.1042.014.0001_R, paras [2]–[9].
- 1407 Transcript of CKU, Case Study 42, 5 August 2016 at 16571:14–16, 32–34.
- 1408 Transcript of CKU, Case Study 42, 5 August 2016 at 16571:41–16572:17
- 1409 Transcript of CKU, Case Study 42, 5 August 2016 at 16572:26–32.
- 1410 Transcript of CKU, Case Study 42, 5 August 2016 at 16572:34–46.
- 1411 Exhibit 42-0027, 'Statement of CKR', Case Study 42, STAT.1073.001.0001_R at [15].
- 1412 Exhibit 42-0027, 'Statement of CKR', Case Study 42, STAT.1073.001.0001_R at [19].
- 1413 Transcript of CKU, Case Study 42, 5 August 2016 at 16573:10–30
- 1414 Transcript of CKU, Case Study 42, 5 August 2016 at 16574:12–17, 22–25.
- 1415 Transcript of CKU, Case Study 42, 5 August 2016 at 16574:15–16.
- 1416 Transcript of CKU, Case Study 42, 5 August 2016 at 16574:27–43.
- 1417 Transcript of CKU, Case Study 42, 5 August 2016 at 16575:5–12.
- 1418 Exhibit 42-0027, 'Statement of CKR', Case Study 42, STAT.1073.001.0001_R at [17]–[18].
- 1419 Exhibit 42-0027, 'Statement of CKR', Case Study 42, STAT.1073.001.0001_R at [19]
- 1420 Exhibit 42-0027, 'Statement of CKR', Case Study 42, STAT.1073.001.0001_R at [19].
- 1421 Exhibit 42-0027, 'Statement of CKR', Case Study 42, STAT.1073.001.0001_R at [21].
- 1422 Exhibit 42-0027, 'Statement of CKR', Case Study 42, STAT.1073.001.0001_R at [22].
- 1423 Exhibit 42-0026, 'Statement of CKU', Case Study 42, STAT.1086.001.0001_R at [36].
- 1424 Exhibit 42-0027, 'Statement of CKR', Case Study 42, STAT.1073.001.0001_R at [27].
- 1425 Exhibit 42-0027, 'Statement of CKR', Case Study 42, STAT.1073.001.0001_R at [28].
- 1426 Exhibit 42-0027, 'Statement of CKR', Case Study 42, STAT.1073.001.0001_R at [29].
- 1427 Exhibit 42-0027, 'Statement of CKR', Case Study 42, STAT.1073.001.0001_R at [31].
- 1428 Exhibit 42-0027, 'Statement of CKR', Case Study 42, STAT.1073.001.0001_R at [34].
- 1429 Exhibit 42-0027, 'Statement of CKR', Case Study 42, STAT.1073.001.0001_R at [32].
- 1430 Exhibit 42-0027, 'Statement of CKR', Case Study 42, STAT.1073.001.0001_R at [35].
- 1431 Transcript of R Herft, Case Study 42, 6 October 2016 at 17345:15–18, 17391:5–6, 16–19.
- 1432 Exhibit 42-0147, 'Statement of Bruce Hoare', Case Study 42, STAT.1063.001.0001 at 0004.
- 1433 Exhibit 42-0001, 'Filenote of Bishop Herft dated 8 April 1999', Case Study 42, NSW.0040.003.1063_R.
- 1434 Exhibit 42-0027, 'Statement of CKR', Case Study 42, STAT.1073.001.0001_R at [36].
- 1435 Exhibit 42-0026, 'Statement of CKU', Case Study 42, STAT.1086.001.0001_R at [41].
- 1436 Transcript of CKU, Case Study 42, 5 August 2016 at 16575:35–37.
- 1437 Transcript of CKU, Case Study 42, 5 August 2016 at 16575:17–18.
- 1438 Transcript of CKU, Case Study 42, 5 August 2016 at 16575:20–24, 40–44.
- 1439 Exhibit 42-0026, 'Statement of CKU', Case Study 42, STAT.1086.001.0001_R at [42]–[43].
- 1440 Exhibit 42-0027, 'Statement of CKR', Case Study 42, STAT.1073.001.0001_R at [40].
- 1441 Exhibit 42-0027, 'Statement of CKR', Case Study 42, STAT.1073.001.0001_R at [34].
- 1442 Transcript of R Herft, Case Study 42, 29 August 2016 at 17335:2–7.
- 1443 Exhibit 42-0001, 'Letter from Ian Barrack to Bishop Roger Herft', Case Study 42, ANG.0050.004.4668.
- 1444 Exhibit 42-0027, 'Statement of CKR', Case Study 42, STAT.1073.001.0001_R at [40].
- 1445 Exhibit 42-0001, 'Statement of CKR dated 16 March 1999', ANG.0050.004.4650_R.
- 1446 Exhibit 42-0147, 'Statement of Bruce John Hoare', Case Study 42, STAT.1063.001.0001_R at [14]; Exhibit 42-0001, 'Filenote by Bruce Hoare (Archdeacon of Newcastle & Ministry Development Officer) to Bishop Roger Herft', Case Study 42, ANG.0050.004.4660_R; Exhibit 42-0001, 'First Statement from CKR', Case Study 42, ANG.0050.004.4650.

- 1447 Exhibit 42-0001, 'Filenote by Bruce Hoare (Archdeacon of Newcastle & Ministry Development Officer) to Bishop Roger Herft', Case Study 42, ANG.0050.004.4660_R.
- 1448 Exhibit 42-0001, 'Filenote by Bishop Roger Herft of meeting in relation to Ian Barrack', Case Study 42, NSW.0040.003.0163_R.
- 1449 Exhibit 42-0074, 'Supplementary Statement of Archbishop Roger Herft', Case Study 42, STAT.1094.001.0001_R; Exhibit 42-0069, 'Draft Letter of Bishop Roger Herft', Case Study 42, IND.0482.001.0302.
- 1450 Exhibit 42-0001, 'Filenote by Bishop Herft in relation to DOCS', Case Study 42, ANG.0050.004.4670_R.
- 1451 Exhibit 42-0001, 'Letter from Bishop Roger Herft to Rev [CKR]', Case Study 42, ANG.0050.004.4671_R.
- 1452 Exhibit 42-0001, 'Filenote by Bishop Roger Herft re Ian Barrack', Case Study 42, ANG.0050.004.4856_R.
- 1453 Transcript of CKU, Case Study 42, 5 August 2016 at 16577:29–32.
- 1454 Transcript of CKU, Case Study 42, 5 August 2016 at 16577:38–40.
- 1455 Transcript of CKU, Case Study 42, 5 August 2016 at 16577:38–39.
- 1456 Transcript of CKU, Case Study 42, 5 August 2016 at 16577:39–16578:4.
- 1457 Exhibit 42-0027, 'Statement of CKR', Case Study 42, STAT.1073.001.0001_R at [49]; Exhibit 42-0027, 'Statement of CKU', Case Study 42, STAT.1086.001.0001_R at [51]–[52].
- 1458 Exhibit 42-0027, 'Statement of CKR', Case Study 42, STAT.1073.001.0001_R at [50]
- 1459 Exhibit 42-0027, 'Statement of CKR', Case Study 42, STAT.1073.001.0001_R at [50]
- 1460 Exhibit 42-0027, 'Statement of CKR', Case Study 42, STAT.1073.001.0001_R at [51].
- 1461 Exhibit 42-0075, 'Supplementary Statement of Archbishop Roger Herft', Case Study 42, STAT.1094.001.0001_R at [116].
- 1462 Exhibit 42-0075, 'Supplementary Statement of Archbishop Roger Herft', Case Study 42, STAT.1094.001.0001_R at [121]–[122].
- 1463 Transcript of CKU, Case Study 42, 5 August 2016 at 16578:10–15.
- 1464 Transcript of CKU, Case Study 42, 5 August 2016 at 16578:25–27.
- 1465 Exhibit 42-0027, 'Statement of CKR', Case Study 42, STAT.1073.001.0001_R at [52], [54].
- 1466 Exhibit 42-0001, 'Letter from Jean Sanders to Bishop Herft', Case Study 42, ANG.0050.004.4690_R.
- 1467 Exhibit 42-0001, 'Letter from Bishop Herft to Jean Sanders', Case Study 42, NSW.0040.003.0200_R.
- 1468 Exhibit 42-0001, 'Filenote by Bishop Roger Herft in relation to Ian Barrack', Case Study 42, ANG.0050.004.4721_R.
- 1469 Exhibit 42-0001, 'Letter from Robert Caddies to Bishop Herft re CKU', Case Study 42, ANG.0050.004.4732_R.
- 1470 Exhibit 42-0001, 'Letter from Bishop Herft to Robert Caddies', Case Study 42, ANG.0050.003.8965_R.
- 1471 Exhibit 42-0001, 'Letter from Bishop Herft to CKR', Case Study 42, ANG.0050.004.4751_R.
- 1472 Transcript of CKU, Case Study 42, 5 August 2016 at 16578:44–45.
- 1473 Transcript of CKU, Case Study 42, 5 August 2016 at 16579:39–41.
- 1474 Transcript of CKU, Case Study 42, 5 August 2016 at 16579:44–46.
- 1475 Transcript of R Herft, Case Study 42, 29 August 2016 at 17348:42–44.
- 1476 Transcript of R Herft, Case Study 42, 29 August 2016 at 17349:20–40.
- 1477 Exhibit 42-0042, 'Statement of Jean Sanders', Case Study 42, STAT.1104.001.0009_R at [37]; Exhibit 42-0001, 'Letter from Jean Sanders to Bishop Roger Herft', Case Study 42, ANG.0050.004.4858_R.
- 1478 Exhibit 42-0027, 'Statement of CKR', Case Study 42, STAT.1073.001.0001_R at [59]; Exhibit 42-0042, 'Statement of Jean Sanders', Case Study 42, STAT.1104.001.0001_R at [38]–[39].
- 1479 Exhibit 42-0027, 'Statement of CKR', Case Study 42, STAT.1073.001.0001_R at [59]; Exhibit 42-0042, 'Statement of Jean Sanders', Case Study 42, STAT.1104.001.0001_R at [39].
- 1480 Exhibit 42-0027, 'Statement of CKR', Case Study 42, STAT.1073.001.0001_R at [59].
- 1481 Transcript of R Herft, Case Study 42, 29 August 2016 at 17348:4–10; Exhibit 42-0001, 'Letter from Bishop Roger Herft to CKR', Case Study 42, ANG.0050.004.4703_R at 4704_R.
- 1482 Submissions of Bishop Herft, Case Study 42, SUBM.1042.018.0001, para 0039.
- 1483 Exhibit 42-0027, 'Statement of CKR', Case Study 42, STAT.1073.001.0001_R at [64].
- 1484 Exhibit 42-0026, 'Statement of CKU', Case Study 42, STAT.1086.001.0001_R at [64], [70].
- 1485 Transcript of CKU, Case Study 42, 5 August 2016 at 16580:10–17.
- 1486 Exhibit 42-0075, 'Statement of Bishop Roger Herft', Case Study 42, STAT.1094.001.0001 at [57].

- 1487 Transcript of R Herft, Case Study 42, 12 August 2016 at 17278:3–34
- 1488 Exhibit 42-0107, 'Statement of Bishop Brian Farran', Case Study 42, STAT.1072.001.0001_R at [20]–[22].
- 1489 Transcript of B Farran, Case Study 42, 16 November 2016 at 23208:24–26.
- 1490 Transcript of B Farran, Case Study 42, 16 November 2016 at 23208:36–39.
- 1491 Exhibit 42-0114, 'Supplementary Statement of Peter Stuart', Case Study 42, STAT.1082.001.0001_R at [2.4.1].
- 1492 Transcript of B Farran, Case Study 42, 16 November 2016 at 23214:19–22.
- 1493 Transcript of B Farran, Case Study 42, 16 November 2016 at 23214:24–30.
- 1495 Transcript of B Farran, Case Study 42, 17 November 2016 at 23233:13–32.
- 1496 Transcript of B Farran, Case Study 42, 16 November 2016 at 23214:46–23215:15, 23221:13–16.
- 1497 Transcript of B Farran, Case Study 42, 17 November 2016 at 23270:45–23271:34.
- 1498 Transcript of B Farran, Case Study 42, 17 November 2016 at 23270:34–43.
- 1499 Exhibit 42-0001, 'Professional Standards Ordinance 2005', Case Study 42 ANG.0050.001.4524.
- 1500 Exhibit 42-0001, 'National Model 2005 Professional Standards Ordinance', Case Study 42, ANG.9310.01001.0193.
- 1501 Transcript of B Farran, Case Study 42, 16 November 2016 at 23203:39–42.
- 1502 Transcript of B Farran, Case Study 42, 16 November 2016 at 23215:40–23216:9.
- 1503 Exhibit 42-0054, 'Further Statement of Michael Elliott', Case Study 42, STAT.1088.001.0001_R at [6]; Exhibit 42-0107, 'Statement of Bishop Brian Farran', Case Study 42, STAT.1072.001.0001_R at [58].
- 1504 Transcript of B Farran, Case Study 42, 17 November 2016 at 23227:5–47; Exhibit 42-0107, 'Statement of Bishop Brian Farran', Case Study 42, STAT.1072.001.0001_R at [64]–[65].
- 1505 Exhibit 42-0107, 'Statement of Bishop Brian Farran', Case Study 42, STAT.1072.001.0001_R at [66].
- 1506 Exhibit 42-0107, 'Statement of Bishop Brian Farran' Case Study 42, STAT.1072.001.0001_R at [91]–[94].
- 1507 Exhibit 42-0107, 'Statement of Bishop Brian Farran', Case Study 42, STAT.1072.001.0001_R at [84]; Exhibit 42-0001, 'Media Statement about Father Peter Rushton', Case Study 42, ANG.0048.001.4538_R; Exhibit 42-0001 Media Article, Newcastle Herald', Case Study 42, ANG.0048.001.4616; Exhibit 42-0001, 'Media Article, Newcastle Herald', Case Study 42, ANG.0048.001.4617; Exhibit 42-0001, 'Media Article, Maitland Mercury', Case Study 42, ANG.0048.001.4618.
- 1508 Transcript of B Farran, Case Study 42, 16 November 2016 at 23210:12–21.
- 1509 Transcript of B Farran, Case Study 42, 17 November 2016 at 23252:38–23353:8; Exhibit 42-0107, 'Statement of Bishop Brian Farran', Case Study 42, STAT.1072.001.0001_R at [97], [102]; Exhibit 42-0001, 'Complaint by Laurie Tabart to Episcopal Standards Commission', Case Study 42, ANG.0050.003.7366_R; Exhibit 42-0001, 'Complaint by Chris McNaughton to Episcopal Standards Commission' Case Study 42, ANG.0050.003.7294_R.
- 1510 Transcript of B Farran, Case Study 42, 17 November 2016 at 23353:10–14.
- 1511 Transcript of B Farran, Case Study 42, 16 November 2016 at 23211:40–42.
- 1512 Transcript of M Elliott, Case Study 42, 12 August 2016 at 17212:36–17213:24; Transcript of J Cleary, Case Study 42, 23 November 2016 at 23561:34–46; Exhibit 42-0142, 'Statement of the Hon. Colin Elliott', Case Study 42, STAT.1075.001.0001 at [33].
- 1513 Exhibit 42-0001, 'Professional Standards Ordinance 2005', Case Study 42, ANG.0050.001.4524.
- 1514 Exhibit 42-0001, 'National Model 2005 Professional Standards Ordinance', Case Study 42, ANG.9310.01001.0193; Transcript of M Elliott, Case Study 42, 11 August 2016 at 17036:1–7.
- 1515 Exhibit 42-0001, 'Faithfulness in Service', Case Study 42, ANG.0048.002.3533.
- 1516 Exhibit 42-0134, 'Statement of Garth Blake', Case Study 42, STAT.1091.001.0001 at [7], [11]; Exhibit 42-0082, 'Statement of Philip Gerber', STAT.0063.001.0001_R at [17]; Exhibit 42-0001, 'The Sexual Abuse Working Group "Work in Progress" Report to Standing Committee of General Synod', Case Study 42, ANG.9320.01800.1900.
- 1517 Transcript of B Farran, Case Study 42, 16 November 2016 at 23203:20–21.
- 1518 Exhibit 42-0001, 'Professional Standards Ordinance 2005', Case Study 42, ANG.0050.001.4524.
- 1519 Transcript of M Elliott, Case Study 42, 11 August 2016 at 17038:13–19; Transcript of P Rosser, Case Study 42, 30 August 2016 at 17491:4–13; Exhibit 42-0082, 'Statement of Philip Gerber', Case Study 42, STAT.0063.001.0001_R at [21]–[22].

- 1520 Transcript of M Elliott, Case Study 42, 11 August 2016 at 17034:44–47, 17035:1–5; Exhibit 42-0155, 'Statement of Geoff Spring', Case Study 42, STAT.1099.001.0001 at [11]–[13]; Exhibit 42-0142, 'Statement of Colin Elliott', Case Study 42, STAT.1075.001.0001_R at [6].
- 1521 Transcript of P Rosser, Case Study 42, 30 August 2016 at 17491:15–22, 17493:38–45.
- 1522 Transcript of M Elliott, Case Study 42, 11 August 2016 at 17037:5–9.
- 1523 Transcript of M Elliott, Case Study 42, 11 August 2016 at 17036:30–34.
- 1524 Exhibit 42-0155, 'Statement of Geoff Spring', Case Study 42, STAT.1099.001.0001 at [14].
- 1525 Exhibit 42-0001, 'Professional Standards Ordinance 2005', Case Study 42, ANG.0050.001.4524 at 4526.
- 1526 Exhibit 42-0128, 'Statement of Bishop Gregory Thompson', Case Study 42, STAT.1036.001.0001 at 0014.
- 1527 Transcript of M Elliott, Case Study 42, 11 August 2016 at 17036:36–42.
- 1528 Exhibit 42-0001, 'Professional Standards Ordinance 2005', Case Study 42, ANG.0050.001.4524 at 4526.
- 1529 Transcript of M Elliott, Case Study 42, 11 August 2016 at 17056:23–25; Exhibit 42-0107, 'Statement of Bishop Brian Farran', Case Study 42, STAT.1072.001.0001_R at [93]; Transcript of J Cleary, Case Study 42, 24 November 2016 at 23596:33–37.
- 1530 Exhibit 42-0001, 'Professional Standards Ordinance 2005', Case Study 42, ANG.0050.001.4524 at 4536.
- 1531 Exhibit 42-0001, 'Faithfulness in Service 2005', Case Study 42, ANG.0048.002.3533.
- 1532 Exhibit 42-0128, 'Statement of Bishop Greg Thompson', Case Study 42, STAT.1036.001.0001_R at 0057_R.
- 1533 Exhibit 42-0001, 'Faithfulness in Service 2005', Case Study 42, ANG.0048.002.3533 at 3560.
- 1534 Exhibit 42-0001, 'Faithfulness in Service 2005', Case Study 42, ANG.0048.002.3533 at 3560.
- 1535 Exhibit 42-0083, 'Further Statement of Philip Gerber', Case Study 42, STAT.1069.001.0001_R at [24]–[29]; Exhibit 42-0082, 'Statement of Philip Gerber', Case Study 42, STAT.0063.001.0001_R at [3].
- 1536 Exhibit 42-0083, 'Statement of Philip Gerber', Case Study 42, STAT.1069.001.0001_R at [29].
- 1537 Exhibit 42-0124 'Statement of John Cleary', Case Study 42, STAT.1087.001.0001_R at [8].
- 1538 Transcript of JP Cleary, Case Study 42, 23 November 2016 at 23539:4–30.
- 1539 Transcript of M Elliott, Case Study 42, 11 August 2016 at 17034:22–26.
- 1540 Transcript of M Elliott, Case Study 42, 11 August 2016 at 17034:28–29.
- 1541 Exhibit 42-0083, 'Statement of Philip Gerber', Case Study 42, STAT.1069.001.0001_R at [26]; Exhibit 42-0128, 'Statement of Bishop Greg Thompson', Case Study 42, STAT.1036.001.0001_R at 0048.
- 1542 Exhibit 42-0042, 'Statement of Jean S anders', Case Study 42, STAT.1104.001.0001_R at [46]; Exhibit 42-0083, 'Further Statement of Philip Gerber', Case Study 42, STAT.1069.001.0001_R at [26].
- 1543 Exhibit 42-0155, 'Statement of Geoff Spring', Case Study 42, STAT.1099.001.0001 at [5].
- 1544 Exhibit 42-0128, 'Statement of Bishop Greg Thompson', Case Study 42, STAT.1036.001.0001_R at 0047_R.
- 1545 Exhibit 42-0142, 'Statement of Colin Elliott', Case Study 42, STAT.1075.001.0001 at [3].
- 1546 Exhibit 42-0128, 'Statement of Bishop Greg Thompson', Case Study 42, STAT.1036.001.0001_R at 0047_R.
- 1547 Exhibit 42-0001, 'Diocesan Council minutes of 26 April 2007 meeting', Case Study 42, ANG.0048.001.1144 at 1146; Exhibit 42-0115, 'Pastoral Care and Assistance Scheme in the Diocese of Sydney', Case Study 42, ANG.0365.001.0027.
- 1548 Exhibit 42-0001, 'Diocesan Council minutes of 26 April 2007 meeting', Case Study 42, ANG.0048.001.1144 at 1146; Transcript of J Cleary, Case Study 42, 23 November 2016 at 23550:1–23551:6; Exhibit 42-0115, 'Pastoral Care and Assistance Scheme in the Diocese of Sydney', Case Study 42, ANG.0365.001.0027.
- 1549 Transcript of J Cleary, Case Study 42, 23 November 2016 at 23551:28–32.
- 1550 Transcript of J Cleary, Case Study 42, 23 November 2016 at 23551:32–33.
- 1551 Exhibit 42-0107, 'Statement of Bishop Brian Farran', Case Study 42, STAT.1072.001.0001_R at [219]–[221]; Exhibit 42-0001, 'Filenote by Bishop Brian Farran in relation to Ian Barrack', Case Study 42, ANG.0050.004.4827_R.
- 1552 Exhibit 42-0026, 'Statement of CKU', Case Study 42, STAT.1086.001.0001_R at [61].
- 1553 Exhibit 42-0026, 'Statement of CKU', Case Study 42, STAT.1086.001.0001_R at [61].
- 1554 Exhibit 42-0026, 'Statement of CKU', Case Study 42, STAT.1086.001.0001_R at [61]; Transcript of CKU, Case Study 42, 5 August 2016 at 16579:42–44.
- 1555 Transcript of G Lawrence, Case Study 42, 18 November 2016 at 23413:11–27.
- 1556 Exhibit 42-0027, 'Statement of CKR', Case Study 42, STAT.1073.001.0001_R at [69].
- 1557 Exhibit 42-0027, 'Statement of CKR', Case Study 42, STAT.1073.001.0001_R at [72].
- 1558 Transcript of P Rosser, Case Study 42, 30 August 2016 at 17489:45–17490:13.
- 1559 Transcript of P Rosser, Case Study 42, 30 August 2016 at 17490:15–25.

- 1560 Exhibit 42-0027, 'Statement of CKR', Case Study 42, STAT.1073.001.0001_R at [72].
- 1561 Exhibit 42-0027, 'Statement of CKR', Case Study 42, STAT.1073.001.0001_R at [70].
- 1562 Exhibit 42-0027, 'Statement of CKR', Case Study 42, STAT.1073.001.0001_R at [70].
- 1563 Exhibit 42-0027, 'Statement of CKR', Case Study 42, STAT.1073.001.0001_R at [70]; Exhibit 42-0001, 'Anglican Church of Australia, Diocese of Newcastle – Principles and Procedures for Dealing with Allegations of Sexual Misconduct', Case Study 42, STAT.0073.001.0117_R at 0124_R.
- 1564 Exhibit 42-0027, 'Statement of CKR', Case Study 42, STAT.1073.001.0001_R at [69]; 'Email from CKR to Bishop Farran re criminal proceedings against Barrack', Case Study 42, ANG.0323.001.0127_R.
- 1565 Exhibit 42-0027, 'Statement of CKR', Case Study 42, STAT.1073.001.0001_R at [70]; Exhibit 42-0001, 'Professional Standards Committee Report prepared by Philip Gerber in relation to Ian Barrack', Case Study 42, ANG.0061.001.0457_R at 0458_R; 'Email from CKR to Bishop Farran re criminal proceedings against Barrack', Case Study 42, ANG.0323.001.0127_R.
- 1566 Exhibit 42-0027, 'Statement of CKR', Case Study 42, STAT.1073.001.0001_R at [70]; Exhibit 42-0001, 'Professional Standards Committee Report prepared by Philip Gerber in relation to Ian Barrack', Case Study 42, ANG.0061.001.0457_R at 0458_R; Exhibit 42-0001, 'Email from CKR to Bishop Farran re criminal proceedings against Barrack', Case Study 42, ANG.0323.001.0127_R.
- 1567 Exhibit 42-0027, 'Statement of CKR', Case Study 42, STAT.1073.001.0001_R at [68].
- 1568 Transcript of CKU, Case Study 42, 5 August 2016 at 16580:4–8.
- 1569 Exhibit 42-0027, 'Statement of CKR', Case Study 42, STAT.1073.001.0001_R at [70].
- 1570 Exhibit 42-0027, 'Statement of CKR', Case Study 42, STAT.1073.001.0001_R at [77].
- 1571 Exhibit 42-0107, 'Statement of Bishop Brian Farran', Case Study 42, STAT.1072.001.0001_R at [227].
- 1572 Exhibit 42-0001, Case Study 42, 'Professional Standards Committee Report prepared by Philip Gerber in relation to Ian Barrack', ANG.0061.001.0457_R at [15].
- 1573 Exhibit 42-0027, 'Statement of CKR', Case Study 42, STAT.1073.001.0001_R at [80]–[81].
- 1574 Exhibit 42-0026, 'Statement of CKU', Case Study 42, STAT.1086.001.0001_R at [67].
- 1575 Exhibit 42-0026, 'Statement of CKU', Case Study 42, STAT.1086.001.0001_R at [69].
- 1576 Exhibit 42-0026, 'Statement of CKU', Case Study 42, STAT.1086.001.0001_R at [69].
- 1577 Exhibit 42-0026, 'Statement of CKU', Case Study 42, STAT.1086.001.0001_R at [70].
- 1578 Exhibit 42-0026, 'Statement of CKU', Case Study 42, STAT.1086.001.0001_R at [68].
- 1579 Exhibit 42-0001, 'Letter from Bishop Brian Farran to Rev [CKR]', Case Study 42, ANG.0050.004.4441_R.
- 1580 Exhibit 42-0026, 'Statement of CKU', Case Study 42, STAT.1086.001.0001_R at [72].
- 1581 Exhibit 42-0023, 'Statement of CKA', Case Study 42, STAT.1093.001.0001_R at [56].
- 1582 Transcript of CKA, Case Study 42, 4 August 2016 at 16461:47–16462:18.
- 1583 Transcript of CKA, Case Study 42, 4 August 2016 at 16461:41–45.
- 1584 Transcript of CKA, Case Study 42, 4 August 2016 at 16461:47 – 16462:15.
- 1585 Exhibit 42-0124, 'Statement of John Cleary', Case Study 42, STAT.1087.001.0001_R at [197].
- 1586 Exhibit 42-0124, 'Statement of John Cleary', Case Study 42, STAT.1087.001.0001_R at [190].
- 1587 Exhibit 42-0124, 'Statement of John Cleary', Case Study 42, STAT.1087.001.0001_R at [189], [197].
- 1588 Exhibit 42-0023, 'Statement of CKA', Case Study 42, STAT.1093.001.0001_R at [72].
- 1589 Transcript of B Farran, Case Study 42, 16 November 2016 at 23216:19–27.
- 1590 Exhibit 42-0001, 'Letter from G Vale to CKA dated November 2007', Case Study 42, ANG.0050.002.2476_R.
- 1591 Exhibit 42-0023, 'Statement of CKA', Case Study 42, STAT.1093.001.0001_R at [56].
- 1592 Exhibit 42-0124, 'Statement of John Cleary', Case Study 42, STAT.1087.001.0001_R at [198], [209].
- 1593 Exhibit 42-0124, 'Statement of John Cleary', Case Study 42, STAT.1087.001.0001_R at [198], [209].
- 1594 Exhibit 42-0023, 'Statement of CKA', Case Study 42, STAT.1093.001.0001_R at [57]; Transcript of CKA, Case Study 42, 4 August 2016 at 16461:29.
- 1595 Exhibit 42-0023, 'Statement of CKA', Case Study 42, STAT.1093.001.0001_R at [58].
- 1596 Exhibit 42-0023, 'Statement of CKA', Case Study 42, STAT.1093.001.0001_R at [58]; Exhibit 42-0001, 'Deed of Release of CKA', Case Study 42, ANG.0050.002.2420_R at 2422_R.
- 1597 Exhibit 42-0001, 'Letter from Bishop Farran to Bishop Michael Hough of Ballarat re Father Parker', Case Study 42, ANG.0334.001.0122_R.
- 1598 Exhibit 42-0001, 'Letter from Bishop Farran to Bishop Michael Hough of Ballarat re Father Parker', Case Study 42, ANG.0334.001.0122_R.

- 1599 Exhibit 42-0023, 'Statement of CKA', Case Study 42, STAT.1093.001.0001_R at [59]; Transcript of CKA, Case Study 42, 4 August 2016 at 16479:29–46.
- 1600 Exhibit 42-0023, 'Statement of CKA', Case Study 42, STAT.1093.001.0001_R at [59]; Transcript of CKA, Case Study 42, 4 August 2016 at 16480:1–4.
- 1601 Exhibit 42-0023, 'Statement of CKA', Case Study 42, STAT.1093.001.0001_R at [59].
- 1602 Transcript of K Allen, Case Study 42, 5 August 2016 at 16632:31–35.
- 1603 Exhibit 42-0023, 'Statement of CKA', Case Study 42, STAT.1093.001.0001_R at [59].
- 1604 Transcript of K Allen, Case Study 42, 5 August 2016 at 16632:31–35.
- 1605 Exhibit 42-0160, 'Email from Dr Sandra Smith dated 4 August 2016', Case Study 42, IND.0598.001.0001.
- 1606 Exhibit 42-0001, 'Media Statement about Father Peter Rushton', Case Study 42, ANG.0048.001.4538_R; Exhibit 42-0023, 'Statement of CKA', Case Study 42, STAT.1093.001.0001_R at [60].
- 1607 Exhibit 42-0023, 'Statement of CKA', Case Study 42, STAT.1093.001.0001_R at [60].
- 1608 Exhibit 42-0107, 'Statement of Bishop Farran', Case Study 42, STAT.1072.001.0001_R at [244]; Transcript of M Elliott, Case Study 42, 11 August 2016 at 17126:25–27.
- 1609 Exhibit 42-0023, 'Statement of CKA', Case Study 42, STAT.1093.001.0001_R at [61]; Exhibit 42-0054, 'Further Statement of Michael Elliott', Case Study 42, STAT.1088.001.0001_R at [91].
- 1610 Transcript of B J Farran, Case Study 42, 17 November 2016 at 23231:44–46.
- 1611 Transcript of B J Farran, Case Study 42, 17 November 2016 at 23232:6–8.
- 1612 Exhibit 42-0107, 'Statement of Bishop Farran', Case Study 42, STAT.1072.001.0001_R at [245].
- 1613 Transcript of B J Farran, Case Study 42, 17 November 2016 at 23232:1–2.
- 1614 Transcript of B J Farran, Case Study 42, 17 November 2016 at 23231:37–39.
- 1615 Exhibit 42-0001, 'Media Statement from Bishop Bria Farran published in The Anglican Encounter', Case Study 42, ANG.0050.001.1819.
- 1616 Exhibit 42-0023, 'Statement of CKA', Case Study 42, STAT.1093.001.0001_R at [61].
- 1617 Transcript of B Farran, Case Study 42, 17 November 2016 at 23232:19–39.
- 1618 Exhibit 42-0023, 'Statement of CKA', Case Study 42, STAT.1093.001.0001_R at [62].
- 1619 Exhibit 42-0001, 'Letter from psychologist to Michael Elliott re CKA', Case Study 42, ANG.0050.003.6894_R.
- 1620 Exhibit 42-0023, 'Statement of CKA', Case Study 42, STAT.1093.001.0001_R at [62]; Exhibit 42-0001, 'Deed of Release of CKA', Case Study 42, IND.0448.001.0001.
- 1621 Exhibit 42-0023, 'Statement of CKA', Case Study 42, STAT.1093.001.0001_R at [62].
- 1622 Exhibit 42-0092, 'Statement of CKB', Case Study 42, STAT.1109.001.0001_R at [30].
- 1623 Exhibit 42-0092, 'Statement of CKB', Case Study 42, STAT.1109.001.0001_R at [30].
- 1624 Transcript of B Farran, Case Study 42, 17 November 2016 at 23233:1–11.
- 1625 Exhibit 42-0012, 'Statement of Reverend Roger Dyer', Case Study 42, STAT.1076.001.0001 at [17].
- 1626 Exhibit 42-0001, 'Extract of Anglican Directory 1997', Case Study 42, ANG.0050.004.2894_R; Exhibit 42-0143, 'Statement of Christopher Hall', Case Study 42, STAT.1213.001.0001_R at [8].
- 1627 Exhibit 42-0012, 'Statement of Reverend Roger Dyer', Case Study 42, STAT.1076.001.0001 at [20].
- 1628 Exhibit 42-0012, 'Statement of Reverend Roger Dyer', Case Study 42, STAT.1076.001.0001 at [30].
- 1629 Exhibit 42-0012, 'Statement of Reverend Roger Dyer', Case Study 42, STAT.1076.001.0001 at [40]; Transcript of B Farran, Case Study 42, 17 November 2016 at 23235:44–23236:29; Exhibit 42-0107, 'Statement of Bishop Brian Farran', Case Study 42, STAT.1072.001.0001_R at [357]–[358].
- 1630 Transcript of B Farran, Case Study 42, 17 November 2016 at 23235:26–30.
- 1631 Exhibit 42-0001, '10 December 2009 letter from Reverend Dyer to Bishop Farran', Case Study 42, ANG.0050.003.5076.
- 1632 Transcript of B Farran, Case Study 42, 17 November 2016 at 23306:2–7.
- 1633 Exhibit 42-0012, 'Statement of Roger Dyer', Case Study 42, STAT.1076.001.0001 at [50].
- 1634 Exhibit 42-0054, 'Further Statement of Michael Elliott', Case Study 42, STAT.1088.001.0001 at [225].
- 1635 Exhibit 42-0107, 'Statement of Bishop Brian Farran', Case Study 42, STAT.1072.001.0001_R at [357].
- 1636 Exhibit 42-0127, 'Email from Roger Dyer to Michael Elliott', Case Study 42, ANG.0050.004.3008_R.
- 1637 Exhibit 42-0012, 'Statement of Roger Dyer', Case Study 42, STAT.1076.001.0001 at [50]–[51]; Transcript of R Dyer, Case Study 42, 3 August 2016 at 16331:42–47.
- 1638 Transcript of B Farran, Case Study 42, 17 November 2016 at 23236:21–40.

- 1639 Exhibit 42-0001, 'Media release dated 19 October 2010', Case Study 42, ANG.0048.001.4538_R.
 1640 Transcript of B Farran, Case Study 42, 17 November 2016 at 23309:3–8.
 1641 Transcript of B Farran, Case Study 42, 17 November 2016 at 23237:2–8; Exhibit 42-0001, '20 October 2010 email from Bishop Farran to Bishop Holland', Case Study 42, ANG.0050.003.5053_R; Exhibit 42-0001, '21 October 2010 email from Bishop Farran to Bishop Appleby re Rushton', Case Study 42, ANG.0050.003.5050_R; Exhibit 42-0001, 'Letter from Bishop Roger Herft to Bishop Brian Farran', Case Study 42, ANG.0050.003.5056.
 1642 Exhibit 42-0001, '20 October 2010 email from Bishop Holland to Bishop Farran re Rushton', Case Study 42, ANG.0050.003.5053_R.
 1643 Exhibit 42-0001, '21 October 2010 email from Bishop Appleby to Bishop Farran', Case Study 42, ANG.0050.003.5050_R.
 1644 Exhibit 42-0001, 'Letter from Bishop Roger Herft to Bishop Brian Farran', Case Study 42, ANG.0050.003.5056.
 1645 Transcript of B Farran, Case Study 42, 17 November 2016 at 23237:34–23238:2.
 1646 Transcript of B Farran, Case Study 42, 17 November 2016 at 23239:3–14.
 1647 Exhibit 42-0012, 'Statement of Roger Dyer', Case Study 42, STAT.1076.001.0001 at [78].
 1648 Transcript of B Farran, Case Study 42, 17 November 2016 at 23228:7–9.
 1649 Transcript of M Elliott, Case Study 42, 11 August 2016 at 17038:21–44.
 1650 Transcript of B Farran, Case Study 42, 17 November 2016 at 23227:30–43.
 1651 Exhibit 42-0054, 'Further Statement of Michael Elliott', Case Study 42, STAT.1088.001.0001_R at [49].
 1652 Exhibit 42-0054, 'Further Statement of Michael Elliott', Case Study 42, STAT.1088.001.0001_R at [49].
 1653 Exhibit 42-0053, 'Professor Parkinson Report – Review of Professional Standards Matters', Case Study 42, ANG.0041.001.0780_R at 0793_R, 0798_R.
 1654 Exhibit 42-0001, 'Letter from Various to Archbishop Glenn Davies', Case Study 42, ANG.0309.001.0002_R; Exhibit 42-0001, 'Letter from various Anglican laypersons to Royal Commission dated 13 April 2016', Case Study 42, CORR.0220.001.0001_R.
 1655 Exhibit 42-0155, 'Statement of Geoff Spring', Case Study 42, STAT.1099.001.0001_R at [19]; Transcript of PD Rosser, Case Study 42 30 August 2016 at 17492:21–26; Exhibit 42-0053, 'Review of Professional Standards Matters by Professor Patrick Parkinson', Case Study 42, ANG.0041.001.0780_R.
 1656 Transcript of B Farran, Case Study 42, 17 November 2016 at 23229:30–45.
 1657 Exhibit 42-0094, 'Statement of Paul David Rosser', Case Study 42, STAT.1062.001.0001 at [56], [64], [72].
 1658 Exhibit 42-0094 'Statement of Paul David Rosser', Case Study 42, STAT.1062.001.0001 at [57]–[58], [65], [72].
 1659 Exhibit 42-0094, 'Statement of Paul David Rosser', Case Study 42, STAT.1062.001.0001 at [60]–[61].
 1660 Exhibit 42-0094, 'Statement of Paul David Rosser', Case Study 42, STAT.1062.001.0001 at [64].
 1661 Exhibit 42-0094, 'Statement of Paul David Rosser', Case Study 42, STAT.1062.001.0001 at [64].
 1662 Exhibit 42-0155, 'Statement of Geoff Spring', Case Study 42, STAT.1099.001.0001_R at [20].
 1663 Exhibit 42-0155, 'Statement of Geoff Spring', Case Study 42, STAT.1099.001.0001_R at [24].
 1664 Exhibit 42-0155, 'Statement of Colin Elliott', Case Study 42, STAT.1075.001.0001_R at [12].
 1665 Exhibit 42-0054, 'Further Statement of Michael Elliott', Case Study 42, STAT.1088.001.0001_R at [49].
 1666 Exhibit 42-0001, 'Email from Paul Rosser to John Cleary re questions of notice for DC meeting', Case Study 42, ANG.0041.001.0649_R.
 1667 Transcript of P Rosser, Case Study 42, 30 August 2016 at 17508:31.
 1668 Transcript of M Elliott, Case Study 42, 11 August 2016 at 17042:12–16.
 1669 Exhibit 42-0001, 'Notice of motion by Rosser QC', Case Study 42, ANG.0048.001.2236; Transcript of P Rosser, Case Study 42, 30 August 2016 at 17493:26–36.
 1670 Transcript of P Rosser, Case Study 42, 30 August 2016 at 17493:26–36.
 1671 Transcript of B J Farran, Case Study 42, 17 November 2016 at 23241:6–33.
 1672 Transcript of B Farran, Case Study 42, 17 November 2016 at 23244:8–12.
 1673 Exhibit 42-0001, 'Email from Bishop Brian Farran to John Cleary in relation to the role of Chancellor', Case Study 42, ANG.0061.001.1478_R; Transcript of B Farran, Case Study 42, 17 November 2016 at 23243:31.
 1674 Transcript of P Rosser, Case Study 42, 30 August 2016 at 17494:18–22.
 1675 Transcript of P Rosser, Case Study 42, 30 August 2016 at 17494:7–16, 17499:13–38.

- 1676 Submissions by P Rosser, Case Study 42, SUBM.0042.004.0001, paras 5–8.
- 1677 Exhibit 42-0001, 'Notice of Motion to Diocesan Council', Case Study 42, ANG.0050.001.8142.
- 1678 Exhibit 42-0001, 'Extract of Minute of Diocesan Council Meeting dated 1 December 2009', Case Study 42, IND.0487.001.0910.
- 1679 Transcript of M Elliott, Case Study 42, 11 August 2016 at 17039:4–7.
- 1680 Transcript of P Rosser, Case Study 42, 30 August 2016 at 17499:40–47, 17500:6.
- 1681 Exhibit 42-0001, 'Email dated 6 August 2010 from Michael Elliott to Brian Farran', Case Study 42, STAT.1072.002.0016_R; Transcript of P Rosser, Case Study 42, 30 August 2016 at 17503:5–19.
- 1682 Transcript of B Farran, Case Study 42, 17 November 2016 at 23229:5–15.
- 1683 Exhibit 42-0053, 'Professor Parkinson Report – Review of Professional Standards Matters', Case Study 42, ANG.0041.001.0780_R at 0791_R.
- 1684 Exhibit 42-0053, 'Professor Parkinson Report – Review of Professional Standards Matters', Case Study 42, ANG.0041.001.0780_R at 0793_R.
- 1685 Exhibit 42-0053, 'Professor Parkinson Report – Review of Professional Standards Matters', Case Study 42, ANG.0041.001.0780_R at 0797_R.
- 1686 Exhibit 42-0053, 'Professor Parkinson Report – Review of Professional Standards Matters', Case Study 42, ANG.0041.001.0780_R.
- 1687 Exhibit 42-0001, 'Recommendations from the Report by Professor Patrick Parkinson', Case Study 42, ANG.0006.001.0620.
- 1688 Exhibit 42-0001, 'Diocesan Council Minutes', Case Study 42, ANG.0006.001.0608; Transcript of B Farran, Case Study 42, 17 November 2016 at 23230:42–46.
- 1689 Transcript of B Farran, Case Study 42, 17 November 2016 at 23231:13–20; Transcript of P Stuart, Case Study 42, 18 November 2016 at 23327:4–17.
- 1690 Transcript of P Rosser, Case Study 42, 30 August 2016 at 17494:40–17495:6.
- 1691 Exhibit 42-0001, 'Email from Amanda Zaicos to Bishop Brian Farran, forwarding email from Paul Rosser in relation to professional standards processes and attaching a draft Ordinance to amend the Professional Standards Ordinance 2005', Case Study 42, ANG.0041.001.1577_R.
- 1692 Transcript of P Rosser, Case Study 42, 30 August 2016 at 17508:40–17509:9.
- 1693 Exhibit 42-0094, 'Statement of Paul David Rosser', Case Study 42, STAT.1062.001.0001 at [52].
- 1694 Exhibit 42-0001, 'Draft Ordinance to amend the Professional Standards Ordinance 2005 as circulated by Paul Rosser to Bishop Brian Farran, Bishop Peter Stuart and John Cleary on 31 August 2010', Case Study 42, ANG.0041.001.1578.
- 1695 Transcript of J Cleary, Case Study 42, 23 November 2016 at 23542:40–46, 23543:6–7.
- 1696 Exhibit 42-0124, 'Statement of John Cleary', Case Study 42, STAT.1087.001.0001_R at [49].
- 1697 Transcript of P Rosser, Case Study 42, 30 August 2016 at 17495:38–41.
- 1698 Transcript of P R osse , Case Study 42, 30 August 2016 at 17515:46–17516:16; Exhibit 42-0114, 'Supplementary statement of Bishop Peter Stuart', Case Study 42, STAT.1082.001.0001_R at [3.7.18]–[3.7.23].
- 1699 Exhibit 42-0001, 'Professional Standards Ordinance 2005 as amended in 2010', Case Study 42, ANG.0006.001.0383 at 0399; Transcript of P Rosser, Case Study 42, 30 August 2016 at 17516:18–26, 17516:44–47, 17517:1–20.
- 1700 Exhibit 42-0001, 'Professional Standards Ordinance 2005 as amended until 2010', Case Study 42, ANG.0006.001.0383 at 0399.
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- 1702 Transcript of P Rosser, Case Study 42, 30 August 2016 at 17516:5–9.
- 1703 Transcript of P Rosser, Case Study 42, 30 August 2016 at 17514:38; Transcript of P Stuart, Case Study 42, 18 November 2016 at 23330:2; Exhibit 42-0001, 'Professional Standards Ordinance 2005 as amended until 2010', Case Study 42, ANG.0006.001.0383.
- 1704 Exhibit 42-0001, 'Professional Standards Ordinance 2005 as amended until 2010', Case Study 42, ANG.0006.001.0383; Exhibit 42-0001, 'Diocesan Council Minutes', Case Study 42, ANG.0006.001.0608; Transcript of P Rosser, Case Study 42, 30 August 2016 at 17514.29–17515:13.
- 1705 Transcript of P Rosser, Case Study 42, 30 August 2016 at 17495:43–17495:22.

- 1780 Exhibit 42-0001, 'Letter from Bishop Brian Farran to Rev Bruce Hoare', Case Study 42, ANG.0308.001.0006_R; [REDACTED]
[REDACTED] Transcript of M Elliott, Case Study 42, 11 August 2016 at 17042:39–17043:23; Exhibit 42-0107, 'Statement of Bishop Brian Farran', Case Study 42, STAT.1072.001.0001 at [82]; Exhibit 42-0147, 'Statement of Bruce Hoare', Case Study 42, STAT.1063.001.0001_R at [23]; Exhibit 42-0001, 'Media article in The Herald "Church Suspends Accused Priests"', Case Study 42, NSW.0030.003.0159.
- [REDACTED]
- 1782 Exhibit 42-0001, 'Letter from Bishop Brian Farran to Bishop Andrew Curnow', Case Study 42, ANG.0308.001.0005; Exhibit 42-0147, 'Statement of Bruce Hoare', Case Study 42, STAT.1063.001.0001_R at [23].
- 1783 Transcript of M Elliott, Case Study 42, 11 August 2016 at 17043:25–36.
- 1784 Transcript of M Elliott, Case Study 42, 11 August 2016 at 17043:38–41.
- 1785 Transcript of M Elliott, Case Study 42, 11 August 2016 at 17043:43–17044:3; Exhibit 42-0001, 'Legal advice provided to Michael Elliott by Garth Blake SC', Case Study 42, NSW.0030.005.0156_R at [15].
- 1786 Transcript of M Elliott, Case Study 42, 11 August 2016 at 17044:5–34.
[REDACTED]
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- 1789 Transcript of G Lawrence, Case Study 42, 23 November 2016 at 23489:4–23490:11
- 1790 Transcript of G Lawrence, Case Study 42, 18 November 2016 at 23400:26–41.
- 1791 Transcript of G Lawrence, Case Study 42, 18 November 2016 at 23400:43–47.
- 1792 Transcript of G Lawrence, Case Study 42, 18 November 2016 at 23401:2–15.
- 1793 Transcript of M Elliott, Case Study 42 11 August 2016 at 17044:45–17045:7; Exhibit 42-0001, 'Legal advice provided to Michael Elliott by Garth Blake SC', Case Study 42, NSW.0030.005.0156_R.
- 1794 Exhibit 42-0134, 'Statement of Garth Blake SC', Case Study 42, STAT.1091.001.0001_R at [7].
- 1795 Transcript of M Elliott, Case Study 42, 11 August 2016 at 17045:19–24; Exhibit 42-0001, 'Legal advice provided to Michael Elliott by Garth Blake SC', Case Study 42, NSW.0030.005.0156_R.
- 1796 Transcript of M Elliott, Case Study 42, 11 August 2016 at 17046:28–37.
- 1797 Transcript of M Elliott, Case Study 42, 11 August 2016 at 17046:39–42.
- 1798 Exhibit 42-0142, 'Statement of Colin Elliott', Case Study 42, STAT.1075.001.0001 at [4].
- 1799 Transcript of M Elliott, Case Study 42, 11 August 2016 at 17047:37–17048:20.
- 1800 Transcript of M Elliott, Case Study 42, 11 August 2016 at 17046:44–17047:1; [REDACTED]
[REDACTED] Exhibit 42-0001, 'Sturt & Anor v Bishop Brian Farran & Ors [2012] NSWSC 400', Case Study 42, NSW.0030.005.0004.
[REDACTED]
[REDACTED]
- 1803 Transcript of M Elliott, Case Study 42, 11 August 2016 at 17046:44–17047:1.
- 1804 Transcript of M Elliott, Case Study 42, 11 August 2016 at 17047:3–9.
- 1805 Exhibit 42-0001, 'Sturt & Anor v Bishop Brian Farran & Ors [2012] NSWSC 400', Case Study 42, NSW.0030.005.0004 at [384].
- 1806 Exhibit 42-0141, 'Statement of Andrew Duncan', Case Study 42, STAT.1108.001.0001_R at [30]–[32].
- 1807 Exhibit 42-0141, 'Statement of Andrew Duncan', Case Study 42, STAT.1108.001.0001_R at [38].
[REDACTED]
[REDACTED]
- 1809 Transcript of M Elliott, Case Study 42, 11 August 2016 at 17047:22–25.
- 1810 Transcript of M Elliott, Case Study 42, 11 August 2016 at 17047:27–31; Exhibit 42-0054, 'Further Statement of Michael Elliott', Case Study 42, STAT.1088.001.0001_R at [125].
- 1811 Exhibit 42-0054, 'Further Statement of Michael Elliott', Case Study 42, STAT.1088.001.0001_R at [125]; Exhibit 42-0001, 'Email from Chris McNaughton to Bishop Farran', Case Study 42, ANG.0050.003.7308_R.

- 1812 Transcript of B Farran, Case Study 42, 17 November 2016 at 23251:28–35; Exhibit 42-0001, 'Letter from Bishop Farran to Colin Elliott', Case Study 42, ANG.0041.001.0714_R; Transcript of M Elliott, Case Study 42, 11 August 2016 at 17055:41–17056:7.
- 1813 Exhibit 42-0054, 'Further Statement of Michael Elliott', Case Study 42, STAT.1088.001.0001_R at [125]; Exhibit 42-0001, 'Letter from Colin Elliott to Bishop Brian Farran about the announcement of the Professional Standards Board determination', Case Study 42, ANG.0041.001.0165_R.
- 1814 Exhibit 42-0001, 'Letter from Bishop Brian Farran to Colin Elliott about the announcement of the Professional Standards Board determination', Case Study 42, ANG.0041.001.0714_R.
- 1815 Exhibit 42-0001, 'Letter from Colin Elliott to Bishop Brian Farran about the announcement of the Professional Standards Board determination', Case Study 42, ANG.0041.001.0165_R.
- 1816 Transcript of M Elliott, Case Study 42, 11 August 2016 at 17047:33–17048:2; Exhibit 42-0001, 'Sturt & Anor v Bishop Brian Farran & Ors [2012] NSWSC 400', Case Study 42, NSW.0030.005.0004.
- 1817 Exhibit 42-0001, 'Sturt & Anor v Bishop Brian Farran & Ors [2012] NSWSC 400', Case Study 42, NSW.0030.005.0004 at 0011; [REDACTED]
- 1818 Exhibit 42-0100, 'Supplementary Statement of Robert Caddies, Case Study 42 STAT.1070.001.0001_R at 0008; Transcript of R Caddies, Case Study 42, 30 August 2016 at 17553:13–16.
- 1819 Transcript of M Elliott, Case Study 42, 11 August 2016 at 17048:11–20.
- 1820 Exhibit 42-0001, 'Sturt & Anor v Bishop Brian Farran & Ors [2012] NSWSC 400', Case Study 42, NSW.0030.005.0004 at 0139.
- 1821 Exhibit 42-0001, 'Sturt & Anor v Bishop Brian Farran & Ors [2012] NSWSC 400', Case Study 42, NSW.0030.005.0004 at 0082–0083.
- 1822 Exhibit 42-0001, 'Sturt & Anor v Bishop Brian Farran & Ors [2012] NSWSC 400', Case Study 42, NSW.0030.005.0004 at 0127, [385], 0130, [396]
- 1823 Exhibit 42-0001, 'Sturt & Anor v Bishop Brian Farran & Ors [2012] NSWSC 400', Case Study 42, NSW.0030.005.0004 at 0130, [396].
- 1824 Exhibit 42-0134, 'Statement of Garth Blake', Case Study 42, STAT.1091.001.0001 at [44].
- 1825 Exhibit 42-0107, 'Statement of Brian Farran', Case Study 42, STAT.1072.001.0001 at [102], [103], [406].
- 1826 Exhibit 42-0001, 'Complaint to the Episcopal Standards Commission by several parties', Case Study 42, ANG.0050.003.7489.
- 1827 Exhibit 42-0107, 'Statement of Brian Farran', Case Study 42, STAT.1072.001.0001 at [103].
- 1828 Exhibit 42-0131, 'Statement of Dr Phillip Aspinall', Case Study 42, STAT.1153.001.0001 at [11].
- 1829 Exhibit 42-0131, 'Statement of Dr Phillip Aspinall', Case Study 42, STAT.1153.001.0001 at [12].
- 1830 Exhibit 42-0107, 'Statement of Brian Farran', Case Study 42, STAT.1072.001.0001 at [104].
- 1831 Exhibit 42-0107, 'Statement of Brian Farran', Case Study 42, STAT.1072.001.0001 at [104].
- 1832 Exhibit 42-0107, 'Statement of Brian Farran', Case Study 42, STAT.1072.001.0001 at [104]–[105].
- 1833 Exhibit 42-0131, 'Statement of Dr Phillip Aspinall', Case Study 42, STAT.1153.001.0001 at [15]–[16].
- 1834 Exhibit 42-0001, 'Letter to the Episcopal Standards Commission enclosing complaint', Case Study 42, ANG.0050.003.7487; Exhibit 42-0001, 'Complaint to the Episcopal Standards Commission by several parties', Case Study 42, ANG.0050.003.7489 at 7490–7491.
- 1835 Exhibit 42-0001, 'Letter to the Episcopal Standards Commission enclosing complaint dated 14 June 2011', Case Study 42, ANG.0050.003.7487; Exhibit 42-0001, 'Complaint to the Episcopal Standards Commission by several parties dated 14 June 2011', Case Study 42, ANG.0050.003.7489.
- 1836 Exhibit 42-0001, 'Media Article, Newcastle Herald dated 20 October 2010', Case Study 42, ANG.0048.001.4617; Exhibit 42-0001, 'Media Article, Newcastle Herald dated 20 October 2010', Case Study 42, ANG.0048.001.4617; Exhibit 42-0001, 'Newcastle Herald Article dated 29 October 2010', Case Study 42, ANG.0048.001.4630.
- 1837 Exhibit 42-0001, 'Letter to the Episcopal Standards Commission enclosing complaint dated 14 June 2011', Case Study 42, ANG.0050.003.7487; Exhibit 42-0001, 'Complaint to the Episcopal Standards Commission by several parties dated 14 June 2011', Case Study 42, ANG.0050.003.7489.
- 1838 Exhibit 42-0001, 'Complaint by Laurie Tabart to Episcopal Standards Commission dated 1 May 2011', Case Study 42, ANG.0050.003.7366_R; Exhibit 42-0001, 'Complaint by Chris McNaughton to the Episcopal Standards Commission dated 3 May 2011', Case Study 42, ANG.0050.003.7294_R.
- 1839 Transcript of R Caddies, Case Study 42, 16 November 2016 at 23187:39–44; Transcript of G Lawrence, Case Study 42, 23 November 2016 at 23502:6–8.

- 1882 Exhibit 42-0001, 'Email from Bishop Brian Farran to John Cleary in relation to various matters', Case Study 42, ANG.0061.001.2256_R; Exhibit 42-0001, 'Email from Bishop Brian Farran to Michael Evans concerning Paul Rosser', Case Study 42, ANG.0061.001.0189_R; Exhibit 42-0001, 'Email chain between Bishop Brian Farran and Michael Evans regarding Chancellor of Newcastle', Case Study 42, ANG.0323.001.0095_R at 0096_R; Transcript of P Rosser, Case Study 42, 30 August 2016 at 17522:24–28.
- 1883 Transcript of P Rosser, Case Study 42, 30 August 2016 at 17518:43–45.
- 1884 Transcript of P Rosser, Case Study 42, 30 August 2016 at 17475:43–17476:23.
- 1885 Transcript of P Rosser, Case Study 42, 30 August 2016 at 17519:18–17520:8, 17476:25–34.
- 1886 Transcript of P Rosser, Case Study 42, 30 August 2016 at 17522:35–37.
- 1887 Exhibit 42-0001, 'Email from Paul Rosser QC to Bishop Farran dated 16 December 2010', Case Study 42, ANG.0050.003.7859_R.
- 1888 Transcript of P Rosser, Case Study 42, 30 August 2016 at 17518:33–41.
- 1889 Transcript of M Elliott, Case Study 42, 11 August 2016 at 17048:36–46; Exhibit 42-0147, 'Statement of Bruce Hoare', Case Study 42, STAT.1063.001.0001 at [25].
- 1890 Exhibit 42-0147, 'Statement of Bruce Hoare', STAT.1063.001.0001 at [24].
- 1891 Exhibit 42-0054, 'Further Statement of Michael Elliott', Case Study 42, STAT.1088.001.0001_R at [135]; Transcript of M Elliott, Case Study 42, 11 August 2016 at 17049:1–15.
- 1892 Exhibit 42-0114, 'Supplementary Statement of Peter Stuart', Case Study 42 STAT.1082.001.0001_R at [3.9.7].
- 1895 [REDACTED]
- 1896 [REDACTED] Exhibit 42-0001, 'Sturt & Anor v Bishop Brian Farran & Ors [2012] NSWSC 400', Case Study 42, NSW.0030.005.0004.
- 1897 Transcript of B Farran, Case Study 42, 17 November 2016 at 23253:39–42.
- 1899 Exhibit 42-0108, 'Statement of Bishop Brian Farran', Case Study 42, STAT.1072.001.0001_R at [134].
- 1900 Transcript of M Elliott, Case Study 42, 11 August 2016 at 17167:36–41.
- 1901 Exhibit 42-0040, 'Statement of CKH' Case Study 42, STAT.1078.001.0001_R at 0017_R, [79]–[81].
- 1902 Transcript of B Farran, Case Study 42, 17 November 2016 at 23254:3–9.
- 1903 Transcript of B Farran, Case Study 42, 17 November 2016 at 23254:22–26.
- 1904 Transcript of B Farran Case Study 42, 17 November 2016 at 23523:16–27; Exhibit 42-0107, 'Statement of Brian Farran', Case Study 42, STAT.1072.001.0001 at [413].
- 1905 Exhibit 42-0107, 'Statement of Brian Farran', Case Study 42, STAT.1072.001.0001 at [101].
- 1907 Transcript of J Cleary, Case Study 42, 23 November 2016 at 23552:44–23553:2.
- 1908 Transcript of M Elliott, Case Study 42, 11 August 2016 at 17050:4–14.
- 1913 Transcript of P Stuart, Case Study 42, 18 November 2016 at 23323:15–17.
- 1914 Transcript of B Farran, Case Study 42, 17 November 2016 at 23255:11–17.
- 1918 Transcript of J Cleary, Case Study 42, 23 November 2016 at 23553:9–12.
- 1919 Transcript of J Cleary, Case Study 42, 23 November 2016 at 23553:31–35, 23565:41–23566:1; Transcript of M Elliott, Case Study 42, 11 August 2016 at 17050:43–17051:6.

- 1922 Exhibit 42-0040, 'Statement of CKH', Case Study 42, STAT.1078.001.0001_R at 0017_R, [79]–[81].
- 1923 Transcript of [CKH], Case Study 42, 9 August 2012 at 16875:2–3; Exhibit 42-0001, 'Letter from [CKH] to Bishop Brian Farran', Case Study 42, IND.0019.001.0011_R.
- 1924 Exhibit 42-0001, 'Letter from [CKH] to Bishop Brian Farran', Case Study 42, IND.0019.001.0011_R.
- 1925 Transcript of M Elliott, Case Study 42, 11 August 2016 at 17051:27–38.
- 1926 Transcript of M Elliott, Case Study 42, 11 August 2016 at 17051:40–41.
- 1927 Transcript of M Elliott, Case Study 42, 11 August 2016 at 17052:2.
- 1928 Transcript of B Farran, Case Study 42, 17 November 2016 at 23260:40–45.
- 1929 Transcript of [CKH], Case Study 42, 9 August 2012 at 16875:7–22.
- 1930 Transcript of M Elliott, Case Study 42, 11 August 2016 at 17052:14–41; Exhibit 42-0107, 'Statement of Bishop Brian Farran', Case Study 42, STAT.1072.001.0001_R at [292]; Transcript of B Farran, Case Study 42, 17 November 2016 at 23255:11–23256:37; Transcript of [CKH], Case Study 42, 9 August 2016 at 16875:32–36.
- 1931 Exhibit 42-0040, 'Statement of CKH', Case Study 42, STAT.1078.001.0001_R at 0018_R, [86].
- 1932 Transcript of B Farran, Case Study 42, 17 November 2016 at 23256:29–42.
- 1933 Transcript of B Farran, Case Study 42, 17 November 2016 at 23259 17 30 23292:9–16.
- 1934 Exhibit 42-0141, 'Statement of Andrew Duncan', Case Study 42 STAT.1108.001.0001_R at [33]; Exhibit 42-0001, 'Letter from Andrew Duncan to Bishop Farran', Case Study 42, IND.0487.001.0447_R.
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- 1936 Transcript of M Elliott, Case Study 42, 11 August 2016 at 17053:26–38.
- 1937 Exhibit 42-0001, 'Letter to Colin Elliott from Bishop Farran', Case Study 42, ANG.0061.001.0025.
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- 1945 Exhibit 42-0001 'Guidelines For Parish Safety where there is a risk of sexual abuse by a person of concern', Case Study 42, ANG.0041.001.0617.
- 1946 Exhibit 42 0001, Guidelines For Parish Safety where there is a risk of sexual abuse by a person of concern', Case Study 42, ANG.0041.001.0617; Exhibit 42-0114, 'Supplementary Statement of Peter Stuart', Case Study 42, STAT.1082.001.0001_R at 3.15.10.
- 1947 Transcript of P Stuart, Case Study 42, 18 November 2016 at 23330:16–19.
- 1948 Transcript of P Stuart, Case Study 42, 18 November 2016 at 23331:20–23.
- 1949 Exhibit 42-0114, 'Supplementary statement of Bishop Peter Stuart', Case Study 42, STAT.1082.001.0001_R at [3.9.9]–[3.9.10]; Exhibit 42-0001, 'Diocesan Council Minutes', Case Study 42, ANG.0006.001.0662.
- 1950 Transcript of M Elliott, Case Study 42, 11 August 2016 at 17054:13–23.
- 1951 Transcript of J Cleary, Case Study 42, 23 November 2016 at 23544:31–39.
- 1952 Transcript of J Cleary, Case Study 42, 23 November 2016 at 23548:22–24.
- 1953 Transcript of J Cleary, Case Study 42, 23 November 2016 at 23544:41–23545:1, 23563:27–30, 23564:27–30, 23572:9–12; Transcript of J Cleary, Case Study 42, 24 November 2016 at 23583:12–14.
- 1954 Exhibit 42-0114, 'Supplementary statement of Bishop Peter Stuart', Case Study 42, STAT.1082.001.0001_R at [3.9.14]; Exhibit 42-0001, 'Email from Bishop Stuart to Canon Stephen Williams and Arthur Copeman (copied to John Cleary and Bishop Brian Farran) dated 15 August 2012', Case Study 42, ANG.0061.001.0934_R; Exhibit 42-0001, 'Proposed revisions to the Professional Standards protocols dated 15 August 2012', Case Study 42, ANG.0061.001.0935; Exhibit 42-0001, 'Draft Professional Standards Ordinance 2012 (marked up) dated 15 August 2012', Case Study 42, ANG.0061.001.0953; Exhibit 42-0001, 'Memo to the Newcastle Diocesan Council dated August 2012 in relation to revising the Professional Standards Ordinance and Protocol', Case Study 42, ANG.0006.001.0455; Exhibit 42-0001, 'Proposed revisions to the Professional Standards Protocol as at 1 August 2012', Case Study 42, ANG.0006.001.0525.

- 1955 Exhibit 42-0114, 'Supplementary statement of Bishop Peter Stuart', Case Study 42, STAT.1082.001.0001_R at [3.9.14]–[3.9.16].
- 1956 Exhibit 42-0114, 'Supplementary statement of Bishop Peter Stuart', Case Study 42, STAT.1082.001.0001_R at [3.9.14]–[3.9.16]; Exhibit 42-0001, 'Minutes of the Meeting of the Diocesan Council on 23 August 2012', Case Study 42, ANG.0006.001.0669.
- 1957 Exhibit 42-0114, 'Supplementary statement of Bishop Peter Stuart', Case Study 42, STAT.1082.001.0001_R at [3.9.16]–[3.9.17]; Exhibit 42-0001, 'Minutes of the Meeting of the Diocesan Council on 23 August 2012', Case Study 42, ANG.0006.001.0669.
- 1958 Exhibit 42-0114, 'Supplementary statement of Bishop Peter Stuart', Case Study 42, STAT.1082.001.0001_R at [3.9.17].
- 1959 Transcript of M Elliott, Case Study 42, 11 August 2016 at 17054:13–27; Exhibit 42-0142, 'Statement of Colin Elliott', Case Study 42, STAT.1075.001.0001_R at [28].
- 1960 Exhibit 42-0114, 'Supplementary statement of Bishop Peter Stuart', Case Study 42, STAT.1082.001.0001_R at [3.9.18].
- 1961 Exhibit 42-0114, 'Supplementary statement of Bishop Peter Stuart', Case Study 42, STAT.1082.001.0001_R at [3.9.22]; Exhibit 42-0001, 'Minutes of the Second Session of the Fiftieth Synod of the Diocese of Newcastle', Case Study 42, ANG.0006.001.0725 at 0728; Exhibit 42-0001, 'Professional Standards Ordinance 2012', Case Study 42, ANG.0041.001.1261.
- 1962 Transcript of P Stuart, Case Study 42, 18 November 2016 at 23330:37–45.
- 1963 Exhibit 42-0001, 'Professional Standards Ordinance 2012', Case Study 42, ANG.0041.001.1261 at [77].
- 1964 Exhibit 42-0001, 'Professional Standards Ordinance 2012', Case Study 42, ANG.0041.001.1261 at 1289.
- 1965 Exhibit 42-0001, 'Professional Standards Ordinance 2012', Case Study 42, ANG.0041.001.1261 at 1284.
- 1966 Transcript of J Cleary, Case Study 42, 23 November 2016 at 23545:25–31; Transcript of M Elliott, Case Study 42, 11 August 2016 at 17209:47–17210:23, 23547:41–23548:2.
- 1967 Transcript of J Cleary, Case Study 42, 23 November 2016 at 23548:4–7.
- 1968 Transcript of J Cleary, Case Study 42, 23 November 2016 at 23544:31–39; Exhibit 42-0124, 'Statement of John Cleary', Case Study 42, STAT.1087.001.0001_R at [110].
- 1969 Transcript of M Elliott, Case Study 42, 11 August 2016 at 17056:9–25.
- 1970 Transcript of P Stuart, Case Study 42, 18 November 2016 at 23338:40–43.
- 1971 Transcript of M Elliott, Case Study 42, 11 August 2016 at 17056:27–46.
- 1972 Exhibit 42-0001, 'Resignation letter of Colin Elliott', Case Study 42, IND.0468.001.0015_R.
- 1973 Exhibit 42-0001, 'Email forwarded by Colin Elliott to John Cleary regarding section 77', Case Study 42, ANG.0041.001.0173_R.
- 1974 Exhibit 42-0142, 'Statement of Colin Elliott', Case Study 42, STAT.1075.001.0001_R at [28].
- 1975 Transcript of B Farran, Case Study 42, 17 November 2016 at 23264:2–5.
- 1976 Transcript of B Farran, Case Study 42, 17 November 2016 at 23263:1–22, 23293:25–23295:22.
- 1977 Exhibit 42-0114, 'Supplementary Statement of Bishop Peter Stuart', Case Study 42, STAT.1082.001.0001_R at [3.9.13]–[3.9.16], [3.9.26].
- 1978 Exhibit 42-0114, 'Supplementary Statement of Bishop Peter Stuart', Case Study 42, STAT.1082.001.0001_R at [3.9.26].
- 1979 Transcript of M Elliott, Case Study 42, 11 August 2016 at 17054:20–27; Exhibit 42-0054, 'Further Statement of Michael Elliott', Case Study 42, STAT.1088.001.0001_R at [18]–[19].
- 1980 Exhibit 42-0124, 'Statement of John Cleary', Case Study 42, STAT.1087.001.0001_R at [59].
- 1981 Exhibit 42-0001, 'Email from Bishop Farran to John Cleary re Professional Standards Ordinance', Case Study 42, STAT.1072.002.0009.
- 1982 Transcript of J Cleary, Case Study 42, 23 November 2011 at 23572:38–23573:1, 15–20.
- 1983 Transcript of P Rosser, Case Study 42, 30 August 2016 at 17494:43–47, 17495:1–6.
- 1984 Transcript of P Rosser, Case Study 42, 30 August 2016 at 17496:15–22.
- 1985 Transcript of M Elliott, Case Study 42, 11 August 2016 at 17133:37–39.
- 1986 Exhibit 42-0001, 'Article "Bishop defends actions"', Case Study 42, PUB.0008.001.0227 at 0228; Exhibit 42-0129, 'Statement of Bishop Greg Thompson', Case Study 42, STAT.1081.001.0001_R at 52.
- 1987 Exhibit 42-0113, 'Statement of Bishop Peter Stuart', Case Study 42, STAT.0808.001.0001_R at [5]–[10].
- 1988 Transcript of P Stuart, Case Study 42, 18 November 2016 at 23317:23–25.
- 1989 Exhibit 42-0113, 'Statement of Bishop Peter Stuart', Case Study 42, STAT.0808.001.0001_R at [11].

- 1990 Exhibit 42-0113, 'Statement of Bishop Peter Stuart', Case Study 42, STAT.0808.001.0001_R at [12]; Exhibit 42-0114, 'Supplementary Statement of Bishop Peter Stuart', Case Study 42, STAT.1082.001.0001_R at [3.10.1].
- 1991 Transcript of P Stuart, Case Study 42, 18 November 2016 at 23318:3–6.
- 1992 Exhibit 42-0114, 'Supplementary Statement of Bishop Peter Stuart', Case Study 42, STAT.1082.001.0001_R at [2.4.2].
- 1993 Transcript of P Stuart, Case Study 42, 18 November 2016 at 23348:3–14, 23351:46–23352:3; Transcript of K Allen, Case Study 42, 9 August 2016 at 16848:12–16850:13; Exhibit 42-0001, 'Filenote of Michael Elliott dated 29 January 2013', Case Study 42, IND.0486.001.0340_R.
- 1994 Transcript of P Stuart, Case Study 42, 18 November 2016 at 23348:3–14, 23351:46–23352:3; Transcript of K Allen, Case Study 42, 9 August 2016 at 16848:12–16850:13; Exhibit 42-0001, 'Filenote of Michael Elliott dated 29 January 2013', Case Study 42, IND.0486.001.0340_R.
- 1995 Transcript of P Stuart, Case Study 42, 18 November 2016 at 23348:31–36.
- 1996 Transcript of P Stuart, Case Study 42, 18 November 2016 at 23348:39–45
- 1997 Transcript of P Stuart, Case Study 42, 18 November 2016 at 23348:3–6, 23350:5–10; Transcript of M Elliott, Case Study 42, 11 July 2016 at 17155:11–30.
- 1998 Transcript of M Elliott, Case Study 42, 11 July 2016 at 17155:11–46; Exhibit 42-0001, 'Filenote of Michael Elliott dated 29 January 2013', Case Study 42, IND.0486.001.0340_R.
- 1999 Transcript of K Allen, Case Study 42, 9 August 2016 at 16852:47–16853:15.
- 2000 Exhibit 42-0001, 'Filenote of John Cleary dated 5 March 2013', Case Study 42, ANG.0207.001.0279_R at 0279_R.
- 2001 Transcript of K Allen, Case Study 42, 8 August 2016 at 16744:28–16745:32.
- 2002 Transcript of K Allen, Case Study 42, 8 August 2016 at 16745:23.
- 2003 Exhibit 42-0001, 'Filenote of John Cleary dated 5 March 2013', Case Study 42, ANG.0207.001.0279_R.
- 2004 Transcript of K Allen, Case Study 42, 8 August 2016 at 16743:10–15, 16744:2–24.
- 2005 Exhibit 42-0011, 'Statement of Bishop Alfred Holland', Case Study 42, STAT.1061.001.0001_R at [14]–[27]; Exhibit 42-0104, 'Supplementary Statement of Bishop Alfred Holland', Case Study 42, STAT.1151.001.0001_R.
- 2006 Exhibit 42-0001, 'Filenote of Michael Elliott dated 29 January 2013', Case Study 42, IND.0486.001.0340_R.
- 2007 Exhibit 42-0001, 'Letter from Bishop Stuart to Local Area Commander, NSW Police', Case Study 42, IND.0499.001.0005_R.
- 2008 Exhibit 42-0001, 'Email from Assistant Bishop Stuart to John Cleary and Michael Elliott dated 6 February 2013', Case Study 42, IND.0499.001.0001.
- 2009 Exhibit 42-0001, 'Filenote of John Cleary dated 5 March 2013', Case Study 42, ANG.0207.001.0279_R.
- 2010 Transcript of K Allen, Case Study 42, 9 August 2016 at 16850:19–16851:26–34.
- 2011 Transcript of K Allen, Case Study 42, 9 August 2016 at 16851:20–16852:28.
- 2012 Exhibit 42-0001, 'Letter from Bishop Stuart to Michael Elliott re response to the Royal Commission', Case Study 42, ANG.0048.001.0355_R.
- 2013 Transcript of P Stuart, Case Study 42, 18 November 2016 at 23352:5–22.
- 2014 Exhibit 42-0001, 'Diocesan Council Minutes', Case Study 42, ANG.0006.001.0707 at 0709.
- 2015 Exhibit 42-0001, 'The "Yellow Envelopes Report" by Michael Elliott', Case Study 42, ANG.0207.001.2371_R.
- 2016 Exhibit 42-0001, 'The "Yellow Envelopes Report" by Michael Elliott', Case Study 42, ANG.0207.001.2371_R at 2372_R–2393_R.
- 2017 Transcript of P Stuart, Case Study 42, 18 November 2016 at 23319:12–15, 23319:43–23320:2.
- 2018 Transcript of P Stuart, Case Study 42, 18 November 2016 at 23319:9–23320:23; Exhibit 42-0114, 'Supplementary Statement of Bishop Peter Stuart', Case Study 42, STAT.1082.001.0001_R at [3.7.27]; Transcript of J Cleary, Case Study 42, 24 November 2016 at 23601:2–4; Exhibit 42-0054, 'Further Statement of Michael Elliott', STAT.1088.001.0001_R at [21]; Exhibit 42-0001, 'Abuse Protocol', Case Study 42, IND.0486.001.0028.
- 2019 Exhibit 42-0114, 'Supplementary Statement of Bishop Peter Stuart', Case Study 42, STAT.1082.001.0001_R at [3.11.1]–[3.11.5]; Transcript of M Elliott, Case Study 42, 11 August 2016 at 17188:28–34; Exhibit 42-0054, 'Further Statement of Michael Elliott', Case Study 42, STAT.1088.001.0001_R at [37]; Transcript of J Cleary, Case Study 42, 24 November 2016 at 23601:2–7.

- 2020 Exhibit 42-0114, 'Supplementary Statement of Bishop Peter Stuart', Case Study 42, STAT.1082.001.0001_R at [3.11.5]; Exhibit 42-0001, 'Diocesan Council Minutes dated 21 March 2013', Case Study 42, ANG.0006.001.0707 at 0709; Exhibit 42-0001, 'Professional Standards Protocol 2013', Case Study 42, ANG.0006.001.0590.
- 2021 Exhibit 42-0114, 'Supplementary Statement of Bishop Peter Stuart', Case Study 42, STAT.1082.001.0001_R at [3.13.1].
- 2022 Exhibit 42-0114, 'Supplementary Statement of Bishop Peter Stuart', Case Study 42, STAT.1082.001.0001_R at [3.13.2]–[3.13.5]; Exhibit 42-0001, 'Diocesan Council Minutes dated 21 March 2013', Case Study 42, ANG.0006.001.0707 at 0710; Exhibit 42-0001, 'Conflict of Interest Policy 2013', Case Study 42, ANG.0310.001.0013.
- 2023 Exhibit 42-0001, 'Conflict of Interest Policy 2013', Case Study 42, ANG.0310.001.0013.
- 2024 Exhibit 42-0001, 'Conflict of Interest Policy 2013', Case Study 42, ANG.0310.001.0013.
- 2025 Exhibit 42-0128, 'Statement of Bishop Greg Thompson', Case Study 42, STAT.1036.001.0001_R at [191]; Exhibit 42-0001, 'Conflict of Interest Policy 2015', Case Study 42, ANG.0208.001.0004.
- 2026 *Child Protection (Working with Children) Act 2012* (NSW), s 9, Pt 3.
- 2027 Exhibit 42-0001, 'Diocesan Handbook – Safe Ministry Policy v1', Case Study 42 IND.0480.002.0007; Exhibit 42-0114, 'Supplementary Statement of Peter Stuart', Case Study 42, STAT.1082.001.0001_R at [3.16].
- 2028 Exhibit 42-0001, 'Policy and Practice changes arising from Changes in Working with Children Check Requirements', Case Study 42, IND.0480.002.0011.
- 2029 Exhibit 42-0114, 'Supplementary Statement of Peter Stuart', Case Study 42, STAT.1082.001.0001_R at [3.14.1].
- 2030 Exhibit 42-0114, 'Supplementary Statement of Pete Stuart' Case Study 42, STAT.1082.001.0001_R at [3.14.2].
- 2031 Exhibit 42-0001, 'Diocesan Council Minutes' Case Study 42, ANG.0006.001.0707 at 0710.
- 2032 Exhibit 42-0114, 'Supplementary Statement of Peter Stuart', Case Study 42, STAT.1082.001.0001_R at [3.14.3].
- 2033 Exhibit 42-0114, 'Supplementary Statement of Peter Stuart', Case Study 42, STAT.1082.001.0001_R at [3.14.4]; Exhibit 42-0124, 'Statement of John Cleary', Case Study 42, STAT.1087.001.0001_R at [157(n)].
- 2034 Exhibit 42-0001, 'Diocesan Council Minutes', Case Study 42, ANG.0006.001.1018; Exhibit 42-0001, 'Claim Resolution Protocol' Case Study 42, ANG.0206.001.0007.
- 2035 Exhibit 42-0001, 'Guidelines for Parish supervision and support of known and suspected sexual abusers in parish s', Case Study 42, ANG.0134.011.0001.
- 2036 Exhibit 42-0001, 'Guidelines for Parish Safety where there is a Risk of Sexual Abuse by a Person of Concern', Case Study 42, ANG.0041.001.0617.
- 2037 Exhibit 3-0001, 'ME11 – Letter from Martin Drevikovsky to Bishops, Registrars and Directors of Professional Standards', Case Study 3, STAT.0062.001.0067.
- 2038 Exhibit 42-0001, 'Guidelines for Parish Safety where there is a Risk of Sexual Abuse by a Person of Concern', Case Study 42, ANG.0041.001.0617 at 06622, 00638.
- 2039 Exhibit 42-0001, 'Guidelines for Parish Safety where there is a Risk of Sexual Abuse by a Person of Concern', Case Study 42, ANG.0041.001.0617; Exhibit 42-0114, 'Supplementary Statement of Bishop Peter Stuart', Case Study 42, STAT.1082.001.0001_R at [8.19].
- 2040 Transcript of P Stuart, Case Study 42, 18 November 2016 at 23361:31–23363:28; Exhibit 42-0054, 'Further statement of Michael Elliott', Case Study 42, STAT.1088.001.0001_R at [158]–[182]; Exhibit 42-0114, 'Supplementary Statement of Bishop Peter Stuart', Case Study 42, STAT.1082.001.0001_R at [8.15]–[8.21].
- 2041 Exhibit 42-0056, 'Statement of Michael Elliott', Case Study 42, STAT.0062.001.0001_R at [52].
- 2042 Exhibit 42-0114, 'Supplementary Statement of Bishop Peter Stuart', Case Study 42, STAT.1082.001.0001_R at [3.15.1]–[3.15.3]; Exhibit 42-0133, 'Statement of Reverend Chris Bird', Case Study 42, STAT.1100.001.0001_R at [22]; Exhibit 42-0054, 'Further Statement of Michael Elliott', Case Study 42, STAT.1088.001.0001_R at [158].
- 2043 Exhibit 42-0114, 'Supplementary Statement of Bishop Peter Stuart', Case Study 42, STAT.1082.001.0001_R at [3.15.3].

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- 2103 Transcript of G Thompson, Case Study 42, 24 November 2016 at 23640:14–22.
- 2104 Transcript of G Thompson, Case Study 42, 24 November 2016 at 23640:21–37.
- 2105 Transcript of J Cleary, Case Study 42, 24 November 2016 at 23583:12–27; Transcript of B Farran, Case Study 42, 17 November 2016 at 23277:13–25; Exhibit 42-0114, ‘Supplementary Statement of Peter Stuart’, Case Study 42, STAT.1082.001.0001_R at [3.5.2], [8.12]; Exhibit 42-0054, ‘Further Statement of Michael Elliott’, Case Study 42, STAT.1088.001.0001_R at [50], [57]; Transcript of M Elliott, Case Study 42, 11 August 2016 at 17042:18–37, 17068:12–17069:28.
- 2106 Transcript of G Thompson, Case Study 42, 24 November 2016 at 23640:7–8.
- 2107 Transcript of G Thompson, Case Study 42, 24 November 2016 at 23639:37–23640:8.
- 2108 Transcript of G Thompson, Case Study 42, 24 November 2016 at 23640:39–23641:12.
- 2109 Australian Broadcasting Corporation, *Newcastle’s historic former bishop’s home sells*, www.abc.net.au/news/2015-05-27/newcastle27s-historic-former-bishop27s-residence-sells/6499970 (viewed 31 May 2017).
- 2110 Exhibit 42-0129, ‘Supplementary Statement of Bishop Greg Thompson’, Case Study 42, STAT.1081.001.0001_R at [138].
- 2111 Transcript of R Caddies, Case Study 42, 16 November 2016 at 23199:9–18
- 2112 Transcript of R Caddies, Case Study 42, 16 November 2016 at 23199:30–40
- 2113 Transcript of R Caddies, Case Study 42, 16 November 2016 at 23199 42–23200:3.
- 2114 Exhibit 42-0145, ‘Statement of Greg Hansen’, Case Study 42 STAT.1027.001.0001_R at [24].
- 2115 Exhibit 42-0001, ‘Email on behalf of Bishop Thompson to Robert Caddies and others’, Case Study 42, IND.0574.001.0004_R.
- 2116 Exhibit 42-0129, ‘Supplementary Statement of Bishop Greg Thompson’, Case Study 42, STAT.1081.001.0001_R at [138]–[139], [141].
- 2117 Exhibit 42-0001, ‘Email from Robert Caddies to Bishop Thompson’, Case Study 42, IND.0574.001.0006_R.
- 2118 Exhibit 42-0129, ‘Supplementary Statement of Bishop Greg Thompson’, Case Study 42, STAT.1081.001.0001_R at [138]–[139], [1 1].
- 2119 Exhibit 42-0149, ‘Statement of John McNaughton AM’, Case Study 42, STAT.1030.001.0001_R at [39].
- 2120 Transcript of R Caddies, Case Study 42, 16 November 2016 at 23198:10–12; Exhibit 42-0145, ‘Statement of Greg Hansen’, Case Study 42, STAT.1027.001.0001_R at [22]–[23].
- 2121 Exhibit 42-0145, ‘Statement of Greg Hansen’, Case Study 42, STAT.1027.001.0001_R at [21].
- 2122 Exhibit 42-0149 ‘Statement of John McNaughton AM’, Case Study 42, STAT.1030.001.0001_R at [39].
- 2123 Exhibit 42-0001, ‘Letter from Bishop Thomson to Robert Caddies dated 20 May 2015’, Case Study 42, IND.0574.001.0008_R.
- 2124 Exhibit 42-0149, ‘Statement of John McNaughton AM’, Case Study 42, STAT.1030.001.0001_R; Exhibit 42 0145, ‘Statement of Greg Hansen’, Case Study 42, STAT.1027.001.0001_R; Exhibit 42-0099, ‘Statement of Robert Caddies’, Case Study 42, STAT.1000.001.0001_R.
- 2125 Exhibit 42-0129, ‘Supplementary Statement of Bishop Greg Thompson’, Case Study 42, STAT.1081.001.0001_R at [139].
- 2126 Exhibit 42-0129, ‘Supplementary Statement of Bishop Greg Thompson’, Case Study 42, STAT.1081.001.0001_R at [144].
- 2127 Exhibit 42-0129, ‘Supplementary Statement of Bishop Greg Thompson’, Case Study 42, STAT.1081.001.0001_R at [144].
- 2128 Exhibit 42-0129, ‘Supplementary Statement of Bishop Greg Thompson’, Case Study 42, STAT.1081.001.0001_R at [143].
- 2129 Exhibit 42-0129, ‘Supplementary Statement of Bishop Greg Thompson’, Case Study 42, STAT.1081.001.0001_R at [143].
- 2130 Exhibit 42-0129, ‘Supplementary Statement of Bishop Greg Thompson’, Case Study 42, STAT.1081.001.0001_R at [142].
- 2131 Exhibit 42-0129, ‘Supplementary Statement of Bishop Greg Thompson’, Case Study 42, STAT.1081.001.0001_R at [142].
- 2132 Exhibit 42-0099, ‘Statement of Robert Caddies’, Case Study 42, STAT.1000.001.0001_R at [14]; Exhibit 42-0001, ‘Letter to Royal Commission from various parishioners in the Newcastle Diocese’, Case Study 42, CORR.0220.001.0001_R.

- 2133 Exhibit 42-0099, 'Statement of Robert Caddies', Case Study 42, STAT.1000.001.0001_R at [15].
- 2134 Transcript of G Thompson, Case Study 42, 24 November 2016 at 23641:19–28.
- 2135 Transcript of G Thompson, Case Study 42, 24 November 2016 at 23641:32.
- 2136 Exhibit 42-0129, 'Supplementary Statement of Bishop Greg Thompson', STAT.1081.001.0001_R at [20]–[21]; Exhibit 42-0001, 'Newcastle Herald article entitled "Anglican Bishop Greg Thompson sexually abused by late Bishop Ian Shevill"', Case Study 42, ANG.0204.001.0001.
- 2137 Transcript of G Thompson, Case Study 42, 24 November 2016 at 23642:9–12, 23642:34–23643:16.
- 2138 Transcript of R Caddies, Case Study 42, 16 November 2016 at 23108:22–38; Exhibit 42-102, 'Statement of Robert Norman Caddies', Case Study 42, STAT.1000.001.0001_R at [19]–[20]; Exhibit 42-0001, 'Letter from various Anglican laypersons to Royal Commission dated 13 April 2016', Case Study 42, CORR.0220.001.0001_R.
- 2139 Exhibit 42-0001, 'Letter from various Anglican laypersons to Royal Commission dated 13 April 2016', Case Study 42, CORR.0220.001.0001_R; Exhibit 42-0099, 'Statement of Robert Caddies', Case Study 42, STAT.1000.001.0001_R at [27].
- 2140 Exhibit 42-0001, 'Letter from Various to Archbishop Glenn Davies dated 13 April 2016', Case Study 42, ANG.0309.001.0002_R; Transcript of R Caddies, Case Study 42, 16 November 2016 at 23111:16–35, 23117:7–9.
- 2141 Exhibit 42-0001, 'Letter from Various to Archbishop Glenn Davies dated 13 April 2016', Case Study 42, ANG.0309.001.0002_R.
- 2142 Exhibit 42-0001, 'Letter from Various to Archbishop Glenn Davies dated 13 April 2016', Case Study 42, ANG.0309.001.0002_R, 0002_R and 0003_R.
- 2143 Transcript of R Caddies, Case Study 42, 16 November 2016 at 23196:29–31; Exhibit 42-0099, 'Statement of Robert Caddies', Case Study 42, STAT.1000.001.0001_R at [29].
- 2144 Exhibit 42-0179, 'Statement of John McNaughton AM', Case Study 42, STAT.1030.001.0001_R at [39]–[40].
- 2145 Transcript of G Thompson, Case Study 42, 24 November 2016 at 23642:34–23644:18.
- 2146 Exhibit 42-0129, 'Supplementary Statement of Bishop Greg Thompson', Case Study 42, STAT.1081.001.0001_R at [21].
- 2147 Transcript of G Thompson, Case Study 42, 24 November 2016 at 23642:45–23644:30; Transcript of R Caddies, Case Study 42, 16 November 2016 at 23114:7–22.
- 2148 Transcript of R Caddies, Case Study 42, 16 November 2016 at 23115:6–13.
- 2149 Transcript of R Caddies, Case Study 42, 16 November 2016 at 17556:38–44, 23116:16–33, 23191:25–32, 23194:1–4; Exhibit 42-0099, 'Statement of Robert Caddies', Case Study 42, STAT.1000.001.0001_R at [30]–[31].
- 2150 Exhibit 42-0179, 'Statement of John McNaughton AM', Case Study 42, STAT.1030.001.0001_R at [29]–[40].
- 2151 Transcript of R Caddies, Case Study 42, 16 November 2016 at 17557:4–9.
- 2152 Submission of R Caddies, Case Study 42, SUBM.1042.020.0001, para 2.5.
- 2153 Transcript of R Caddies, Case Study 42, 16 November 2016 at 17557:45–47, 23190:26–38.
- 2154 Transcript of R Caddies, Case Study 42, 16 November 2016 at 23110:39–41.
- 2155 Transcript of R Caddies, Case Study 42, 16 November 2016 at 23110:36–46, 23114:44–47; Exhibit 42-0001, 'Letter from Various to Archbishop Glenn Davies dated 13 April 2016', Case Study 42, ANG.0309.001.0002_R.
- 2156 Transcript of R Caddies, Case Study 42, 16 November 2016 at 23116:16–33.
- 2157 Submissions of R Caddies, Case Study 42, SUBM.020.0001, paras 2.3–2.4.
- 2158 Transcript of R Caddies, Case Study 42, 16 November 2016 at 23111:42–23112:7.
- 2159 Transcript of R Caddies, Case Study 42, 16 November 2016 at 23110:2–6.
- 2160 Transcript of R Caddies, Case Study 42, 16 November 2016 at 23116:10–14, 23117:41–23118:2.
- 2161 Transcript of R Caddies, Case Study 42, 16 November 2016 at 23112:9–21.
- 2162 Transcript of R Caddies, Case Study 42, 16 November 2016 at 23112:40–23114:3; Exhibit 42-0001, 'Letter from Various to Archbishop Glenn Davies dated 13 April 2016', Case Study 42, ANG.0309.001.0002_R at 0003_R.
- 2163 Submissions of R Caddies, Case Study 42, SUBM.1042.020.0001, paras [2.13], [4.5].
- 2164 Transcript of R Caddies, Case Study 42, 30 August 2016 at 17560:38–46, 17561:1–17562:22, 17562:2–9.
- 2165 Transcript of R Caddies, Case Study 42, 16 November 2016 at 23193:34–44.

- 2166 Transcript of K Allen, Case Study 42, 5 August 2016 at 16626:3–38.
- 2167 Exhibit 42-0129, 'Supplementary Statement of Bishop Greg Thompson', Case Study 42, STAT.1081.001.0001_R at [72].
- 2168 Exhibit 42-0001, 'Filenote by John Cleary of meeting with Keith Allen on 11 February 2015', Case Study 42, ANG.0132.001.0014_R; Exhibit 42-0001, 'Filenote by John Cleary of meeting with Keith Allen and Bishop Greg Thompson on 18 February 2015', Case Study 42, NPF.0018.001.0024_R; Exhibit 42-0001, 'Filenote of meeting between Keith Allen, John Cleary and Bishop Greg Thompson', Case Study 42, ANG.0132.001.0008_R.
- 2169 Transcript of K Allen, Case Study 42, 5 August 2016 at 16634:27–39, 16635: 9–20; Transcript of K Allen, Case Study 42, 8 August 2016 at 16706:29–16707:7, 16723:10–22.
- 2170 Transcript of K Allen, Case Study 42, 5 August 2016 at 16638:19–21, 16639:6–23; Transcript of K Allen, Case Study 42, 8 August 2016 at 16652:9–23, 16728:28–32, 16729:1–4, 16–27, 16730:16–20, 16731:16–28, 45–47, 16732:2–5, 16733:28–40, 16734:13–23.
- 2171 Exhibit 42-0001, 'Filenote of meeting between Keith Allen, John Cleary and Bishop Greg Thompson', Case Study 42, ANG.0132.001.0008_R at [12]; Transcript of K Allen, Case Study 42, 8 August 2016 at 16715:4–16717:28.
- 2172 Transcript of K Allen, Case Study 42, 8 August 2016 at 16717:30–16718:22.
- 2173 Exhibit 42-0001, 'File Note by John Cleary of meeting with Keith Allen and Bishop Greg Thompson on 18 February 2015', Case Study 42, NPF.0018.001.0024_R; Transcript of J Cleary, Case Study 42, 23 November 2016 at 23559:37–23 560:1; Transcript of G Thompson, Case Study 42, 24 November 2016 at 23651:14–39.
- 2174 Exhibit 42-0001, 'File Note by John Cleary of meeting with Keith Allen and Bishop Greg Thompson on 18 February 2015', Case Study 42, NPF.00 8.001.0024_R; Transcript of J Cleary, Case Study 42, 23 November 2016 at 23559:37–23 23560:1; Transcript of G Thompson, Case Study 42, 24 November 2016 at 23651:14–39.
- 2175 Transcript of K Allen, Case Study 42, 8 August 2016 at 16727:40–16728:12; Exhibit 42-0001, 'File Note by John Cleary of meeting with Keith Allen and Bishop Greg Thompson on 18 February 2015', Case Study 42, NPF.0018.001.0024_R
- 2176 Transcript of K Allen, Case Study 42, 8 August 2016 at 16729:6–14.
- 2177 Transcript of K Allen, Case Study 42, 8 August 2016 at 16729:16–20.
- 2178 Transcript of K Allen, Case Study 42, 8 August 2016 at 16728:28–16729:4.
- 2179 Exhibit 42-0001 'Letter f om Keith Allen to the Royal Commission dated 27 June 2016', Case Study 42, IND.0466.001.0001_R
- 2180 Exhibit 42 0001, Filenote of meeting between Keith Allen, John Cleary and Bishop Greg Thompson', Case Study 42 ANG.0132.001.0008_R at [21]; Transcript of J Cleary, Case Study 42, 23 November 2016 at 23559:37–23560:1; Transcript of G Thompson, Case Study 42, 24 November 2016 at 23650:31–23651:18.
- 2181 Transcript of K Allen, Case Study 42, 8 August 2016 at 16722:8–16723:8.
- 2182 Transcript of G Thompson, Case Study 42, 24 November 2016 at 23651:22–29.
- 2183 Transcript of G Thompson, Case Study 42, 24 November 2016 at 23651:22–29.
- 2184 Exhibit 42-0001, 'Filenote of meeting between Keith Allen, John Cleary and Bishop Greg Thompson', Case Study 42, ANG.0132.001.0008_R.
- 2185 Transcript of J Cleary, Case Study 42, 23 November 2011 at 23554:37–40, 23555:10–21.
- 2186 Exhibit 42-0033, 'Letter from Keith Allen to John Cleary dated 5 July 2010', Case Study 42, ANG.0048.001.6210_R.
- 2187 Exhibit 42-0001, 'Filenote by John Cleary of meeting with Keith Allen on 11 February 2015', Case Study 42, ANG.0132.001.0014_R.
- 2188 Transcript of K Allen, Case Study 42, 5 August 2016 at 16643:17–18, 16644:21–25.
- 2189 Transcript of J Cleary, Case Study 42, 23 November 2016 at 23554:34–23555:35.
- 2190 Transcript of K Allen, Case Study 42, 5 August 2016 at 16637:28, 16638:26, 16639:2–4, 16639:28.
- 2191 Transcript of K Allen, Case Study 42, 5 August 2016 at 16640:5–12.
- 2192 Transcript of K Allen, Case Study 42, 5 August 2016 at 16641:40–46, 16643:41–42.
- 2193 Transcript of K Allen, Case Study 42, 5 August 2016 at 16642:30–36.
- 2194 Transcript of K Allen, Case Study 42, 5 August 2016 at 16637:45–47.

- 2195 Exhibit 42-0034, 'Letter from Michael Daley regarding [CKM]', Case Study 42, ANG.0132.001.0025_R.
 2196 Transcript of G Thompson, Case Study 42, 24 November 2016 at 23647:26–33.
 2197 Exhibit 42-0001, 'Responsible Persons Ordinance 2015', Case Study 42, ANG.0195.001.0004 at 0005; Exhibit 42-0129, 'Supplementary Statement of Bishop Greg Thompson', Case Study 42, STAT.1081.001.0001_R at [99]–[100].
 2198 Exhibit 42-0001, 'Responsible Persons Ordinance 2015', Case Study 42, ANG.0195.001.0004 at [2].
 2199 Exhibit 42-0001, 'Responsible Persons Ordinance 2015', Case Study 42, ANG.0195.001.0004 at [4].
 2200 Exhibit 42-0001, 'Letter from Bishop Greg Thompson to Keith Allen in relation to professional standards matters', Case Study 42, ANG.0195.001.0109_R.
 2201 Exhibit 42-0129, 'Supplementary Statement of Bishop Greg Thompson', Case Study 42, STAT.1081.001.0001_R at [101]; Transcript of G Thompson, Case Study 42, 24 November 2016 at 23652:20–24; Exhibit 42-0001, 'Letter from Bishop Greg Thompson to Keith Allen in relation to professional standards matters', Case Study 42, ANG.0195.001.0109_R.
 2202 Exhibit 42-0129, 'Supplementary Statement of Bishop Greg Thompson', Case Study 42, STAT.1081.001.0001_R at [104]; Exhibit 42-0001, 'Letter from Keith Allen to Bishop Greg Thompson in relation to cessation of membership on committees dated 21 April 2016', Case Study 42, ANG.0195.001.0112_R.
 2203 Exhibit 42-0001, 'Responsible Persons Ordinance 2015', Case Study 42, ANG.0195.001.0004 at 0005.
 2204 Exhibit 42-0129, 'Supplementary Statement of Bishop Greg Thompson', Case Study 42, STAT.1081.001.0001_R at [106]–[110]; Exhibit 42-0001, 'Letter from Keith Allen to Bishop Greg Thompson dated 19 May 2015', Case Study 42, ANG.0195.001.0001_R; Exhibit 42-0001, 'Letter from Bishop Greg Thompson to Keith Allen in relation to suspension from holding office dated 20 May 2015', Case Study 42, ANG.0195.001.0072_R; Exhibit 42-0001, 'Letter from Keith Allen to Bishop Greg Thompson in response to letter of 20 May 2015, dated 16 December 2015', Case Study 42, ANG.0166.001.0005_R; Exhibit 42-0001, 'Letter from Bishop Greg to Keith Allen in response to letter of 16 December 2015, dated 7 January 2016', Case Study 42, ANG.0166.001.0001_R.
 2205 Exhibit 42-0129, 'Supplementary Statement of Bishop Greg Thompson', Case Study 42, STAT.1081.001.0001_R at [113]; Exhibit 42-0001, 'Letter from Keith Allen to Bishop Greg Thompson dated 27 June 2016', Case Study 42, ANG.0315.001.0001_R.
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 2207 Exhibit 42-0001, 'Email from Bishop Peter Stuart to Bishop of Bendigo and Bishop of Ballarat re Father Parker', Case Study 42, ANG.0334.001.0138_R; Exhibit 42-0001, 'Letter from Bishop Garry Weatherill of Ballarat to Royal Commission regarding Father George', Case Study 42, ANG.0334.001.0131_R.
 2208 Exhibit 42-0001, 'Email from Bishop Peter Stuart to Bishop of Bendigo and Bishop of Ballarat re Father Parker', Case Study 42, ANG.0334.001.0138_R; Exhibit 42-0001, 'Letter from Bishop Garry Weatherill of Ballarat to Royal Commission regarding Father George', Case Study 42, ANG.0334.001.0131.
 2209 Exhibit 42-0001, 'Diocesan Council Minutes dated 28 August 2014', Case Study 42, IND.0499.001.0006_R at 0007_R.
 2210 Exhibit 42-0001, 'Diocesan Council Minutes dated 28 August 2014', Case Study 42, IND.0499.001.0006_R.
 2211 Exhibit 42-0001, 'Letter from Bishop Garry Weatherill of Ballarat to Royal Commission regarding Father Parker', Case Study 42, ANG.0334.001.0131_R.
 2212 Exhibit 42-0001, 'Letter from Bishop Garry Weatherill of Ballarat to Royal Commission regarding Father Parker', Case Study 42, ANG.0334.001.0131_R.
 2213 Exhibit 42-0001, 'Ad Clerum issued by Bishop Garry Weatherill of Ballarat regarding Father Parker', Case Study 42, ANG.0334.001.0137_R.
 2214 Exhibit 42-0001, 'Letter from Bishop Garry Weatherill to Father Parker', Case Study 42, ANG.0334.001.0132_R; Exhibit 42-0001, 'Letter from Bishop Garry Weatherill of Ballarat to Royal Commission regarding Father Parker', Case Study 42, ANG.0334.001.0131_R.

2229	Exhibit 42-0001, 'Professional Standards Ordinance 2012 (as amended in 2015)', Case Study 42, ANG.0209.001.0001.
2230	Exhibit 42-0129, 'Statement of Bishop Greg Thompson', Case Study 42, STAT.1081.001.0001_R at [92]–[97].
2231	Exhibit 42-0129, 'Supplementary Statement of Bishop Greg Thompson', Case Study 42, STAT.1081.001.0001_R at [91].
2232	Exhibit 42-0001, 'Professional Standards Ordinance 2012 (as amended in 2015)', Case Study 42, ANG.0209.001.0001 at 0016, [77].
2233	Exhibit 42-0001, 'Diocesan Council Minutes' Case Study 42, ANG.0048.001.1144.
2234	Transcript of J Cleary, Case Study 42, 23 November 2016 at 23551:20–26.
2235	Transcript of J Cleary, Case Study 42, 24 November 2016 at 23632:15–39.
2236	Transcript of J Cleary, Case Study 42, 23 November 2016 at 23551:43–23552:13.
2237	Exhibit 42-0001, 'Anglican Diocese of Newcastle Claim Resolution Protocol', Case Study 42, ANG.0206.001.0007.
2238	Exhibit 42-0128, 'Statement of Greg Thompson', Case Study 42, STAT.1036.001.0001_R at [173].
2239	Exhibit 42-0128, 'Statement of Greg Thompson', Case Study 42, STAT.1036.001.0001_R at [172]–[174].
2240	Exhibit 42-0128, 'Statement of Greg Thompson', Case Study 42, STAT.1036.001.0001_R at [172], [174].
2241	Transcript of P Stuart, Case Study 42, 18 November 2016 at 23357:33–23358:2.
2242	Exhibit 42-0128, 'Statement of Greg Thompson', Case Study 42, STAT.1036.001.0001_R at [174].
2243	Exhibit 42-0001, 'Survivor Apology Meeting Facts Sheet', Case Study 42, ANG.0208.001.0002_R.
2244	Exhibit 42-0128, 'Statement of Greg Thompson', Case Study 42, STAT.1036.001.0001_R at [174].
2245	Exhibit 42-0129, 'Supplementary Statement of Bishop Greg Thompson', Case Study 42, STAT.1081.001.0001_R at [60]; Exhibit 42-0001, 'Guidelines for Parish Recovery in the event of allegations of sexual abuse affecting the parish', Case Study 42, ANG.0324.001.0001.
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2247	Exhibit 42-0129, 'Supplementary Statement of Bishop Greg Thompson', Case Study 42, STAT.1081.001.0001_R at [65].
2248	Transcript of G Thompson, Case Study 42, 24 November 2016 at 23645:36–23646:13.
2249	Transcript of G Thompson, Case Study 42, 24 November 2016 at 23646:15–24.
2250	Exhibit 42-0001, 'Letter from Bishop Stuart to William Scott', Case Study 42, IND.0574.001.0022_R.
2252	Transcript of P Stuart, Case Study 42, 18 November 2016 at 23355:36–41.
2253	Transcript of P Stuart, Case Study 42, 18 November 2016 at 23355:43–23356:1, 23389:16–27; Exhibit 42-0001, 'Diocesan Council Tabled Papers 22 September 2016', Case Study 42, ANG.0363.001.0001_R.

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- 2255 Submissions on behalf of the State of New South Wales, Case Study 42, SUBM.1042.014.0001 at [2]–[7].
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- 2263 Transcript of G Thompson, Case Study 42, 24 November 2016 at 23659:42–23660:26.
- 2264 Transcript of G Thompson, Case Study 42, 24 November 2016 at 23659:12–23.
- 2265 Transcript of P D J Stuart, Case Study 42, 18 November 2016 at 23356:3–8.
- 2266 Exhibit 42-0001, ‘Trials, Tribulations and Triumphs – The Bishops of the Diocese of Newcastle 1847–2013’, Case Study 42, PUB.0019.001.0001 at 0160
- 2267 Exhibit 42-0001, ‘Trials, Tribulations and Triumphs – The Bishops of the Diocese of Newcastle 1847–2013’, Case Study 42, PUB.0019.001.0001 at 0166
- 2268 Exhibit 42-0011, ‘Statement of Alfred Holland’, Case Study 42, STAT.1061.001.0001_R at 0012_R.
- 2269 Exhibit 42-0011, ‘Statement of Alfred Holland’, Case Study 42, STAT.1061.001.0001_R at 0012_R.
- 2270 Exhibit 42-0011, ‘Statement of Alfred Holland’, Case Study 42, STAT.1061.001.0001_R at 0012_R.
- 2271 Exhibit 42-0151, ‘Statement of Professor Patrick Parkinson AM’, Case Study 42, STAT.1095.001.0001_R at [6], [15].
- 2272 Exhibit 42-0151, ‘Statement of Professor Patrick Parkinson AM’, Case Study 42, STAT.1095.001.0001_R at [10].
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- 2274 Exhibit 42-0001, ‘Letter from Archbishop Phillip Aspinall to Professor Parker dated 8 April 2009’, Case Study 42, USYD.9101.01003.0006; Exhibit 42-0151, ‘Statement of Professor Patrick Parkinson AM’, Case Study 42, STAT.1095.001.0001_R at [11].
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- 2276 Exhibit 42-0151, ‘Statement of Professor Patrick Parkinson’, Case Study 42, STAT.1095.001.0001 at [14].
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- 2278 Exhibit 42-0001, ‘Letter from Primate Phillip Aspinall to Bishop Brian Farran’, Case Study 42, ANG.0050.005.6717 at 6718.
- 2279 Transcript of B Farran, Case Study 42, 17 November 2016 at 23269:16–18.
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- 2281 Exhibit 42-0001, ‘St John’s College, Morpeth, Students in Residence, Class of 1963’, Case Study 42, ANG.0041.001.0262.
- 2282 Exhibit 42-0001, ‘St John’s College, Morpeth, Students in Residence, Class of 1963’, Case Study 42, ANG.0041.001.0262; Exhibit 42-0001, ‘Remembering Saint John’s College Morpeth 1926–2006’, Case Study 42, ANG.0050.006.0001 at 0130; Transcript of B Farran, Case Study 42, 16 November 2016 at 23205:22–23.

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| 2283 | Exhibit 42-0001, 'List of Students of St John's College Resident at Morpeth', Case Study 42, ANG.0048.002.7637_R at 7660_R–7661_R. |
| 2284 | Exhibit 42-0001, 'St John's College, Morpeth, Students in Residence, Class of 1963', Case Study 42, ANG.0041.001.0262. |
| 2285 | Exhibit 42-0001, 'List of Students of St John's College resident at Morpeth', Case Study 42, ANG.0048.002.7637_R at 7652_R. |
| 2286 | Exhibit 42-0001, 'List of Students of St John's College resident at Morpeth', Case Study 42, ANG.0048.002.7637_R at 7654_R. |
| 2287 | Exhibit 42-0001, 'List of Students of St John's College resident at Morpeth', Case Study 42, ANG.0048.002.7637_R at 77654_R, 7656_R. |
| 2288 | Exhibit 42-0001, 'List of Students of St John's College resident at Morpeth', Case Study 42, ANG.0048.002.7637_R at 7656_R. |
| 2289 | Exhibit 42-0026, 'Statement of CKU', Case Study 42, STAT.1086.001.0001_R at [12]. |
| 2290 | Exhibit 42-0093, 'Yellow Envelope No. 23', Case Study 42, ANG.0354.023.0001; Exhibit 42-0001, 'List of Students of St John's College resident at Morpeth', Case Study 42, ANG.0048.002.7637_R at 7642_R. |
| 2291 | Exhibit 42-0001, 'St John's College, Morpeth, Students in Residence, Class of 1963', Case Study 42, ANG.0041.001.0262. |
| | [REDACTED] |
| 2293 | Exhibit 42-0001, 'List of Students of St John's College resident at Morpeth', Case Study 42, ANG.0048.002.7637 at 7652_R. |
| 2294 | Exhibit 42-0001, 'List of Students of St John's College resident at Morpeth', Case Study 42, ANG.0048.002.7637 at 7653_R. |
| 2295 | Exhibit 42-0093, 'Yellow Envelope No. 8', Case Study 42, ANG.0354.008.0001_R; Exhibit 42-0001, 'List of Students of St John's College resident at Morpeth', Case Study 42, ANG.0048.002.7637 at 7654_R. |
| 2296 | Exhibit 42-0093, 'Yellow Envelope No. 27', Case Study 42, ANG.0354.027.0001_R; Exhibit 42-0001, 'List of Students of St John's College resident at Morpeth', Case Study 42, ANG.0048.002.7637 at 7654_R. |
| 2297 | Exhibit 42-0093, 'Yellow Envelope No. 9', Case Study 42, ANG.0354.009.0001_R; Exhibit 42-0001, 'List of Students of St John's College resident at Morpeth', Case Study 42, ANG.0048.002.7637 at 7657_R. |
| 2298 | Exhibit 42-0093 'Yellow envelope No. 19', Case Study 42, ANG.0354.019.0001_R; Exhibit 42-0001, 'List of Students of St John's College resident at Morpeth', Case Study 42, ANG.0048.002.7637 at 7657_R. |
| 2299 | Exhibit 42-0001, 'Letter from Bishop of Newcastle to Bishop of Grafton', Case Study 42, ANG.9340.01002.0009; Exhibit 42-0001, 'Letter from Alan Kitchingman to Bishop Housden', Case Study 42, ANG.9320.01500.0010_R at 0011_R; Exhibit 3-0002, 'Criminal Record of Allan Kitchingham (sic)', Case Study 3, NSW.0470.01001.0001. |
| 2300 | Exhibit 42-0001, 'Letter from Bishop of Newcastle to Bishop of Grafton', Case Study 42, ANG.9340.01002.0009; Exhibit 42-0001, 'Extract of Anglican Directory 1997', Case Study 42, ANG.0050.004.2894_R; Exhibit 42-0001, 'Fascimile from [CKA] to [Redacted] (ODPP)', Case Study 42, NSW.0037.001.0295_R. |
| 2301 | Exhibit 42-0023, 'Statement of [CKA]', Case Study 42, STAT.1093.001.0001_R at [11]. |
| 2302 | Exhibit 42-0001, 'R v Alan Kitchingman – transcript of sentencing', Case Study 42, ANG.9320.01113.0047_R at 0053_R. |
| | [REDACTED] |
| 2304 | Transcript of R Herft, Case Study 42, 12 August 2016 at 17228:47–17229:11; Transcript of B Farran, Case Study 42, 16 November 2016 at 23209:1–4; Exhibit 42-0021, 'Statement of Colvin Ford', Case Study 42, STAT.1096.001.0001 at [8]; Exhibit 42-0135, 'Statement of Rodney Bower', Case Study 42, STAT.1150.001.0001 at [12]–[15]; Exhibit 42-0137, 'Statement of Bishop George Browning', STAT.1105.001.0001 at [9]; Transcript of R Dyer, Case Study 42, 3 August 2016 at 16328:15–16; Transcript of R Appleby, Case Study 42, 4 August 2016 at 16514:14–16; Transcript of CKH, Case Study 42, 9 August 2016 at 16873:28–29; Transcript of P Mitchell, Case Study 42, 10 August 2016 at 16897:19–21; Exhibit 42-0147, 'Statement of Bruce Hoare', Case Study 42, STAT.1063.001.0001_R at [6]; Exhibit 42-0021, 'Statement of Colvin Ford', Case Study 42, STAT.1096.001.0001 at [8]. |

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2308	Exhibit 42-0089, 'Statement of Lance Johnston', Case Study 42, STAT.1111.001.0001_R at [6].
2309	Exhibit 42-0089, 'Statement of Lance Johnston', Case Study 42, STAT.1111.001.0001_R at [4]–[5].
2310	Exhibit 42-0089, 'Statement of Lance Johnston', Case Study 42, STAT.1111.001.0001_R at [7].
2311	Exhibit 42-0011, 'Statement of Alfred Holland', Case Study 42, STAT.1061.001.0001_R at 0012_R.
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2313	Exhibit 42-0089, 'Statement of Lance Johnston', Case Study 42, STAT.1111.001.0001_R at [4].
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2315	Exhibit 42-0089, 'Statement of Lance Johnston', Case Study 42, STAT.1111.001.0001_R at [7].
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2317	Exhibit 42-0089, 'Statement of Lance Johnston', Case Study 42, STAT.1111.001.0001_R at [6]–[7].
2318	Exhibit 42-0089, 'Statement of Lance Johnston', Case Study 42, STAT.1111.001.0001_R at [14]–[15].
2319	Exhibit 42-0089, 'Statement of Lance Johnston', Case Study 42, STAT.1111.001.0001_R at [14], [24].
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2322	Exhibit 42-0089, 'Statement of Lance Johnston', Case Study 42, STAT.1111.001.0001_R at [19].
2323	Exhibit 42-0089, 'Statement of Lance Johnston', Case Study 42, STAT.1111.001.0001_R at [23].
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2325	Exhibit 42-0025, 'Statement of Richard Appleby, Case Study 42, STAT.1085.001.0001_R at [89].
2326	Exhibit 42-0089, 'Statement of Lance Johnston', Case Study 42, STAT.1111.001.0001_R at [10].
2327	Transcript of A Holland, Case Study 42, 3 August 2016 at 16397:29–39.
2328	Transcript of C Ford, Case Study 42, 4 August 2016 at 16428:29–39.
2329	Transcript of R Appleby, Case Study 42, 4 August 2016 at 16507:40–16509:16.
2330	Exhibit 42-0137, 'Statement of Bishop George Browning', Case Study 42, STAT.1105.001.0001 at [2].
2331	Exhibit 42-0089, 'Statement of Lance Johnston', Case Study 42, STAT.1111.001.0001 at [10].
2332	Exhibit 42-0001, 'St John's College, Morpeth, Students in Residence, Class of 1963', Case Study 42, ANG.0041.001.0262.
2333	Transcript of B Farran, Case Study 42, 17 November 2016 at 23267:9.
2334	Transcript of B Farran, Case Study 42, 17 November 2016 at 23267:39–42.
2335	Transcript of B Farran, Case Study 42, 17 November 2016 at 23267:17–33.
2336	Exhibit 42-0080, 'Statement of Noelle Freeman', Case Study 42, STAT.1112.001.0001_R at [6]; Transcript of R Appleby, Case Study 42, 4 August 2016 at 16510:3–17; Exhibit 42-0027, 'Statement of CKR', Case Study 42, STAT.1073.001.0001_R at [7].
2337	Exhibit 42-0080, 'Statement of CKR', Case Study 42, STAT.1073.001.0001 at [7]; Transcript of CKR, Case Study 42, 5 August 2016 at 16600:41–16601:11.
2338	Exhibit 42-0080, 'Statement of CKR', Case Study 42, STAT.1073.001.0001 at [7]; Transcript of CKR, Case Study 42, 5 August 2016 at 16602:39–45.
2339	Exhibit 42-0080, 'Statement of Noelle Freeman', Case Study 42, STAT.1112.001.0001_R at [6].
2340	Exhibit 42-0080, 'Statement of Noelle Freeman', Case Study 42, STAT.1112.001.0001_R at [6].
2341	Exhibit 42-0148, 'Statement of Lindsay McLoughlin', Case Study 42, STAT.1115.001.0001_R at [9].
2342	Exhibit 42-0137, 'Statement of Bishop George Browning', Case Study 42, STAT.1105.001.0001 at [2].
2343	Exhibit 42-0137, 'Statement of Bishop George Browning', Case Study 42, STAT.1105.001.0001 at [3].
2344	Exhibit 42-0137, 'Statement of Bishop George Browning', Case Study 42, STAT.1105.001.0001 at [4], [5].
2345	Exhibit 42-0137, 'Statement of Bishop George Browning', Case Study 42, STAT.1105.001.0001 at [5].
2346	Exhibit 42-0137, 'Statement of Bishop George Browning', Case Study 42, STAT.1105.001.0001 at [5(a)].
2347	Exhibit 42-0075, 'Supplementary Statement of Archbishop Roger Herft', Case Study 42, STAT.1094.001.0001_R at [257], [259]; Transcript of B Farran, Case Study 42, 16 November 2016 at 23212:34–36.

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- 2349 Exhibit 42-0075, 'Supplementary Statement of Archbishop Roger Herft', Case Study 42, STAT.1094.001.0001_R at [207]; [REDACTED]
[REDACTED]
[REDACTED]
- 2351 See evidence of survivors CKA, CKB and Paul Gray in section 2.3 above; Exhibit 42-0137, 'Statement of Bishop George Browning', Case Study 42, STAT. 1105.001.0001 at [5]; Exhibit 42-0143, 'Statement of Christopher Hall', Case Study 42, STAT.1213.001.0001_R at [8]; Exhibit 42-0144, 'Statement of Valerie Hall', Case Study 42, STAT.1214.001.0001_R at [8]; Transcript of C Ford, Case Study 42, 4 August 2016 at 16423:25–16424:28; Transcript of R Herft, Case Study 42, 12 August 2016 at 17229:4–11; Exhibit 42-0107, 'Statement of Bishop Brian Farran', Case Study 42, STAT.1072.001.0001_R at [270].
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- 2353 Exhibit 42-0130, 'Reports of Abuse Allegedly Perpetrated by Father Peter Rushton', Case Study 42, ANG.0367.001.0001.
- 2354 Exhibit 42-0130, 'Reports of Abuse Allegedly Perpetrated by Father Peter Rushton', Case Study 42, ANG.0367.001.0001.
- 2355 Exhibit 42-0001, 'File note by Michael Elliott re Jim B own dated 13 September 2010', Case Study 42, ANG.0050.001.1822; Transcript of S Aslin, Case Study 42, 2 August 2016 at 16272:22–39; Transcript of P D'Ammond, Case Study 42, 2 August 2016 at 16255:1–7.
- 2356 Exhibit 42-0001, 'R v Brown [2012] NSWCCA 199, Case Study 42, NSW.0087.001.0028_R.
- 2357 Exhibit 42-0004, 'Statement of Phillip D'Ammond' Case Study 42, STAT.1080.001.0001_R at [16]–[26].
- 2358 Exhibit 42-0002, 'Statement of Paul G ay', Case Study 42, STAT.1067.001.0001_R at [22].
- 2359 Exhibit 42-0138, 'Statement of CKG', Case Study 42, STAT.1090.001.0001_R at [12].
- 2360 Exhibit 42-0004, 'Statement of Phillip D'Ammond', Case Study 42, STAT.1080.001.0001_R at [16]–[26]; Exhibit 42-0002, 'Statement of P ul Gray', Case Study 42, STAT.1067.001.0001_R at [22]; Exhibit 42-0138, 'Statement of CKG' Cas Study 42, STAT.1090.001.0001_R at [9], [11]–[17].
- 2361 Exhibit 42-0148, 'Statement of Lindsay McLoughlin', Case Study 42, STAT.1115.001.0001_R at [11].
- 2362 Dan Proudman, *Former Anglican priest Lindsay Thomas McLoughlin jailed for preying on two boys in 1980s*, www.theherald.com.au/story/4342565/rushton-partner-admits-to-abuse (viewed 16 December 2016).
- 2363 Submissions of L McLoughlin, Case Study 42, SUBS.1042.001.0001, para [21]
- 2364 Submissions of L McLoughlin, Case Study 42, SUBS.1042.001.0001, paras [24]–[28].
- 2365 Exhibit 42 0023, 'Statement of CKA', Case Study 42, STAT.1093.001.0001_R at [13], [16].
- 2366 Exhibit 42-0023, 'Statement of CKA', Case Study 42, STAT.1093.001.0001_R at [31].
- 2367 Exhibit 42-0023, 'Statement of CKA', Case Study 42, STAT.1093.001.0001_R at [31].
- 2368 Exhibit 42-0023, 'Statement of CKA', Case Study 42, STAT.1093.001.0001_R at [15], [31].
- 2369 Exhibit 42-0093, 'Yellow Envelope No. 27', Case Study 42, ANG.0354.027.0001_R at 0013_R.
- 2370 Exhibit 42-0027, 'Statement of CKR', Case Study 42, STAT.1073.001.0001 at [7]; Transcript of CKR, Case Study 42, 5 August 2016 at 16602:39–45.
- 2371 Exhibit 42-0042, 'Statement of Jean Sanders', Case Study 42, STAT.1104.001.0001_R at [20].
- 2372 Exhibit 42-0001, 'File Note by John Cleary of meeting with Keith Allen on 11 February 2015', Case Study 42, ANG.0132.001.0014_R at 0016_R.



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