



Royal Commission
into Institutional Responses
to Child Sexual Abuse

REPORT OF CASE STUDY NO. 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

MAY 2017

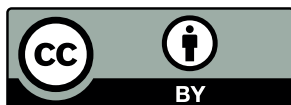


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the Anglican Dioceses of Tasmania, Adelaide, Brisbane
and Sydney to allegations of child sexual abuse

May 2017

COMMISSIONERS

Justice Jennifer Coate
Mr Bob Atkinson AO APM

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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 5 May 2017, the Royal Commission has held 6,795 private sessions and more than 1,610 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

In Case Study 36, the Royal Commission into Institutional Responses to Child Sexual Abuse inquired into the response of the Church of England Boys' Society and the Anglican Dioceses of Tasmania, Adelaide, Sydney and Brisbane to allegations of child sexual abuse.

The public hearing was held in Hobart, Tasmania, between 27 January and 5 February 2016.

The scope and purpose of the hearing was to inquire into:

- a. The experiences of survivors of child sexual abuse by lay people and/or clergy involved in or associated with the Church of England Boys' Society (CEBS).
- b. The responses of CEBS and the Anglican Dioceses of Tasmania, Adelaide, Sydney and Brisbane to allegations of child sexual abuse made against lay people and/or clergy involved in or associated with CEBS, including Louis Daniels, Garth Hawkins, Robert Brandenburg, Simon Jacobs and John Elliot.
- c. The systems, policies and procedures in place within CEBS and the Anglican Dioceses of Tasmania, Adelaide, Sydney and Brisbane in relation to:
 - i. youth camps and activities
 - ii. raising and responding to concerns and complaints about child sexual abuse.
- d. Any related matters.

Executive Summary

The Anglican Church and the Church of England Boys' Society

In Case Study 36, the Royal Commission into Institutional Responses to Child Sexual Abuse inquired into the response of the Church of England Boys' Society (CEBS) and the Anglican Dioceses of Tasmania, Adelaide, Sydney and Brisbane to allegations of child sexual abuse.

CEBS is an adjunct organisation to the Anglican Church of Australia. It was established to help boys between six and 16 years of age to develop spiritually, mentally, physically and socially. Various CEBS branches have been established within numerous dioceses of the Anglican Church.

The first CEBS club was established in Kew, Victoria, in around 1914. CEBS was at its height in the 1970s and 1980s and has since wound down. When CEBS was at its height, CEBS branches held weekly meetings at which boys played games, learned various skills and received spiritual training. A large focus of CEBS was camping.

CEBS has changed its name in some jurisdictions to the Anglican Boys' Society and Boys' Ministry Australia. CEBS is still operational in some areas – it has branches in New South Wales, Western Australia, Victoria and the Northern Territory. In 2008, CEBS ceased operating in Queensland and South Australia. All CEBS branches in Tasmania have also closed down.

CEBS unites at a national level through the National Council of CEBS. The National Council is primarily responsible for the co-ordination of national CEBS camps as well as the issuing of awards.

Criminal convictions of CEBS leaders and associates

In the 1990s and 2000s a number of people involved in or associated with CEBS in the Anglican Dioceses of Tasmania, Sydney and Brisbane were convicted of child sexual abuse offences. These people included:

- Louis Daniels, a member of the clergy in the Diocese of Tasmania
- Garth Hawkins, a member of the clergy in the Diocese of Tasmania
- John Elliot, a lay CEBS leader in the Dioceses of Tasmania and Brisbane and later a priest in the Diocese of Brisbane
- Simon Jacobs, a lay CEBS leader in the Diocese of Sydney.

In addition, Mr Robert Brandenburg, a lay CEBS leader in the Diocese of Adelaide, was charged with a large number of child sexual abuse offences. He took his own life before the charges came to trial.

This report considers their offending and the responses of the dioceses and CEBS to that offending. This report also considers whether there was a culture within CEBS that facilitated that offending.

Organisational structure

The Anglican Church of Australia 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 23 dioceses. The diocese is the main unit of organisation in the Anglican Church and generally covers a large geographic region. Each of the 23 dioceses is self-governing.

Each diocese consists of a number of parishes, which are smaller ecclesiastical districts with their own churches and members of the clergy.

CEBS branches were based in parishes and generally attached to a parish or a particular church within a parish. CEBS was generally staffed by volunteers, and CEBS leaders could be laypeople or clergy.

There were never any CEBS-specific child protection, complaint-handling or risk management policies. Instead, CEBS leaders were subject to general policies of the diocese within which the particular CEBS branch fell.

Diocese of Tasmania

Louis Daniels

Daniels became a priest in 1975 in the Diocese of Tasmania. By the time he resigned in 1994, he had risen to the position of archdeacon. He was a prominent member of CEBS in Tasmania and at the national level from the late 1960s.

In 1999, Daniels pleaded guilty to and was convicted of child sexual abuse offences relating to BYW.

In December 2002, Daniels was deposed from Holy Orders as a result of his sexual abuse of BYF.

In 2005, following a plea of guilty, Daniels was convicted of a series of further child sexual abuse offences relating to six other boys, including BYF and Mr David Gould.

Garth Hawkins

Hawkins was ordained in 1971 and remained a member of the clergy in Tasmania until 1988. He was never a member of CEBS but associated frequently with CEBS members and had some involvement in CEBS activities in his capacity as a parish priest.

In June 2002, Hawkins was deposed from Holy Orders as a result of his sexual abuse of BYF and Mr Steven Fisher.

In 2003, Hawkins pleaded guilty to and was convicted of child sexual abuse offences, including against BYF, Mr Fisher and BYH. Following a plea of guilty, Hawkins was convicted of further child sexual abuse offences in November 2004.

Survivors of Daniels' and Hawkins' sexual abuse

Mr Gould met Daniels through friends who were involved in CEBS. Mr Gould told us that Daniels started to sexually abuse him in 1975, when he was 13 years old. Mr Gould said he was also abused by other friends of Daniels who were members of the clergy.

BYG was a member of CEBS. He said he was sexually abused by Daniels at a CEBS camp in 1980, when he was about 10 years old. BYG said the abuse continued at camps and elsewhere until he was about 16 years old.

BYH was not involved in CEBS or the Anglican Church. He met Hawkins in 1980, when he was about 15 years old, and stayed at the East Devonport rectory with him. BYH said that during that time he was sexually assaulted by Hawkins on a number of occasions.

Mr Fisher did not attend church and was not a member of CEBS. He met Hawkins through friends in around late 1979 or early 1980, when he was about 13 years old. He regarded Hawkins as a father figure and spent significant amounts of time at the East Devonport rectory. Mr Fisher then lived with Hawkins at the Triabunna rectory. Mr Fisher said that Hawkins made repeated sexual advances towards him and abused him.

BYF was a member of CEBS and was also involved in the diocese's Youth Synod. In 1980, at the age of 17, BYF said he was sexually assaulted by Daniels after being asked to share a bed with him.

BYF told us that, in around 1981, he and Mr Phillip Aspinall¹ (then aged about 21) stayed with Hawkins at the East Devonport rectory. We find that Hawkins, in the presence of Mr Aspinall, ran his fingers through BYF's hair, told him he was good looking, gave him compliments and invited BYF to share his bed. It is not open for us to find that Mr Aspinall observed this conduct or had any awareness that Hawkins was making sexual advances towards BYF.

BYF and Mr Aspinall spoke the following day about the incident. We are satisfied that Mr Aspinall did not consider that BYF had made a complaint to him in 1981 that Hawkins had tried to sexually abuse BYF.

In 1982, some young men, including BYF (then aged 18) and Mr Aspinall (then aged 22), stayed overnight at Hawkins' rectory. BYF spent the night in Hawkins' bed. We are satisfied that, when Hawkins asked if one of the young men would spend the night in his bed, Mr Aspinall jokingly pressured BYF to do so. However, Mr Aspinall did not do so with any belief or intent that BYF would be sexually abused by Hawkins.

That night Hawkins sodomised BYF and forced BYF to perform oral sex on him.

Response of the Diocese of Tasmania to sexual abuse by Daniels

Rebuke by Bishop Davies in 1981

Allegations about Daniels' inappropriate conduct with a boy first became known to the Diocese of Tasmania in 1981. In that year, Bishop Henry Jerrim rebuked Daniels for that conduct. Bishop Robert Davies told Daniels to amend his life and receive counselling. Daniels remained involved in CEBS.

We are satisfied that, sometime between 1982 and 1985, Bishop Jerrim informed Bishop Phillip Newell, then Bishop of the Diocese of Tasmania, of the allegation that Daniels had behaved in a sexually inappropriate way with a boy. There is no direct evidence of the terms of the disclosure that Bishop Jerrim made to Bishop Newell. However, we conclude that Bishop Jerrim did not doubt the truth of the allegation.

We accept that Bishop Newell had no independent recollection of the disclosure, and the circumstances in which it occurred are unknown.

Disclosures to Bishop Newell in 1987

In around June 1987, Bishop Newell was made aware of allegations that Daniels had sexually abused three boys: BYG, BYM and Mr Brett Skipper. Ms Sue Clayton and Mr Peter Francis, who were CEBS leaders, assisted the boys to make these disclosures to Bishop Newell.

In 1987, Bishop Newell did not encourage the boys to go to the police. He told Ms Clayton not to tell anyone about the allegations against Daniels and that he would handle it.

Bishop Newell sought counsel from the then Primate of the Anglican Church, Archbishop Sir John Grindrod. Archbishop Grindrod advised Bishop Newell to seek a verbal assurance from Daniels that, if the behaviour had occurred, it was not part of a pattern of behaviour.

Bishop Newell verbally rebuked Daniels in June 1987 and sought his assurance that the conduct had not been repeated. Given that three boys were involved, it is difficult to understand how Bishop Newell could be assured the conduct would not be repeated.

Daniels remained in the ministry and the police were not informed of the allegations.

While Bishop Newell said he required Daniels to cease his involvement with CEBS, the evidence establishes that Daniels continued his involvement with CEBS.

Daniels' promotion to Archdeacon of Burnie in 1989 and national appointments

In 1989, Bishop Newell promoted Daniels to the position of Archdeacon of Burnie, making him one of the highest-ranking officers within the diocese. In 1991, Bishop Newell also nominated Daniels for a position on the Standing Committee of General Synod.

In 1992, following Daniels' promotion, Ms Clayton met with her friend, Reverend Phillip Aspinall, who by that time was a parish priest in the diocese. She told him that Daniels had sexually misconducted himself with boys and that she was not satisfied with Bishop Newell's response to the allegations.

In 1993, the then Primate, Archbishop Keith Rayner, invited Daniels to become chair of the newly established General Synod Youth Commission.

Daniels' civil settlement of abuse allegations and the letter of solemn admonition in 1994

In early 1994, BYG, who by then was an adult, decided to take civil action against Daniels and the diocese in relation to his abuse. This was initially handled by Bishop Ronald Stone, who was at that time the Assistant Bishop of the Diocese of Tasmania.

Bishop Stone spoke with the relevant parties and raised with Bishop Newell the possibility of pursuing a complaint against Daniels in the diocesan tribunal. We are satisfied that Bishop Newell said there was insufficient evidence to proceed before the tribunal.

Bishop Newell sought counsel from the then Primate, Archbishop Rayner, who suggested that a letter of solemn admonition be issued to Daniels.

Bishop Newell was not bound by this advice. As bishop, he bore ultimate responsibility for the diocese.

On 28 July 1994, Bishop Newell issued Daniels with a letter of solemn admonition. The letter related solely to BYG and did not raise the allegations of BYM and Mr Skipper. The letter required Daniels' written acknowledgement that there had been no repetition of the conduct and required him to resign if criminal or civil action was taken. We consider the letter of solemn admonition an inappropriate way for Bishop Newell to respond to allegations of child sexual abuse, despite the fact that the Primate had advised him to issue the letter. The approach adopted by Bishop Newell had no regard for the need to protect children from further sexual abuse from Daniels.

In around September 1994, Daniels settled a civil claim with BYG and paid him an amount of \$34,000. The police were not notified of the allegations.

Daniels' resignation in November 1994

In November 1994, Bishop Newell was advised that a further victim of Daniels, BYW, had complained to the police and they were now investigating the matter.

On 21 November 1994, Daniels resigned from all positions in the church.

On 30 November 1994, Bishop Newell sent a memorandum to all Tasmanian clergy and another memorandum to all diocesan bishops and administrators advising that Daniels had resigned for 'personal reasons'. This did not reveal the nature of the allegations against Daniels.

This approach failed to take account of the need to protect children from the risk of further abuse by Daniels.

Bishop Newell's disclosures to ACT authorities in May 1997

Shortly after Daniels resigned, he moved to the Australian Capital Territory (ACT) and took up a teaching position. Daniels did not disclose to the education authorities that police were investigating him for child sexual abuse.

In late 1995, Mr Gould disclosed his abuse by Daniels to the police. He disclosed his abuse to Bishop Newell in April 1997 and had a series of meetings with the bishop. At one of these meetings, Mr Gould told the bishop that he believed that Daniels was teaching in the ACT.

In May 1997, Bishop Newell wrote to the ACT Department of Education and the Bishop of the Diocese of Canberra and Goulburn advising them that there was a history of child sexual abuse allegations against Daniels. Daniels' teaching position was then terminated.

Not the Way of Christ report in 1997

In 1997, media reports emerged in Tasmania regarding child sexual abuse by Anglican clergy. In October 1997, Bishop Newell announced that an independent pastoral inquiry would be established to consider these allegations.

Psychologist Dr Michael Crowley and barrister Ms Tonia Kohl conducted the inquiry and released their report, *Not the Way of Christ: Report of the Independent Pastoral Inquiry into Sexual Misconduct by Clergy or Officers of the Anglican Diocese of Tasmania with Particular Reference to Paedophilia* (Not the Way of Christ report), in March 1998. The report noted allegations against 17 separate people, identified by pseudonyms. 'P1' was the pseudonym of Daniels.

Bishop John Harrower was installed as Bishop of the Diocese of Tasmania on 25 July 2000. The next day he held a media conference and made an unreserved apology to those who were abused by clergy or other officers of the Anglican Church.

In late 2002, Dr Crowley was convicted of maintaining a sexual relationship with a person under the legal age. Bishop Harrower stated that at the time of his appointment Dr Crowley was in good standing and, if the diocese knew 'what we know now', it would not have appointed him.

Mr Brett Skipper's legal proceedings

In May 1998, Mr Skipper commenced legal proceedings in Tasmania against Daniels, Mr Brandenburg and the Diocese of Tasmania in relation to the sexual abuse he had suffered. Mr Skipper eventually settled with the diocese on 11 May 2004. Later that day he took his own life.

Daniels' convictions and deposition from Holy Orders

In 1999, following a plea of guilty, Daniels was convicted of sexual abuse offences against BYW and was sentenced to a term of one year's imprisonment with the last three months suspended.

In early 2002, BYF disclosed his abuse by Daniels (and Hawkins) to Archbishop Aspinall and then the diocese. As a result of these allegations, in December 2002 Daniels was deposed from Holy Orders – 21 years after the first allegation of sexual misconduct with a boy was made against Daniels to the church.

In 2004, Daniels pleaded guilty to a large number of other child sexual assaults. Some of these counts related to BYF and Mr Gould. Daniels was sentenced to seven and a half years' imprisonment with a non-parole period of five and a half years.

Financial redress

In May 2003, the Diocese of Tasmania established the Pastoral Support and Assistance Scheme. BYF and Mr Gould eventually received payments under this scheme and released the diocese from all further claims relating to the abuse they suffered.

Parish safety plan for Daniels

Upon Daniels' release from custody in 2012, he returned to worship in a parish in the Diocese of Canberra and Goulburn. That diocese developed a safety plan for Daniels' worship at the parish and Daniels has entered into a safety agreement with the diocese on an annual basis since 2012.

Response of the Diocese of Tasmania to sexual abuse by Hawkins

The diocese's first knowledge of allegations against Hawkins

We are satisfied that the Diocese of Tasmania first became aware of allegations that Hawkins had sexually abused boys when Mr Fisher disclosed his abuse to Canon Eric Cave in February 2001.

At that time, Hawkins did not live in Tasmania. He had left the diocese in 1988. However, he continued to hold a Permission to Officiate in that diocese.

On 25 May 2001, Bishop Harrower interviewed Hawkins about the allegations. Hawkins denied them.

On 15 June 2001, Bishop Harrower reported the allegations to the police. He did so on the basis that Mr Fisher was a child at the time of the abuse.

Diocesan tribunal and deposition from Holy Orders

In December 2001, after the diocese received advice that the Tasmanian Director of Public Prosecutions would not pursue Mr Fisher's allegations against Hawkins, a diocesan tribunal process was commenced.

BYF disclosed his abuse by Hawkins to the diocese in early 2002. After that disclosure, a board of enquiry investigated the allegations and recommended that the allegations be referred to a diocesan tribunal.

A diocesan tribunal convened in April 2002 to hear both Mr Fisher's and BYF's allegations. Hawkins contested the allegations. Mr Fisher, BYF, Archbishop Aspinall and Hawkins gave evidence.

BYF found the board of enquiry and diocesan tribunal processes to be traumatising. He was cross-examined during the tribunal hearing. Hawkins was in the room the whole time. Bishop Harrower accepted that the procedures adopted caused additional trauma to BYF.

In May 2002, the diocesan tribunal upheld the complaint and recommended that Hawkins be deposed from Holy Orders. After that decision, Bishop Harrower suspended Hawkins' Authority to Officiate and on 24 June 2002 deposed him from Holy Orders.

Hawkins' convictions

BYH reported his abuse by Hawkins to the police in 2002. This also led to the reinvestigation of Mr Fisher's allegations against Hawkins.

In 2003, Hawkins pleaded guilty to and was convicted of 11 child sex offences against seven boys, including BYF, BYH and Mr Fisher. On 27 November 2003, he was sentenced to seven and a half years' imprisonment.

Hawkins was convicted of another child sex offence in 2004 and had a further nine months' imprisonment added to his sentence.

Financial redress

In respect of Hawkins' abuse, BYH, BYF and Mr Fisher received financial payments from the diocese under the Diocese's Pastoral Support and Assistance Scheme.

Diocese of Adelaide

Mr Robert Brandenburg ('Father Bob')

Mr Brandenburg was involved in CEBS as a layperson. He rose to senior positions within CEBS in South Australia and nationally in the late 1960s. He later became the commissioner of CEBS in South Australia.

In 1981, an election was held for the position of CEBS commissioner and Mr Brandenburg was deposed. At around that time he also ceased to be a salaried employee of CEBS.

Mr Brandenburg then became an employee of the Diocese of Adelaide and was responsible for managing campsites and parish liaison. In around 1989, Mr Brandenburg's employment was transferred to Anglicare SA (then known as Anglican Community Services).

On 31 July 1998, Mr Brandenburg retired from Anglicare SA.

On 24 May 1999, Mr Brandenburg was charged with a large number of child sexual abuse offences. In June 1999, Mr Brandenburg died by suicide.

Survivors of Mr Brandenburg's sexual abuse

BYA met Mr Brandenburg when he joined CEBS in 1960. BYA said that from around 1967, when he was 15 years old, Mr Brandenburg sexually abused him when he stayed overnight at Mr Brandenburg's house and when they looked for campsites.

BYA said he was also sexually abused by four other CEBS leaders who knew Mr Brandenburg.

Mr Mark King joined the Plympton branch of CEBS in 1962, when he was 10 years old. Mr King described being groomed by CEBS leaders, who encouraged sexual activity between the boys.

Mr King stated he was sexually abused by Mr Brandenburg and another CEBS Plympton branch leader. He stated he was abused in numerous locations, including at CEBS camps.

Response of the Diocese of Adelaide to reports of sexual abuse by Mr Brandenburg

Disclosures to Archdeacon Brian Smith

The evidence established that Archdeacon Brian Smith received multiple disclosures about Mr Brandenburg sexually interfering with boys. He was summonsed to give evidence but was excused upon medical evidence.

The Royal Commission has taken into account evidence that Archdeacon Smith gave to an independent inquiry established in May 2003 to investigate allegations of sexual abuse within the Diocese of Adelaide (the Adelaide Inquiry).

Report of allegations to Reverend Grey-Smith and Archdeacon Smith between 1976 and 1978

Allegations about Mr Brandenburg's sexual abuse of boys first came to the attention of the Diocese of Adelaide at some time in the period 1976 to 1978.

At that time, an allegation was made that a boy had been fondled by Mr Brandenburg. The boy's father met with Reverend Donald Grey-Smith, Reverend Smith (later Archdeacon Smith) and Mr Brandenburg. At the time, Reverend Smith was a CEBS chaplain. He was later the president of CEBS.

We are satisfied that the then Reverend Smith was made aware that the allegation was that Mr Brandenburg had fondled a boy. He said at the meeting that Mr Brandenburg had been a 'naughty boy' and required Mr Brandenburg to confirm he would not do it again.

Archdeacon Smith claimed that Mr Brandenburg was asked not to run any more camps and that his role as CEBS commissioner should be confined to administrative matters. However, we have seen no evidence to support this, and Mr Brandenburg remained the CEBS commissioner until 1981.

Mr King discloses his abuse to Archdeacon Smith in 1993

In 1992, Archdeacon Smith was appointed chairperson of the diocese's Critical Incident Taskforce. The role of the task force was to respond to allegations of abuse by clergy.

In 1993, Mr King disclosed his abuse by Mr Brandenburg to Archdeacon Smith. Mr King said that Archdeacon Smith was aggressively defensive and vouched for Mr Brandenburg's good character. Mr King gave evidence that Archdeacon Smith told him, 'Be very careful who you talk to about this. We have the best lawyers and we have no hesitation in pursuing you'.

Archdeacon Smith told the Adelaide Inquiry that he had no recollection of knowing Mr King or ever meeting him. We do not accept Archdeacon Smith's account to the Adelaide Inquiry that he had no recollection of meeting with Mr King.

Archdeacon Smith's behaviour and threats had the effect of discouraging Mr King from taking further action. We are satisfied that Archdeacon Smith took no action in response to Mr King's allegations.

The effect of Archdeacon Smith's failure to act was to suppress the allegations against Mr Brandenburg and protect him and the reputation of CEBS and the diocese.

Mr Brandenburg and a boy found naked in a spa in 1995

In March 1995, Archbishop Ian George received a report that Mr Brandenburg had been found naked in a spa with a 10-year-old boy, who was also naked. At that time, Mr Brandenburg was employed by Anglicare SA.

Archbishop George asked the chief executive officer of Anglicare SA, Mr Gerard Menses, to investigate the matter. Mr Menses interviewed Mr Brandenburg and accepted his explanation that, while he and the boy were naked in the spa, it was 'innocent'. Mr Menses reported back to the archbishop and no further action was taken.

Mr Menses accepted that Mr Brandenburg had made a gross error of judgment.

Complaint about Mr Brandenburg in 1997 relating to campsite

In mid-1997, Mr Menses was made aware of claims by the Harrogate campsite caretaker that he was 'uncomfortable' about Mr Brandenburg attending the campsite with a young boy. We are satisfied that Mr Menses was aware that this discomfort related to a concern that Mr Brandenburg was engaged in paedophilic activities.

Mr Menses sought legal advice and then interviewed Mr Brandenburg on 5 December 1997. There were a number of serious shortcomings in the interview. Mr Menses did not conduct a thorough investigative interview. His questions invited negative responses and he placed words into Mr Brandenburg's mouth.

At no point did Mr Brandenburg clearly deny the allegations.

Mr Menses did not report the allegations to Archbishop George. Archbishop George should have been informed, particularly in view of the earlier spa incident.

Bishop Newell's notification in 1998 of allegations against Mr Brandenburg

We are satisfied that, during a telephone call in July 1998, Bishop Newell informed Archbishop George that Mr Skipper had commenced legal proceedings against Mr Brandenburg for child sexual abuse.

Bishop Newell also telephoned Mr Menses in July 1998 and referred to the legal proceedings.

Mr Menses then confronted Mr Brandenburg with the allegations and he denied them. Mr Menses said that, as Mr Brandenburg was retiring from Anglicare SA in three weeks, nothing further was done to follow up the matter.

Dr Owers' allegations about Mr Brandenburg in 1999

In early 1999, a young man reported his sexual abuse by Mr Brandenburg to the police and also to the parish priest, Reverend Dr Don Owers. At that time, Dr Owers was the rector of the Parish of Magill, where Mr Brandenburg worshipped.

Dr Owers informed Archbishop George of the allegations.

In April 1999, the police informed Dr Owers there may be a minimum of 30 victims. Dr Owers passed this information on to Archbishop George and Bishop Aspinall, who by that time was the Assistant Bishop of the Diocese of Adelaide.

On 24 May 1999, the police interviewed Mr Brandenburg, who made certain admissions. He was then charged with a large number of child sexual abuse offences. He took his own life on about 2 June 1999.

Dr Owers' attempts to have the diocese respond to the allegations

Dr Owers held a workshop on sexual abuse in his parish in August 1999. Throughout 1999, further victims of Mr Brandenburg came forward.

Dr Owers applied persistent pressure to Archbishop George and Bishop Aspinall to provide a pastoral response to Mr Brandenburg's abuse, to publicly acknowledge that abuse and to apologise. The assistant bishop was sympathetic to Dr Owers' request, but Archbishop George declined to take the action that Dr Owers suggested.

We are satisfied that too much weight was given to consideration of legal liability and insurance issues and not enough weight was given to the need to provide appropriate pastoral support to Mr Brandenburg's victims.

In mid-2002, Dr Owers worked together with Mr King's brother, the late Reverend Andrew King, to lobby Archbishop George to make a public statement about sexual abuse. On 22 May 2003, Dr Owers and Reverend King issued a media statement calling for an independent inquiry into the sexual abuse perpetrated by Mr Brandenburg.

Archbishop George's 23 May 2003 media release

On 23 May 2003, Archbishop George issued a media release stating that he had not realised the extent and seriousness of the abuse until recently and that, once it was realised, the diocese had moved swiftly. We are satisfied that these statements were misleading to the archbishop's knowledge.

Apology and establishment of Adelaide Inquiry

On 29 May 2003, Archbishop George issued an apology to the community on behalf of the diocese. He told the Royal Commission that he reached the conclusion that there was a paedophile ring operating within CEBS.

We are satisfied that the Diocese of Adelaide delayed inordinately in responding to the widespread allegations that Mr Brandenburg had sexually abused boys. That delay denied appropriate pastoral support to Mr Brandenburg's victims. Archbishop George bore the primary responsibility for that delay.

Archbishop George resigned in the aftermath of this matter in June 2004.

The Diocese of Adelaide established the Adelaide Inquiry in 2003. The Adelaide Inquiry was an independent inquiry into how allegations of child sex abuse had been handled within the diocese. It was chaired by retired Supreme Court Justice the Hon. Trevor Olsson and psychiatrist Dr Donna Chung.

On 26 May 2004, the Adelaide Inquiry released its report. It was critical of the manner in which the diocese had handled allegations of child sexual abuse.

Financial redress

The Diocese of Adelaide reached financial settlements with Mr King in 2006 and with BYA in 2011.

Diocese of Brisbane

John Elliot

At various times between 1956 and the early 1990s, Elliot was a CEBS leader in both Queensland and Tasmania and held the position of CEBS chief commissioner in both states. He was also a representative on the CEBS National Council and a member of the CEBS Queensland executive.

Elliot became a priest in 1986 in the Diocese of Brisbane. Upon ordination, he worked as an assistant curate at Christ Church Bundaberg, as priest-in-charge and rector of St Anne's, Nanango, and then as rector of Dalby.

In 2002, following a plea of guilty, Elliot was convicted of child sexual abuse offences against five boys, all aged between 10 and 13. The charges included 10 counts of sodomy and 18 counts of indecently dealing with boys under 14.

In 2002, Elliot pleaded guilty to offences against two other boys, including eight offences against BYB.

Survivors of Elliot's sexual abuse

BYB was a member of CEBS. BYB first met Elliot in or around 1975, when he was about eight years old. His family attended St Barnabas Anglican Church in Sunnybank. At that time, Elliot was the branch governor of CEBS Sunnybank and also a lay preacher.

From when BYB was aged around nine until when he turned 13, he saw Elliot on at least a weekly basis. On nearly all of these occasions, BYB said Elliot sexually abused him.

Response of the Diocese of Brisbane to sexual abuse by Elliot

First notification of sexual abuse to the diocese in July 1993

In July 1993, BYB (then aged around 23 years) told his parents of his abuse. At around the same time, BYB's brother also disclosed his abuse by Elliot to his parents. BYB's parents immediately reported the allegations to Bishop John Noble, then Assistant Bishop of the Diocese of Brisbane.

In July 1993, Bishop Noble informed Dr Peter Hollingworth, then Archbishop of the Diocese of Brisbane, that BYB and his brother had both alleged sexual abuse by Elliot and that the abuse occurred both at Church of England Grammar School in Brisbane (colloquially known as 'Churchie'), when Elliot was the bursar there, and in a parish context.

Dr Hollingworth's meeting with Elliot

On 23 July 1993, Dr Hollingworth met with Elliot. We are satisfied that in that meeting Elliot did admit to Dr Hollingworth that he abused both BYB and his brother.

Dr Hollingworth's meeting with BYB

On 30 August 1993, Dr Hollingworth met with BYB.

We are satisfied that during this meeting BYB told Dr Hollingworth that Elliot was a paedophile and Elliot had abused him many times over a number of years.

BYB asked Dr Hollingworth to ensure that Elliot was not in a position to have contact with members of the public.

Dr Hollingworth's dealings with Dr Slaughter

In July 1993, Dr Hollingworth contacted psychiatrist Dr John Slaughter to provide a psychiatric assessment of the nature of Elliot's disorder, whether it was treatable and whether there was a risk of repetition.

Dr Slaughter already knew Elliot, having interviewed him before his ordination selection in 1983.

From August 1993, Dr Slaughter had six consultations with Elliot. By the second consultation with Elliot he had formed the opinion that Elliot was a paedophile and that his personality type was untreatable.

We are satisfied that Dr Slaughter communicated to Dr Hollingworth that Elliot could not be 'treated' and that paedophilia was a disorder that could recur. We find that the information that Dr Slaughter gave Dr Hollingworth in around September 1993 was sufficient to alert him that Elliot posed an ongoing risk to children.

Dr Hollingworth's consultation with the regional bishops

Dr Hollingworth later consulted with two of the regional bishops – Bishop Clyde Wood and Bishop Ronald Williams – about what action to take with respect to Elliot. However, he did not make them aware of the advice he had received from Dr Slaughter. Dr Hollingworth did not consult with Bishop Noble because Bishop Noble had asked not to be involved in the process.

Dr Hollingworth's decision to permit Elliot to remain in the ministry

In November 1993, Dr Hollingworth decided to permit Elliot to remain in the ministry as rector of Dalby until he turned 65, when he would retire. That condition permitted Elliot to remain in the ministry until February 1998.

We are satisfied that Dr Hollingworth's decision to permit Elliot to continue in the ministry was a serious error of judgment which focused overly on Elliot's needs to the exclusion of those of BYB and his family and of the need to protect children more generally.

We are also satisfied that, in making this decision, Dr Hollingworth failed to take into account the advice that Dr Slaughter had given him.

BYB and his parents were upset by the decision to keep Elliot in the ministry.

On 8 September 1995, BYB's brother wrote to Dr Hollingworth and asked why he permitted Elliot to continue in the ministry when he had 'sexually assaulted children for years'.

Dr Hollingworth responded to BYB's brother in a letter dated 11 September 1995. Among other things, Dr Hollingworth wrote that the 'disruption and upset' that would be caused to the parish and to Elliot and his family by not letting him continue in the ministry 'would be in nobody's best interests'. We consider that this letter was inappropriate and insensitive.

Elliot's retirement in 1998

On 2 February 1998, shortly after Elliot retired as rector of Dalby, Dr Hollingworth awarded Elliot an Authority to Officiate. After that, Elliot performed casual priestly functions, known as locum tenancies, around the Diocese of Brisbane.

We are satisfied that Dr Hollingworth's decision on 2 February 1998 to grant Elliot an Authority to Officiate was inconsistent with the condition that Dr Hollingworth had imposed in his 3 November 1993 letter to Elliot that he retire when he turned 65.

We are further satisfied that Dr Hollingworth's decision on 2 February 1998 to grant Elliot an Authority to Officiate was a serious error of judgment. Dr Hollingworth made this decision even though he took no further steps to assess whether Elliot posed a risk to children.

BYB's request for counselling assistance in 2001

In 2001, BYB sought financial assistance from the diocese for therapy. The diocese agreed to cover the cost of BYB's therapy up to the value of \$500 on the condition that any notes taken during the session regarding BYB's abuse were provided to the diocese. BYB rejected this offer and continued to cover the costs of his therapy himself.

Elliot's convictions

On 12 July 2001, Elliot wrote to Bishop Noble and told him that he had been charged with offences, including sodomy, relating to a number of boys. The offences dated back to the 1970s, when he was involved in CEBS.

On 27 March 2002, Elliot pleaded guilty to 28 charges involving five boys. The charges included 10 counts of sodomy with a male under 18 and 18 counts of indecently dealing with boys under 14. Elliot was sentenced to seven and a half years in prison with a non-parole period of 30 months.

On 14 February 2003, Elliot pleaded guilty to further charges of indecently dealing with boys under the age of 14 years. These offences related to two boys, one of whom was BYB. Elliot was sentenced to an additional two and half years in prison, and his non-parole period was extended by three months.

Steps taken by Archbishop Aspinall upon his installation in 2002

Bishop Aspinall was installed as the Archbishop of the Diocese of Brisbane on 2 February 2002. Two weeks after his installation, Archbishop Aspinall announced the establishment of an independent inquiry into the diocese's past handling of sexual abuse allegations against five named individuals, including Elliot (the Brisbane Inquiry).

In June 2002, the diocese arranged for Elliot to sign a deed relinquishing his Holy Orders.

On 20 September 2002, Archbishop Aspinall wrote an open letter to Elliot's victims apologising on behalf of the church and offering them pastoral support.

Brisbane Inquiry

In May 2003, the Brisbane Inquiry published its findings. The Brisbane Inquiry's report considered nine separate complaints, one of which was the complaint that BYB had made against Elliot.

The Brisbane Inquiry's report was critical of the manner in which Dr Hollingworth had handled allegations of child abuse against Elliot.

Financial redress

BYB received financial payments from the diocese in respect of Elliot's abuse.

Diocese of Sydney

Simon Jacobs

Jacobs took up a leadership role within the Christ Church St Ives CEBS group in 1977. In 1981, Jacobs transferred to the CEBS group at St Swithun's in Pymble. His leadership warrant was revoked in around 1984.

In 2010, Jacobs pleaded guilty to, and was convicted of, 11 child sexual abuse offences involving six male victims, including Mr Wayne Guthrie and BYC.

Survivors of Jacobs' sexual abuse

Mr Wayne Guthrie, formerly known to the Royal Commission as BYJ, had intended to give evidence to the Royal Commission, but he died in December 2015.

Mr Guthrie joined the St Ives CEBS branch in around 1979, when he was around 10 years old. At the time, Jacobs was a branch leader, and Mr Guthrie came to regard Jacobs as a father figure. Mr Guthrie said he was sexually abused by Jacobs for several years.

BYC joined the St Ives CEBS branch in 1974, when he was seven years old. Jacobs was a leader of the CEBS Pages group (a group for boys aged nine to 11). Over time he became a close friend of BYC's family. Jacobs would drive BYC home from weekly Friday evening CEBS meetings.

BYC said he was first sexually abused by Jacobs in May 1977, when he shared a room with Jacobs on an overnight trip to Young in New South Wales with his family and Jacobs. From 1979 onwards, BYC said that the abuse escalated to include regular anal penetration. BYC said that Jacobs continued to sexually abuse him until 1981.

Response of the Diocese of Sydney to sexual abuse by Jacobs

Mr Kells reports his concerns about Jacobs to CEBS leaders

Mr Richard Kells was a CEBS leader at St Ives from about 1970 to 1982. He made several attempts to inform the CEBS leadership of his concerns about Jacobs' conduct towards young boys.

Mr Kells reported his concerns about Jacobs' improper conduct with boys to Mr Stewart Park, the St Ives CEBS branch governor, on two occasions in 1980 and 1981. Mr Park was dismissive and told Mr Kells not to look into the matter.

There is no evidence that Mr Park took any action in response to these disclosures.

In around early 1982, Jacobs became a CEBS leader at the Pymble CEBS branch. Mr Kells contacted the acting rector of St Swithun's at Pymble, Bishop Clive Kerle, and reported his concerns about Jacobs.

Bishop Kerle told him to 'try to be forgiving and give [Jacobs] a second chance'. Bishop Kerle is now deceased. There is no evidence that Bishop Kerle took any action in response to these disclosures.

In 1982 or 1983, Jacobs was relieved of his duties with CEBS. There is conflicting evidence about the circumstances in which this occurred. In any event, it appears that the CEBS leadership and the diocese took no further steps in relation to Jacobs at that time.

BYC's disclosure of abuse to Reverend Jobbins

In 1987, BYC first disclosed his abuse to his parish priest, Reverend Boak Jobbins. BYC said that Reverend Jobbins responded by telling him to "let sleeping dogs lie" and not to proceed'.

In October 1988, BYC first reported his abuse to police. Jacobs denied the allegations but was nevertheless charged. At the committal hearing, BYC gave evidence and was cross-examined.

The magistrate found that a jury would not be likely to convict Jacobs because of a lack of corroborative evidence. The charges were dismissed in July 1990.

BYC's mother, BYD, told the Royal Commission that, around the time of the committal proceedings against Jacobs, NSW Police had told her that Reverend Jobbins had refused to speak to them about Jacobs. Reverend Jobbins did not give BYC support during the proceedings.

Reverend Jobbins is now deceased.

Approaches to the diocese for counselling for BYC

In 1995, BYD contacted the diocese to arrange counselling for BYC. BYC was made to pay for the counselling session that took place.

In 1996, the diocese introduced a protocol for receiving complaints of child sexual misconduct against clergy or church workers. BYD contacted the diocese.

BYD said that the contact person told her BYC would need to be assessed, either in person or on the basis of a written application, to determine if his stress was actually related to sexual abuse. BYD was told that the names of the assessors of any written application could not be disclosed to her because she might harass them. BYD decided not to proceed.

Approaches to the diocese for pastoral support for BYC

BYD met with then Archbishop Peter Jensen on 1 October 2002. After speaking with BYD and reading BYC's police statements, the archbishop immediately wrote a handwritten apology and provided it to BYD to give to BYC.

In late October 2002, the archbishop met with BYC and apologised to him directly.

The diocese takes action against Jacobs

In 2011, Jacobs was convicted of child sexual abuse offences and sentenced to an overall term of imprisonment of nine years with a non-parole period of five years and six months.

On 23 June 2011, the then director of the Professional Standards Unit in the Diocese of Sydney, Mr Glenn Murray, concluded that Jacobs had offended against the *Discipline Ordinance 2006* and recommended that he be banned from any further ministry within the Anglican Church.

In 2011, Jacobs' details were entered on the National Register of the Anglican Church of Australia following his criminal convictions.

On 29 November 2016, the Diocese of Sydney advised the Royal Commission that on 3 August 2016, the Commissary of the Anglican Diocese of Sydney issued a prohibition order against Jacobs under the *Discipline Ordinance 2006*. This order indefinitely prohibits Jacobs from holding any office or position within the Diocese or with any church body or church authority, whether employed or voluntary, paid or unpaid or as a contractor performing services.

Financial redress

Negotiations between BYC and the Diocese of Sydney for a financial settlement were ongoing at the time of the public hearing. The Royal Commission has since been advised by BYD and the Diocese of Sydney that a settlement between BYC and the Diocese has now been reached.

The institutional response of CEBS to sexual offending within CEBS

The CEBS National Council revokes national CEBS awards

The CEBS National Council has revoked national awards from a number of offenders, including Mr Brandenburg in 2004, Daniels in 2005 and Elliot in 2009.

The CEBS National Council decides not to make an apology

Despite discussion at the CEBS National Council in 2008 and 2009, there has been no agreement between members of the CEBS National Council to issue a formal apology in relation to child sexual abuse and other abuse within the CEBS movement.

We are satisfied that the CEBS National Council's only formal response to child sexual offending by those involved in CEBS has been to revoke the CEBS national awards given to those offenders.

Lack of CEBS monitoring and disciplinary policies

We are satisfied that there are no record-keeping practices within CEBS to monitor or keep track of CEBS leaders alleged to have perpetrated child sexual abuse.

Links between perpetrators and the culture of CEBS

Relationships between perpetrators

The evidence before the Royal Commission establishes clear links between Daniels, Mr Brandenburg, Hawkins and Elliot.

Daniels and Mr Brandenburg both sexually abused at least two of the same boys: Mr Skipper and another boy. We are satisfied that Daniels and Mr Brandenburg were aware of each other's sexual interest in boys from at least 1990.

We are satisfied that Daniels and Hawkins were aware of each other's sexual attraction to boys and from time to time observed each other's sexual advances to boys.

When Daniels was sentenced in 2005, the sentencing judge said that ‘in one instance, the predation was assisted by another, an acquaintance of the offender, who lived interstate’. We are satisfied that this was a reference to Elliot.

We are satisfied that Elliot and Daniels knew of each other’s sexual attraction to boys and, in at least one instance, colluded in relation to a boy’s sexual abuse.

Survivors’ evidence of being shared by perpetrators

There is evidence that a number of survivors were abused by multiple perpetrators, many of whom were involved in CEBS or the church. Of these survivors, all gave evidence that they believed they were either shared by their abusers or that there was, at the very least, awareness, understanding or acknowledgment between their abusers of each other’s conduct.

We find that there were networks of perpetrators in CEBS who had knowledge of each other’s sexual offending against boys and who facilitated the sexual abuse of boys in or associated with CEBS.

The culture within CEBS

We heard evidence from survivors and perpetrators that demonstrates commonality in the social contexts in which abuse occurred.

With limited input or oversight by the relevant parish, diocese or CEBS at a national level, and either limited or no policies on appropriate contact between boys and CEBS leaders, most CEBS branches could operate in an autonomous and unregulated way. CEBS focused on promoting physical activities and overnight trips for boys that were organised by CEBS leaders and other men socially connected to CEBS leaders. Within this environment, a culture developed in which perpetrators had easy access to boys and opportunities to sexually abuse those boys.

Responses of dioceses and General Synod to offending within CEBS broadly

The Anglican Dioceses of Tasmania, Adelaide and Brisbane have conducted three separate independent inquiries into child sexual abuse occurring within their own dioceses.

There is no evidence before the Royal Commission that any investigation or inquiry has been conducted by any Anglican diocese or CEBS branch, or by the National Council of CEBS or the General Synod of the Anglican Church of Australia, into whether there was an organised network of offenders within CEBS, or a culture that facilitated child sexual abuse within CEBS, that crossed diocesan lines.

1 The Anglican Church and the Church of England Boys' Society

In Case Study 36, the Royal Commission into Institutional Responses to Child Sexual Abuse inquired into the response of the Church of England Boys' Society (CEBS) and the Anglican Dioceses of Tasmania, Adelaide, Sydney and Brisbane to allegations of child sexual abuse.

CEBS is an adjunct organisation to the Anglican Church of Australia. It was established to help boys between six and 16 years of age to develop spiritually, mentally, physically and socially. Various CEBS branches have been established within numerous dioceses of the Anglican Church.

In this section of the report we examine:

- the structure of the Anglican Church of Australia and its governance arrangements, including in relation to the discipline of clergy
- the establishment, activities, structure and governance of CEBS.

1.1 The Anglican Church

Structure

The Anglican Church of Australia was called the Church of England until 1981. It is divided into five provinces, being each of the five mainland states. Within the five mainland 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 Anglican Church.² Each diocese generally covers a larger geographic region and comprises a number of parishes. Each parish generally has several churches. For example, St Anne's Anglican Church is in the Parish of Moonah, which is in the Diocese of Tasmania.

At the top of the diocesan hierarchy is the bishop of the diocese.³ Under the bishop there are several assistant 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, who is assisted by other clergy, including assistant priests, curates and deacons.

Dioceses are organised into larger provinces. Each province is led by a Metropolitan, who is the diocesan bishop of the senior diocese in that province. The senior diocese in each province is situated in the capital city. For example, Archbishop Phillip Aspinall is the Metropolitan of the Province of Queensland and the Archbishop of the Diocese of Brisbane.

Tasmania, as an extra-provincial diocese, stands in a different position. The Diocese of Tasmania is headed by a bishop. There is no Archbishop of the Diocese of Tasmania. At a national level, there is a General Synod which comprises all diocesan bishops and elected clergy and lay representatives from each diocese.

It is convention in the Anglican Church to address assistant or auxiliary bishops as 'Bishop' rather than 'Assistant Bishop'. Upon retiring or resigning, archbishops are addressed as 'Bishop'.

The titular head of the Anglican Church of Australia is the Primate. The Primate presides as chair of meetings of the General Synod and is usually one of the archbishops of the dioceses. The Primate has been described as a 'first among equals' and has no authority over the other diocesan bishops.⁴

Governance

The Anglican Church of Australia is presently governed at a national level by a constitution that entered into force in 1962 (1962 Constitution).⁵ It is given force in various state jurisdictions in Australia through enabling legislation.⁶

The principle of diocesan autonomy is deeply entrenched in the Anglican Church. Each of the 23 dioceses is self-governing and has a diocesan synod,⁷ a diocesan council (or 'bishop-in-council')⁸ and usually a board of trustees.⁹

Each diocesan synod comprises clerical and elected lay members from each parish and usually meets every one to two years. The diocesan council and its committees manage the business of the diocese between sessions of the synod.¹⁰

The General Synod of the Anglican Church of Australia meets every two or three years. The General Synod may pass some 'laws', or canons. The Primate is the president of General Synod.¹¹

Any law 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 for it to take effect in that diocese.¹² This includes most professional standards matters, such as clergy discipline and redress for child sexual abuse.

The General Synod has power to establish committees, boards and commissions. The Standing Committee is one of these committees. It manages issues that arise between meetings of the General Synod.¹³ Members of the Standing Committee include the Primate (as president) and the Metropolitans of the provinces.

Clergy discipline

Under the 1962 Constitution, there must be a diocesan tribunal in each diocese, which is quasi ‘criminal’ in nature.¹⁴ Until the mid-2000s, the diocesan tribunal was the primary method of disciplining clergy in most dioceses.

Under the tribunal system, a board of enquiry first considers whether a matter should go to the tribunal. If the board of enquiry makes this recommendation, charges are laid as set out in the *Offences Canon 1962*, and a panel of triers is convened to hear the charges.¹⁵ The panel then makes its recommendation to the bishop of the diocese. The bishop of the diocese may then exercise a discretion to impose the recommended punishment, mitigate the sentence or issue a pardon. The most severe punishment for a member of clergy is deposition from Holy Orders.¹⁶

In some dioceses, the tribunal system now coexists with, and has in practice been supplanted by, a system based on the model framework introduced by the Professional Standards Commission in around 2004.¹⁷ Under this model framework, ‘offences’ are listed in a diocesan professional standards ordinance and breaches are determined by a diocesan professional standards board. This framework was considered in detail in the Royal Commission’s *Report of Case Study No. 3: Anglican Diocese of Grafton’s response to child sexual abuse at the North Coast Children’s Home*.

1.2 The Church of England Boys’ Society

Establishment

The first branch of CEBS in Australia was established on 25 October 1914 in Kew, Victoria.¹⁸ After that time, branches developed in various states around the country. CEBS branches were based in parishes and generally attached to a parish or a particular church within a parish.¹⁹

CEBS was at its height in the 1970s and 1980s and has since wound down. CEBS has changed its name in some jurisdictions to the Anglican Boys’ Society and Boys’ Ministry Australia.²⁰ CEBS is still operational in some areas – it has branches in New South Wales, Western Australia, Victoria and the Northern Territory.²¹

In 2008, CEBS ceased operating altogether in Queensland and South Australia.²² All CEBS branches in Tasmania have also closed down.²³

Activities

When CEBS was at its height, CEBS branches held weekly branch meetings where boys played games, engaged in various activities and received some spiritual training. The boys learned camping skills such as cooking and knot-tying.²⁴ They could also undertake tests and earn proficiency badges for skills like cycling or for religious knowledge – for example, being able to recite the Lord’s Prayer.²⁵ CEBS boys also participated in athletic and swimming carnivals, competing against other branches.²⁶

A large focus of CEBS was camping trips. CEBS boys attended branch camps and state-based camps. The first national CEBS camp was held in 1963 in Loftus, New South Wales,²⁷ and after that a national CEBS camp was held every three or four years.²⁸ The last national camp was held in Melbourne in 2008.²⁹ National camps are no longer held.³⁰

Structure and governance

The head of each CEBS branch was referred to as the branch governor.³¹ Generally, CEBS leaders were nominated by the branch governor and were endorsed by the relevant parish priest.³² Sometimes priests were CEBS leaders.

Within a branch, CEBS groups were sorted into age groups as follows:

- Lads (aged six to eight years)
- Pages (aged nine to 11 years)
- Esquires (aged 12 to 14 years)
- Knights (aged 15 to 18 years).³³

From the age of 15 onwards, boys were eligible to become CEBS junior leaders. From 18 years of age, CEBS members could become leaders of their branch.³⁴

Generally, those involved in CEBS were volunteers. Accordingly, the harshest discipline for a lay CEBS leader was revocation of their CEBS leader warrant and not being permitted to participate in CEBS activities.³⁵ National Council awards issued to CEBS leaders could also be revoked.³⁶

Generally, each CEBS branch reported to its local CEBS diocesan council.³⁷ CEBS diocesan councils in turn reported to a CEBS state executive, which generally met once per year. The president of the CEBS state executive was usually the archbishop of the relevant province of the Anglican Church.³⁸

CEBS unites at a national level through the National Council of CEBS.³⁹ Under the current national CEBS constitution, the CEBS National Council generally comprises a president (the Primate), vice-presidents, chairman, secretary and treasurer, as well as two representatives from each state executive and each diocesan council of CEBS.⁴⁰

The CEBS National Council is responsible for coordinating national CEBS camps and issuing awards.⁴¹ Under the current national CEBS constitution, the National Council's authority is limited to administering the affairs of CEBS on a national level, deciding matters of a national character and interpreting the CEBS constitution.⁴² Between meetings, National Council affairs are administered by an executive committee comprising a chairman, secretary and treasurer.⁴³

The National Council used to meet on an annual basis, although its activities have wound down in recent years. The National Council has not met since 2013.⁴⁴

Child protection policies

There have never been any formal child protection,⁴⁵ complaint-handling or risk management policies within CEBS at either a state or a national level.⁴⁶ Instead, CEBS leaders were subject to the general diocesan policies in which the particular CEBS branch fell.⁴⁷

During the 1970s and 1980s, there were no screening or background checks of CEBS leaders.⁴⁸ There was no training for CEBS leaders on child protection.⁴⁹

In around 2000, the dioceses (rather than CEBS) started developing and implementing a variety of their own policies and procedures to guide their approach to child protection.⁵⁰ CEBS branches within any particular diocese were expected to comply with diocesan policies.

2 Diocese of Tasmania

This section of the report examines the response of the Diocese of Tasmania to child sex abuse by two clergy of the Diocese of Tasmania: Louis Daniels and Garth Hawkins. Daniels was heavily involved in CEBS and Hawkins socialised with many people involved in CEBS.

Daniels and Hawkins both gave evidence to the Royal Commission. Hawkins changed his name to Robin Goodfellow in 2012, but he will be referred to as 'Hawkins' in this report.

In this section of the report we consider:

- the history of Daniels' and Hawkins' involvement with CEBS and their convictions for sexual offending
- the experiences of certain survivors of Daniels' and Hawkins' abuse. Mr David Gould, BYG, BYH, Mr Steven Fisher and BYF gave evidence to the Royal Commission about their abuse as children and the impact it has had upon them
- the responses of those involved in CEBS and the Diocese of Tasmania to allegations made against Daniels and Hawkins
- the level of support that the diocese offered to the survivors of Daniels' and Hawkins' abuse.

2.1 Louis Daniels and Garth Hawkins

Louis Daniels

Daniels was a prominent member of CEBS in Tasmania and at a national level from the 1960s to the late 1980s.⁵¹ He was regarded by some leaders within the Anglican Church as a 'rising star'.⁵²

Daniels became a priest in 1975 and held increasingly senior positions in Tasmania, including as Archdeacon of Burnie, until the early 1990s. He also held senior positions on diocesan committees and the General Synod Standing Committee, including as chair of the General Synod Youth Commission.

In around mid-1994, the diocese and Daniels confidentially settled a claim for compensation by BYG in relation to his sexual abuse by Daniels.⁵³ Daniels continued as Archdeacon of Burnie.

However, in November 1994, Daniels resigned from all roles and moved to the Australian Capital Territory (ACT). The reasons for his resignation were not made known at the time, but in fact he resigned because of new allegations of sexual abuse that BYW made to the police. From 1995 until May 1997, Daniels was employed as a teacher at several schools in the ACT.⁵⁴

In 1999, Daniels pleaded guilty to and was convicted in the Tasmanian Supreme Court of child sexual abuse offences against BYW. He was sentenced to one year's imprisonment with the last three months suspended.⁵⁵

On 13 December 2002, Daniels was deposed from Holy Orders after BYF made allegations of child sex abuse against him.⁵⁶

In 2005, Daniels pleaded guilty to and was convicted of child sex offences relating to six other boys, including BYF and Mr Gould. He was sentenced to seven and half years' imprisonment with a non-parole period of five and a half years.⁵⁷

Garth Hawkins

Hawkins was ordained in 1971. In 1972 he was appointed assistant curate in the Parish of Smithton in the Diocese of Tasmania. Later in 1972, Hawkins commenced as priest at Invermay. From 1974 to 1978, he was a priest in the Parish of Macquarie Plains in Hamilton.⁵⁸

From 1979 to 1981, Hawkins was the parish priest at East Devonport. In 1982, Hawkins became the priest in the Parish of Swansea in Triabunna. Hawkins remained at Triabunna until 1988, when he resigned due to increased problems with alcohol use.⁵⁹

After Hawkins' resignation, he remained an Anglican priest but no longer had his own ministry. He then moved to Victoria to join the Avalon community in Geelong.⁶⁰ Between 1989 and 1995 he performed locum work in the Pilbara in Western Australia under the then rector of Port Hedland and Archdeacon of the Pilbara, William Warburton.⁶¹

Hawkins was never a member of CEBS. However, he had some involvement in CEBS activities in his capacity as a parish priest. He was also associated with a number of CEBS members and leaders in Tasmania, including Daniels.⁶²

Following a contested hearing in the diocesan tribunal of the Diocese of Tasmania, on 24 June 2002 Hawkins was deposed from Holy Orders. The sustained allegations of 'disgraceful conduct' related to Hawkins' abuse of Mr Fisher and BYF.⁶³

In 2003, Hawkins pleaded guilty to, and was convicted of, child sexual abuse offences against seven boys. He was sentenced to a total of seven and half years' imprisonment with a non-parole period of four years. These convictions included offences relating to BYF, Mr Fisher and BYH.⁶⁴

On 26 November 2004, following a plea of guilty, Hawkins was convicted of a sex offence against another boy and was sentenced to another nine months' imprisonment.⁶⁵

2.2 Survivors of sexual abuse by Daniels and Hawkins

Mr David Gould

Mr Gould was born in 1961. He met Daniels in 1974, when he was 13 years old. His family attended St Paul's Anglican Church in Glenorchy, where Daniels resided.⁶⁶

Mr Gould was not a member of CEBS. However, Mr Gould had friends who were. Through them he met Daniels and visited his house. Mr Gould often observed groups of boys staying at Daniels' house overnight.⁶⁷

In 1974, Mr Gould became an altar boy at St Mary's Moonah, serving alongside Daniels.⁶⁸ Mr Gould said that Daniels created an environment in which Mr Gould felt a part of the future of the church. He was linked to Daniels through a common service at the altar, with Daniels as priest and Mr Gould as altar boy.⁶⁹

Mr Gould gave evidence that Daniels first abused him in 1975, when he was 13 years old. Mr Gould said that Daniels began by brushing his leg. Daniels' behaviour soon escalated to brushing past his genitals and then touching his genitals down his pants. Mr Gould gave evidence that Daniels told him that they had a 'special friendship' and that this was 'natural' and 'normal', that males 'did this', and that this was a very special and very private part of their friendship.⁷⁰

Mr Gould said that Daniels' behaviour further escalated in late 1975, while Mr Gould was staying overnight at Daniels' house before a church camp.⁷¹ Mr Gould said that he was sleeping on a rollaway bed in Daniels' bedroom and woke up to find Daniels fondling him. Mr Gould said that Daniels then masturbated him and made him masturbate Daniels. The next morning Mr Gould said that Daniels forced him to perform oral sex on him. Daniels again told him that he was 'special'.⁷²

Immediately after this incident, Mr Gould demonstrated extreme distress about what had happened. Mr Gould says that Daniels told him, 'We can fix the problem, God will absolve you. I am a priest and I can act for God in this way'.⁷³ Then, in the backyard of Daniels' house at Glenorchy, Daniels took Mr Gould's confession about what had just happened.⁷⁴

Mr Gould told us that Daniels' tactic to silence him profoundly affected him. Mr Gould felt that this placed the moral responsibility on him.⁷⁵

Mr Gould said that the final incident of abuse occurred when Daniels asked him to be his altar server. On the way back from the service, Mr Gould said that Daniels stopped the car and forced him to give Daniels oral sex.⁷⁶ After that incident Mr Gould cut off all contact with Daniels.⁷⁷

Mr Gould said that he was also abused by three other Anglican clergy in Tasmania who were friends of Daniels:⁷⁸ BYS; Reverend Alexander Ralston, now deceased;⁷⁹ and BYT.⁸⁰

Mr Gould told the Royal Commission that the abuse he experienced as a child has had a lasting impact on his life.⁸¹ These impacts include violating his relationship with God; losing faith in Anglican Christianity; experiencing difficulty with physical intimacy in his marriage; and hardship for his father, wife and children.⁸²

BYG

BYG became a member of the CEBS branch at St Albans in around 1978 or 1979, when he was seven or eight years old.⁸³ He became involved through his friendship with the son of a member of clergy at St Alban's Anglican Church, Claremont.⁸⁴

BYG went to his first Tasmanian CEBS camp at Montgomery Park in January 1979, when he was eight. He then attended the same annual camp in 1980 and 1982.⁸⁵ Daniels was the camp director at these camps.⁸⁶

BYG gave evidence that, at the camp in 1980, Daniels started sexually abusing him by sitting next to him and rubbing his back, and then moving down to his genitals. BYG said this occurred on more than one occasion at the camp.⁸⁷

BYG says he also received sexual attention from Daniels at a 1982 CEBS camp.⁸⁸

BYG said that Daniels also abused him in 1985, when he was 14. BYG gave evidence that Daniels invited him to attend the annual CEBS camp as a junior CEBS leader. BYG said Daniels kissed, grabbed at and fondled him.⁸⁹ BYG said that he was abused at the 1985 CEBS camp on multiple occasions.⁹⁰

BYG described a final instance of sexual abuse by Daniels which occurred in 1986, just before he turned 16. On that occasion BYG went with other junior CEBS leaders to Daniels' rectory in Deloraine. While on an excursion to the Meander River, BYG said that Daniels kissed and fondled him in Daniels' car.⁹¹

BYG said that the impacts of the abuse include difficulty in forming relationships with women as well as recurrent anxiety and depression.⁹²

BYH

BYH was born in 1964 and grew up in East Devonport with his sisters and parents. He had a difficult and unstable home life and frequently ran away. BYH was not involved in the Anglican Church or CEBS.⁹³

BYH gave evidence that in early 1980, when he was 15 years old, Hawkins approached him at a jetty at Port Sorrell and began a conversation with him. BYH confided that he was having problems at home. BYH said that Hawkins invited him to stay with him at the East Devonport rectory.⁹⁴

BYH told us that several weeks later, in March 1980, he ran away from home and lived with Hawkins at the East Devonport rectory for a few weeks.⁹⁵

BYH said that, while he was staying with Hawkins, Hawkins took him to the Mersey Yacht Club and gave him alcohol.⁹⁶

While BYH lived at the rectory, he said he saw Hawkins throw many parties.⁹⁷ BYH said he saw several men at these parties. At the time he believed they were from the church and the Mersey Yacht Club.⁹⁸ In the early 2000s, BYH believes he identified two of these men as Daniels and Mr Aspinall.⁹⁹ Both Daniels and now Archbishop Aspinall told us that they did stay at Hawkins' rectory at East Devonport from time to time.¹⁰⁰

BYH said Hawkins often gave him alcohol at the rectory and tried to give him massages. BYH said that these massages led to an incident where Hawkins fondled his genitals and BYH told him to stop.¹⁰¹

BYH said that on another occasion, in March 1980, Hawkins walked into the bathroom while BYH was in the shower. BYH's friends were sitting in the living room of the rectory at the time. BYH said that Hawkins seized him, lifted him out of the shower and put BYH's penis into his mouth.¹⁰²

BYH stated that he struggled silently because he did not want his friends to know what was happening. BYH felt embarrassed and disgusted. He said that he was terrified that Hawkins was strong enough to do that to him. BYH said that Hawkins dismissed it as a joke.¹⁰³

After this incident, Hawkins held a party at the rectory at which BYH drank a lot of alcohol. BYH said that at that party he was leaving the toilet when Daniels blocked his path and grabbed at his genitals.¹⁰⁴ BYH said that Hawkins came by and told Daniels to leave BYH alone.¹⁰⁵

Hawkins also gave evidence about the incident. He said he observed Daniels 'chatting up a boy at the toilet'. He says he told Daniels to leave the boy alone.¹⁰⁶ Daniels did agree it was most likely he was at that gathering.¹⁰⁷ However, Daniels did not accept that this incident took place as described by BYH and Hawkins.¹⁰⁸

BYH said that his next recollection of the party was waking up in Hawkins' bed naked with Hawkins lying next to him.¹⁰⁹ Hawkins then performed oral sex upon BYH and used force to anally penetrate BYH.¹¹⁰ BYH was too scared to leave the bed.¹¹¹ Hawkins eventually pleaded guilty to a count of sexual intercourse with a young person in relation to this incident.¹¹²

Hawkins was gone when BYH woke up the next morning.¹¹³ BYH said he looked through Hawkins' desk and found pornography depicting men having sex with young boys.¹¹⁴ BYH said that he left the rectory that day and never spoke to Hawkins again.¹¹⁵

BYH first disclosed his abuse to his wife in 1992 or 1993.¹¹⁶ He reported it to the Tasmania Police in 2002¹¹⁷ and to the Diocese of Tasmania in 2003.¹¹⁸ BYH later received a financial settlement from the diocese in relation to the abuse.¹¹⁹

BYH said that the impacts of the abuse by Hawkins include chronic depression and fibromyalgia.¹²⁰ BYH said that he has contemplated suicide on many occasions.¹²¹ As a result of the effects of the abuse, he has found it difficult to study and to secure and maintain employment,¹²² and he struggles with intimacy in relationships. BYH said that his biggest fear is turning out like Hawkins.¹²³

Mr Steven Fisher

Mr Fisher was born in 1966 and grew up in Somerset and Devonport with his mother, younger sister and older brother. His father left the family when Mr Fisher was about four years old. Mr Fisher did not attend church and was not a member of CEBS.¹²⁴

Mr Fisher met Hawkins in late 1979 or early 1980. At that time, Mr Fisher was about 13 years old. Two school friends invited him on a fishing trip on Hawkins' boat. Those friends knew Hawkins through playing badminton at the church hall.¹²⁵ Hawkins was then rector of St Paul's Anglican Church in the Parish of East Devonport.¹²⁶

Mr Fisher told us that Hawkins made a good impression on his mother. She felt at ease and allowed Mr Fisher to visit Hawkins whenever he pleased. Mr Fisher's father was absent and his mother was often ill. As a result, Mr Fisher said he was permitted to spend a significant amount of time with Hawkins and frequently stayed with him overnight at the rectory. This occurred at least once a week and frequently for longer periods.¹²⁷

Mr Fisher began to see Hawkins as a father figure.¹²⁸

Mr Fisher gave evidence that Hawkins regularly gave him alcohol at the rectory and at the Mersey Yacht Club.¹²⁹ Consistent with BYH's account, Mr Fisher described gatherings or parties at the rectory attended by other men.¹³⁰

Mr Fisher gave evidence that he went on a number of outings and trips with Hawkins.¹³¹ In this context he met a number of CEBS leaders.¹³² On one occasion, in around September 1980, Mr Fisher said he accompanied Hawkins on a camping trip with Daniels and some young men from his CEBS group.¹³³ Mr Fisher said that Hawkins warned him not to join CEBS because it 'wouldn't be good for' Mr Fisher.¹³⁴

When Hawkins transferred to the Parish of Triabunna in December 1981, Mr Fisher said he moved to live with him in the Triabunna rectory.¹³⁵ Mr Fisher said that he told Hawkins that people in Triabunna thought Hawkins was his father and that Hawkins said, 'Great that's exactly what we want'.¹³⁶

Over the course of 1980 to 1982, Mr Fisher said that Hawkins made repeated sexual advances towards him. Mr Fisher said that these advances included Hawkins rubbing his groin against Mr Fisher's backside¹³⁷ and moving his hands over and touching Mr Fisher's penis and testicles.¹³⁸ Mr Fisher gave evidence that Hawkins also regularly made sexual comments to him, such as 'we'd need a fair bit of KY for that tight little arse of yours'.¹³⁹

Mr Fisher said that on one occasion in 1982 Hawkins took Mr Fisher to visit Daniels at the Deloraine rectory. That night, Hawkins warned Mr Fisher to lock the door. Mr Fisher said that when he told Hawkins the following morning that someone had tried to open the door, Hawkins said, 'Bloody Lou! I knew it'.¹⁴⁰ During his oral evidence, Hawkins says that he did not recollect having made this comment to Mr Fisher but conceded that he may have.¹⁴¹

Mr Fisher said that in around October 1982 another man made sexual advances to him while at a gathering at the Triabunna rectory. Mr Fisher said he warned the man off. The man responded by saying, 'That's right you're Hawkins' boy aren't you, you have been for years'.¹⁴² Mr Fisher described how this comment made him feel humiliated and manipulated by Hawkins.¹⁴³

Soon after this incident, Mr Fisher left Triabunna and returned to live with his mother.¹⁴⁴ He was 15 years of age.¹⁴⁵

Mr Fisher first disclosed his abuse by Hawkins in 1999 to a counsellor at Relationships Australia.¹⁴⁶ He later reported his abuse to the Tasmania Police¹⁴⁷ and eventually obtained a financial settlement from the Diocese of Tasmania.¹⁴⁸

Mr Fisher said that the abuse by Hawkins has impacted on his ability to create trusting relationships and on his relationships with his close family.¹⁴⁹ He explained that he continues to suffer from stress, depression and anxiety.¹⁵⁰

Mr Fisher said that the complicated processes and the delayed response of the Anglican Church served to re-traumatise him. He suggested that, where perpetrators have been proven at law to have abused claimants, those victims should not then have to provide psychological reports and be expected to prove the resultant negative impact on their lives.¹⁵¹

BYF

Background

BYF was born in 1963 and grew up in Tasmania.¹⁵² He and his family attended St John's Anglican Church in Launceston every Sunday. BYF also went to Sunday school from the age of six and then a church youth group from when he was 15.

BYF progressed into youth leadership roles, including the Sunday school superintendent, a youth group leader and a member of the parish council for St John's. BYF was also a CEBS leader for a period of time in 1981.¹⁵³

BYF was heavily involved in the diocesan Youth Synod from the age of 14. As a member of the Youth Synod committee, BYF helped organise youth camps that were held each year around Tasmania.¹⁵⁴

It was through the Youth Synod that BYF met Mr Aspinall¹⁵⁵ who was around 18 or 19 years old at the time and around four years older than BYF.¹⁵⁶ Archbishop Aspinall (as he now is) told us that he regarded BYF as a friend and colleague.¹⁵⁷

Abuse by Daniels

In mid-1980, when he was about 17 years of age, BYF attended a Youth Synod committee meeting in Hobart. After the meeting, BYF and another boy stayed at Daniels' house in Glenorchy.

Daniels' housemate had a party that evening, so the boys slept in Daniels' room with him. Daniels flipped a coin to see who would sleep in the bed with him. BYF ended up sharing the bed with Daniels while the other boy slept on the floor.¹⁵⁸

While in bed, Daniels placed his hand down BYF's pyjama bottoms and onto his genitals. BYF moved his hand away and Daniels put his hand on BYF's genitals again. BYF pushed him away again and then lay in bed in shock, afraid that if he moved Daniels would hurt him.¹⁵⁹

BYF then went outside to use the outhouse but was unable to re-enter. Daniels eventually came out and made up the couch for him. Daniels then warned him never to tell anyone what had happened.¹⁶⁰ In 2005, Daniels pleaded guilty to indecent assault in relation to this incident.¹⁶¹

After this incident, BYF remained on the Youth Synod committee and became a leader at youth and children's camps.¹⁶² BYF said that he tried not to have any further involvement with Daniels but saw him occasionally due to Daniels' role as Youth and Education Officer.¹⁶³

Abuse by Hawkins

Hawkins' sexual advance to BYF in 1981

In around 1981, BYF (then around 17) and Mr Aspinall (then around 21) attended a Youth Synod committee meeting in East Devonport.¹⁶⁴ That evening, BYF and Mr Aspinall stayed with Hawkins at the East Devonport rectory.¹⁶⁵ Mr Aspinall said that it was customary to be accommodated at rectories and people's homes during such trips.¹⁶⁶

BYF said that when it was time to go to bed Mr Aspinall and BYF got into their sleeping bags on the floor of the rectory study. BYF said that Hawkins then came into the room and sat next to BYF.

BYF said Hawkins ran his fingers through his hair, told him he was good looking, gave him compliments and invited BYF to share his bed. BYF refused to do this.¹⁶⁷ BYF thought that Hawkins was making sexual advances towards him. The conduct that BYF alleged is consistent with the evidence we heard of Hawkins' predation and the specific grooming techniques that Hawkins employed with other boys, including Mr Fisher and BYH.

The evidence of both Archbishop Aspinall and Hawkins was that they had no recollection of this incident.¹⁶⁸

BYF had a firm recollection of events and his account is consistent with previous accounts he has given. He was an impressive witness.

We are satisfied that, in around 1981 at Hawkins' rectory in East Devonport, Hawkins, in the presence of Mr Aspinall, ran his fingers through BYF's hair, told him he was good looking, gave him compliments and invited BYF to share his bed.

However, it is not open for us to find that Mr Aspinall in fact observed the conduct or that he had any awareness that Hawkins was making sexual advances towards BYF. On BYF's own account, Mr Aspinall 'did not appear to acknowledge Hawkins' sexual advances towards me'.¹⁶⁹

Conversation between BYF and Mr Aspinall about Hawkins' sexual advance

BYF and Mr Aspinall spoke the following day about the incident. We are satisfied that BYF told or attempted to tell Mr Aspinall that Hawkins had made a sexual advance towards him the previous evening and that Mr Aspinall had been dismissive. Mr Aspinall told him not to be stupid and said something to the effect that Hawkins 'was no more gay than you are or I am'.¹⁷⁰ We accept that BYF was trying to tell Mr Aspinall of his genuine fear and concern.

Archbishop Aspinall told us that he thought that BYF was trying to check his perception of what he experienced but did not think a complaint was being made about alleged abuse. He thought it was a comment from one friend to another.¹⁷¹ We accept that account and observe that Mr Aspinall did not appreciate the gravity of what BYF was trying to tell him.

We consider that BYF characterised what he told Mr Aspinall as a warning or disclosure that Hawkins intended to sexually abuse him, but Mr Aspinall believed what BYF said was a question or comment about Hawkins' sexuality and not a disclosure of abuse.

We are satisfied that Mr Aspinall did not consider that BYF had made any complaint to him in 1981 that Hawkins had tried to sexually abuse BYF. We do not consider that Mr Aspinall ignored or failed to respond to a disclosure of sexual abuse.

Sexual assault by Hawkins in 1982

There was a second incident between BYF and Hawkins in 1982 at Triabunna rectory, when BYF was 18 years old.¹⁷² The assault occurred in Hawkins' bedroom.

Hawkins forcefully made BYF perform oral sex on him.¹⁷³ BYF recalled Hawkins scratching his back hard with his fingernails while this occurred.¹⁷⁴ Hawkins then held BYF's legs down behind his ears and sodomised him.¹⁷⁵ BYF described the pain as excruciating. He said he remained silent because his friend was in the adjoining room and others were nearby.¹⁷⁶

There is no dispute that this assault occurred. Hawkins pleaded guilty to it and was convicted.¹⁷⁷

There are competing versions of the events that occurred immediately before this sexual assault.

That weekend, Mr Aspinall, then aged 22 years, and some other young men from Hobart were staying with Hawkins at the Triabunna rectory and were going sailing on his yacht. BYF and a female friend also stayed at the rectory.¹⁷⁸

BYF said that, on the evening Hawkins assaulted him, he and the other boys were in their sleeping bags in the lounge room of the Triabunna rectory and that:

After we were all in our sleeping bags, Hawkins entered the lounge room and said he had a big bed and someone could share it with him. Aspinall volunteered me to sleep in Hawkins' bed. I said I would not go. Aspinall made a big thing of it and told me to go and not to be so stupid. In front of all those people I did not want to look daft so I begrudgingly went into Hawkins' bedroom. I couldn't believe that after I had told Aspinall of my concerns he would deliberately send me to Hawkins' bed.¹⁷⁹

Archbishop Aspinall told the Royal Commission that he had no recollection of this incident.¹⁸⁰ When questioned by Counsel Assisting, Archbishop Aspinall gave the following evidence about what occurred that evening:

Q. Is it right that you have no recollection of having a conversation with any others about who might share the bed with Mr Hawkins that evening?

A. No, I certainly don't recall that.

Q. But you can't deny there was a conversation about that?

A. No, I can't positively rule it out.

Q. Is there a possibility that in jest you had joked with others about [BYF] sharing Mr Hawkins' bed when he made the invitation that somebody could share his bed?

A. Look, I think if it happened, if such an invitation was issued, then it certainly would have been treated with ridicule really; it would have been responded to sarcastically or with ridicule and in a dismissive way.

Q. But you're just speculating at this stage because you have no recollection one way or the other, is that right?

A. Yes

Q. You're saying that if there was some sort of jest or joke, it's not something you would expect to remember?

A. I think that's right. If it was in a joking or flippant or trivial context, I wouldn't be likely to remember it.

Q. Is it possible that you could have joked around with [BYF] about him sleeping in Mr Hawkins' bed that night?

A. It's possible that jokes could have been made, yes.

Q. Did you deliberately volunteer [BYF] to sleep in Mr Hawkins' bed knowing there was a risk he might be assaulted sexually by Mr Hawkins that night?

A. No I did not.¹⁸¹

Two tendered statements from Mr Stuart Day and Mr Russell Judd, both of whom were named by Archbishop Aspinall as being present on the evening, stated that they had no recollection of the incident that BYF described.¹⁸²

When first asked about what he observed that evening in relation to how BYF came to be in his bed, Hawkins said that BYF ‘was cajoled or teased by Phillip Aspinall and the other boys into joining me in the bed’.¹⁸³ When questioned further by Counsel Assisting, Hawkins said that the reason he thought BYF was cajoled to enter his bed was because that was what BYF had told him.¹⁸⁴ When asked by Justice Coate whether he observed anything in response to his invitation to join him in his bed, Hawkins said, ‘No, I don’t – there may have been a smile or a giggle or something like that, but I just don’t – don’t have any recollection’.¹⁸⁵

We place no weight on Hawkins’s evidence about the matter because it changed over the course of his oral evidence.¹⁸⁶ In any event, he conceded he was probably drunk at the time of the incident.¹⁸⁷

BYF was an impressive witness. BYF has been consistently clear in his various statements that he did feel pressure from Mr Aspinall.¹⁸⁸ We can see no reason that BYF’s account of the incident should not be believed. This view is reinforced by Archbishop Aspinall’s evidence that he could not remember the incident and his concession that there was a possibility that there may have been joking about BYF sharing Hawkins’ bed. No submissions were advanced as to why BYF’s evidence about his experience of the pressure he felt should not be believed, regardless of whether Mr Aspinall’s words were said in jest.

Accordingly, we conclude that BYF did believe that Mr Aspinall pressured him.

Archbishop Aspinall expressly and firmly denied that any pressure applied to BYF would have been done with an intent or suspicion that BYF would be sexually abused by Hawkins. This position is consistent with the written statements of Mr Judd and Mr Day that it would be out of character for Archbishop Aspinall to have done such a thing. We accept that evidence. While Mr Aspinall joked with BYF, the totality of the available evidence does not support that he did so with any belief or intent that BYF would be sexually abused by Hawkins.

BYF’s disclosure to Mr Aspinall in 1982 at Montgomery Park

In 1982, at a youth camp at Montgomery Park, BYF said he attempted to disclose his abuse by Hawkins to Mr Aspinall.¹⁸⁹ At that time, they were sharing a dormitory room. BYF said that Mr Aspinall commented that he had heard BYF screaming out ‘No, no, no’ in his sleep and that BYF had told him the following day, ‘remember what I said about Hawkins wanting to do something to me? Well, he did something’.¹⁹⁰

Archbishop Aspinall gave evidence that he could not recall BYF calling out in his sleep at Montgomery Park and could not recall any conversation with BYF about any sexual abuse by Hawkins. Archbishop Aspinall said that BYF did not directly tell him about the abuse until 28 February 2002.¹⁹¹

Before us is a file note that Archbishop Aspinall had made of a conversation with BYF on 13 March 2002. It contains the following paragraph:

BYF also spoke about a 2nd attempted disclosure to PA at Montg. Park. Apparently BYF had called out in sleep one night 'No. No'. PA had commented on this next morning. BYF said something like 'you know I warned you about Hawkins'. PA did not pick up the cues. PA said he had no recollection of any of these events.¹⁹²

This file note suggests that, as at March 2002, BYF's recollection of the conversation in 1982 was that BYF had attempted to disclose his abuse, but BYF was not specific enough for Mr Aspinall to understand what he was saying. The file note also suggests that BYF acknowledged that during the 1982 conversation Mr Aspinall did not consider what BYF was saying to be a disclosure of abuse.

We are satisfied that a conversation did take place at Montgomery Park in 1982 in which BYF attempted to disclose his abuse to Mr Aspinall. However, that conversation was in general terms, and Mr Aspinall did not pick up the cues that an allegation of abuse was potentially being reported to him.

Impact of abuse on BYF

In around late 2000, BYF and his wife were at a Baptist church and watched a video about the screening of church workers who dealt with children to ensure they had a clear police record. As he watched the video, he broke down in tears.¹⁹³

Following this incident, BYF had a complete breakdown and spent time in a psychiatric hospital. He was also admitted to a psychiatric hospital after he attempted suicide in November 2001.¹⁹⁴

BYF is on high doses of anti-anxiety and anti-depression medication. He suffers from high anxiety, poor sleep and post-traumatic stress disorder.¹⁹⁵

BYF described the impact of the abuse on his life and his family.¹⁹⁶ His mother blamed herself for his abuse because she had sent him to the church camps. BYF said his wife and sons have suffered a lot. He had not told his family the details of his abuse. He has not spoken to his sister in nine years. Last year was the first time he was able to attend a family Christmas.¹⁹⁷

The abuse has also impacted on BYF's working life. He has not been well enough to work full-time.¹⁹⁸ He believes he has been financially disadvantaged because of the abuse. There are times when BYF's wife cannot work, as she needs to stay home to care for him.¹⁹⁹

The abuse also had a significant impact on BYF's faith. Despite growing up going to church, BYF is now an atheist. He stated, 'If Heaven has people like Hawkins and Daniels in it, I don't want to go there when I die'.²⁰⁰

2.3 Response of the Diocese of Tasmania to sexual abuse by Daniels

Rebuke by Bishop Jerrim and Bishop Davies in 1981

Allegations against Daniels first came to the attention of diocesan officials in 1981. At that time, Daniels was the senior assistant priest at St David's Cathedral in Hobart²⁰¹ and Bishop Henry Jerrim was assistant bishop to Bishop Robert Davies.²⁰² Both Bishop Jerrim and Bishop Davies are now deceased.

Daniels told the Royal Commission that in 1981 Bishop Jerrim verbally rebuked him for his inappropriate conduct with a boy.²⁰³ He said the rebuke followed an allegation by a 14-year-old boy that Daniels had sexually propositioned him. The boy's mother had informed her local minister, who subsequently rang Bishop Jerrim.²⁰⁴

Daniels gave evidence that Bishop Jerrim spoke with him about the boy's allegation and reported the matter to Bishop Davies.²⁰⁵ Daniels said that he admitted to Bishop Jerrim that the allegation was true.²⁰⁶ Daniels said that he spoke to Bishop Davies about the matter in the bishop's office.²⁰⁷ Bishop Davies told him to amend his life and asked him to receive counselling from a senior priest.²⁰⁸

Daniels also said that there was no consequence for him other than having to go to counselling.²⁰⁹ In particular, Daniels remained involved in CEBS and at that time was the chairman of CEBS in Tasmania.²¹⁰

Daniels' account is consistent with records made by then Archdeacon Peter Stuart in July 1999 of a meeting he had at around that time with Bishop Jerrim and Bishop Davies' successor, Bishop Phillip Newell. That note records Bishop Jerrim describing a meeting with Daniels in 1981.

According to the note, Bishop Jerrim said there 'was no sense that this was a false accusation'.²¹¹ Bishop Jerrim said that he advised Daniels of the inappropriateness of his behaviour and required that Daniels correct his ways. Bishop Jerrim also said that at the time no records were made of his conversation with Daniels.²¹²

According to Archdeacon Stuart's note, Bishop Jerrim also said that if he were handling the matter 'today' (that is, in 1999) he would have handled the matter differently. Bishop Jerrim said he had not previously received another complaint against Daniels and at the time he had treated the matter as a one-time aberration.²¹³

Bishop Newell's first knowledge of allegations against Daniels

Bishop Newell was the Bishop of the Diocese of Tasmania from August 1982 until January 2000.

Bishop Jerrim and Bishop Newell were jointly interviewed by Archdeacon Stuart in July 1999 to discuss allegations against Daniels. Archdeacon Stuart's contemporaneous notes of that meeting record that Bishop Jerrim said:

[Bishop Jerrim] was approached by a now deceased Minister with the Uniting Church who was representing the parents of a boy who stated that he had been sexually interfered with by Daniels ...

Bishop Jerrim met with Daniels. There was no sense that this was a false accusation. He advised him of the seriousness, unseemliness and inappropriateness of his behaviour. Bishop Jerrim required that he correct his ways ...

Bishop Jerrim advised that at some stage he reported the matter to Bishop Newell. It might have been at the time of a proposed move for Daniels or at the time of Bishop Jerrim's retirement in 1985.²¹⁴

The note goes on to record that Bishop Newell said, 'I do not recall being advised by Bishop Jerrim but acknowledge that such advice could have been given'.²¹⁵ Bishop Newell also told us that he did not recollect this matter, but he did not doubt that it was true.²¹⁶

We are satisfied that at some time in the period 1982 to 1985 Bishop Jerrim informed Bishop Newell of the allegation that Daniels had behaved in a sexually inappropriate way with a boy. There is no direct evidence of the terms of the disclosure that Bishop Jerrim made to Bishop Newell. However, we conclude that Bishop Jerrim did not doubt the truth of that allegation.

We accept that Bishop Newell has no independent recollection of this disclosure, and the circumstances in which it occurred are unknown.

An issue also arose in the evidence before the Royal Commission as to whether one of Bishop Newell's sons had made him aware of allegations against Daniels in the mid-1980s.

Part way through the public hearing, Ms Catherine Hutchinson (nee Finney), who now lives in the United Kingdom, contacted the Royal Commission. From 1984 to 1989, Ms Hutchinson was in a relationship with Bishop Newell's son, Mr Christopher Newell (now deceased).²¹⁷ Mr Christopher Newell was involved in CEBS in 1984 and 1985 and was the CEBS kit and uniform distributor.²¹⁸

Ms Hutchinson gave evidence that Christopher said to her in around 1984 or 1985, 'Everyone knows that when Lou Daniels is at camp there will be CEBS with sore bottoms!'²¹⁹ She said she has never forgotten that phrase about CEBS boys.²²⁰

Ms Hutchison also said that Daniels and ‘CEBS with sore bottoms’ were discussed in conversations with the wider family, including at the dinner table, and that on those occasions Bishop Newell would ‘shush’ Christopher with some jocularly.²²¹ She explained in oral evidence that the phrase was used ‘a couple of other times’ when ‘either sitting in the family room or around the dinner table’.²²² She said that she recalled one particular evening at tea when Bishop Newell, his wife, Mrs Merle Newell, Christopher and Christopher’s two brothers, Dr Michael Newell and Mr John Newell, were present when this occurred.²²³

Mrs Newell, Dr Michael Newell and Mr John Newell provided statements denying that they had ever heard such conversations, including in the presence of Bishop Newell.²²⁴ Dr Michael Newell and Mr John Newell were extensively examined and held firm in these denials.

Ms Hutchinson was also extensively examined. She was an impressive witness. She had no obvious motive to be untruthful and we reject the submission that Ms Hutchinson would intentionally give false evidence as a result of a continuing grudge against the Newells because of a ‘fairly acrimonious falling out’ with them in the 1980s over the sacking of a choirmaster.²²⁵

An expression along the lines that ‘CEBS boys had sore bottoms’ may connote sexual impropriety to some but would not necessarily have done so to all who heard such an expression. Indeed, we accept that Ms Hutchinson did not understand the sexual impropriety connotation of the expression at the time.²²⁶ For this reason, it is fair to conclude that other people may not have understood the connotation at the time either and therefore may have no recollection of it all these years later.

We consider that Ms Hutchinson was a truthful witness. We accept that on occasion she heard Christopher refer to Daniels and ‘CEBS boys with sore bottoms’. However, we cannot be satisfied that Bishop Newell was informed in words to the effect that, when Daniels was around, there would be ‘CEBS boys with sore bottoms’. Those words were either not heard or not understood as having a sexual connotation by the remaining members of the Newell family in an atmosphere of a casual evening of family life.

Disclosures to Bishop Newell in 1987

The evidence clearly establishes that in around June 1987, Bishop Newell was made aware of allegations that Daniels had sexually abused three boys. Mr Peter Francis and Ms Sue Clayton assisted two of these boys in making disclosures to Bishop Newell. At that time, Mr Francis was 20 or 21 years of age and a leader in CEBS.²²⁷ Ms Clayton was also a CEBS leader in her early twenties at that time.

On the basis of Ms Clayton’s, Mr Francis’ and BYG’s evidence to us, as well as the evidence of Bishop Newell and his 1994 file note of what took place, we find that in about June 1987 Bishop Newell was told of allegations that Daniels had sexually abused BYG, BYM and Mr Brett Skipper, who at that time were all under 18 years and involved in CEBS.

The evidence establishes that in around March 1987 Mr Skipper and BYM confided in Mr Francis that Daniels had made sexual advances towards them.²²⁸ BYG (then aged 16 years) later told Mr Francis that he had also been sexually abused by Daniels.²²⁹ Mr Francis was not himself a victim of sexual abuse.²³⁰

In around June 1987, Mr Francis and BYG disclosed the abuse to Reverend David Hayman, the assistant priest in the Parish of St James Newtown, whom they trusted.²³¹ Reverend Hayman later advised them that he had informed Bishop Newell.²³²

At around that time, Mr Francis and BYG enlisted the help of their friend, Ms Clayton, to assist them in reporting the abuse to Bishop Newell. Ms Clayton agreed to attend the meeting with the bishop²³³ and to be a witness for BYM and Mr Skipper, who were in the north of Tasmania.²³⁴

After that meeting, Bishop Newell, Mr Francis, BYG and BYM had a series of meetings. Ms Clayton attended some of these meetings.²³⁵

There was some confusion in the evidence, including Ms Clayton's, as to the correct sequence of meetings with Bishop Newell. However, the precise sequence is immaterial and did not cause us to doubt the truthfulness of Ms Clayton's account.

There is no dispute that Bishop Newell was informed of allegations that Daniels had sexually abused BYG and BYM. Bishop Newell subsequently obtained written statements from both of them.²³⁶

Mr Skipper (now deceased) decided he did not want to be involved in these meetings.²³⁷ Mr Francis,²³⁸ BYG²³⁹ and Ms Clayton²⁴⁰ say that Bishop Newell was informed about allegations that Daniels had abused Mr Skipper.

Before us was Mr Skipper's unsigned statement in which he stated that a meeting had been arranged for him to talk to Bishop Newell. The statement said that just before the scheduled meeting Mr Skipper telephoned Ms Clayton and told her he no longer wanted to go through with the meeting. He stated that he was 'scared to talk about it' but that Bishop Newell was aware he had originally intended to make a complaint.²⁴¹

Bishop Newell said he was sure he was not told about Mr Skipper.²⁴² Bishop Newell did think he had been told about the abuse of three boys. However, he wrongly recollected that Mr Francis was one of the three victims.²⁴³ His conclusion that there were three victims is consistent with having been told about Mr Skipper's abuse.

Further, in a 6 May 1994 file note, Bishop Newell recorded that, in addition to BYG, BYM and Mr Francis, '[i]t was alleged that there were other persons who had similar experiences but as far as I can remember these were the only ones who were named'.²⁴⁴

Complainants were not encouraged to report to the police

Different accounts emerged in evidence regarding the nature of the discussions that Bishop Newell had with BYG, Mr Francis and Ms Clayton about the allegations against Daniels. One point of divergence concerned whether Bishop Newell encouraged the complainants to report their abuse to the police.

We accept that BYG made it clear that he did not want his parents told of the matter.²⁴⁵ However, BYG said that when he met with Bishop Newell in August 1987 there was no suggestion that he should report Daniels to the police.

BYG said that Bishop Newell asked BYG what he wanted to happen.²⁴⁶ BYG told the Royal Commission that, as he was only 16 at the time, he did not feel he was in a position to say what the bishop's response should be.²⁴⁷ BYG said that at the time he assumed that Bishop Newell would 'take care of it'.²⁴⁸

Mr Francis said that the idea of talking to police was not discussed at length and that at no point did Bishop Newell encourage police involvement.²⁴⁹ However, Bishop Newell did ask if he could discuss the matter with senior officials and requested BYG's permission to do so.²⁵⁰

Ms Clayton said that she asked Bishop Newell if the matter should be referred to the police.²⁵¹ She says that Bishop Newell said, 'as it had not progressed beyond fondling, it is not a Police matter'.²⁵² Ms Clayton also said that Bishop Newell told her she was not permitted to speak to anyone about the matter and that he would handle it.²⁵³

In his written statement to the Royal Commission, Bishop Newell said that:

After they had finished their story I made it clear that I believed them, and then suggested that I would need to go to their parents and police. At this stage all three indicated that they did not want to do either of those things. I endeavoured to persuade them otherwise, but without success.²⁵⁴

In oral evidence before the Royal Commission, Bishop Newell said that he was positive that he had suggested the boys report the abuse to the police²⁵⁵ and that it was totally impossible that he would ask the boys not to report it.²⁵⁶ Bishop Newell denied that he ever told Ms Clayton not to tell anyone²⁵⁷ or that it was not a matter for police.²⁵⁸

Bishop Newell's memory of the events is incorrect so far as it suggests that he spoke with three victims of abuse. He did not speak with Mr Skipper, and Mr Francis was not a victim of abuse.

In Bishop Newell's 1994 detailed written record of his dealings with the complainants in 1987, he did not record that he tried to persuade the complainants to take their allegations to the police.²⁵⁹

Bishop Newell's account is not consistent with any of the accounts of BYG, Mr Francis or Ms Clayton on the issue of police reporting. In 1987, Bishop Newell did not encourage the complainants to go to the police.

We also accept Ms Clayton's claim that Bishop Newell told her not to tell anyone about the allegations against Daniels. We can find no reason for Ms Clayton to be untruthful. The fact that she 'resigned' from the church the following year, in part because she believed there had been a cover-up of the allegations, is consistent with her account.

Bishop Newell told us that in retrospect he should have reported the allegations to the police even though the complainants were reluctant to have their parents notified.²⁶⁰

Bishop Newell's response to the 1987 allegations

Ms Clayton gave evidence that during her meetings with Bishop Newell in 1987 she told him that:

- Daniels needed to immediately step down from his roles in CEBS
- Daniels needed to be offered professional counselling
- Daniels needed to be in an environment where he could (and would) be closely monitored so that no boy was at risk.²⁶¹

Mr Francis said in his statement that Bishop Newell said he would take the following actions in relation to Daniels:

- Daniels would be removed from the Parish of Deloraine and placed in another parish.
- Daniels would resign as state chairman of CEBS and have no further involvement with the organisation.
- Daniels would take no further part in the diocesan camping program.
- Daniels would receive counselling.²⁶²

In August 1987 Bishop Newell wrote to BYG asking for another meeting.²⁶³ BYG met with Bishop Newell in Bishops court in Melbourne.²⁶⁴ BYG said that Bishop Newell described the meeting as a 'counselling chat'. Bishop Newell told BYG that Daniels was also receiving counselling.²⁶⁵

Bishop Newell sought counsel from the then Primate of the Anglican Church, Archbishop Sir John Grindrod (now deceased), about what action should be taken.²⁶⁶ The Primate advised him to seek a verbal assurance from Daniels that, if the behaviour had occurred, it was an aberration and not part of a pattern of behaviour.²⁶⁷

In view of the fact that Bishop Newell was aware that three separate boys had complained, it is difficult to understand how he could have been assured that the conduct would not be repeated.

On 4 June 1987, Bishop Newell verbally rebuked Daniels²⁶⁸ and sought his assurance that the conduct would not be repeated. A file note prepared by Bishop Newell some years later, on 6 May 1994, recorded that Bishop Newell had imposed certain conditions, including requiring Daniels to resign from the chairmanship of CEBS and to discontinue all association with youth work in the diocese.²⁶⁹

We accept that Bishop Newell acted in accordance with advice the Primate gave him. However, Bishop Newell accepted that he bore ultimate responsibility for the decision.

The structure of the Anglican Church is such that the Primate has no binding authority over the bishop or archbishop of a diocese. Ultimately, the person responsible for the diocese is the bishop or archbishop.

The *Anglican Church of Australia Constitution Act 1973* stipulates that a diocese 'shall ... continue to be the unit of organisation of [the Anglican] Church and shall be the see of a bishop'.²⁷⁰

Bishop Newell was examined about this matter:

Q. It is correct that ultimate responsibility for decisions made in the Diocese rests with the Bishop, isn't it?

A. That's a very broad statement but I think it would be true on the whole to say that the Bishop of the Diocese is responsible for that Diocese, yes.

Q. The Bishop of a Diocese is not responsible to the Primate for any decisions that he makes, is he?

A. I think that is correct.

Q. And the Bishop of a Diocese is not bound to act in accordance with the directions or advice of the Primate?

A. I wouldn't have thought that he was bound to. He might be wise to but I didn't think he would be bound to.²⁷¹

The allegations were not reported to the police at this time. Daniels remained in the ministry.

We also find that, contrary to the proposed actions that Bishop Newell foreshadowed to Mr Francis (and Bishop Newell's 6 May 1994 file note), Daniels continued his involvement with CEBS.²⁷²

Bishop Newell conceded in oral evidence that minutes of the February 1988 state executive of CEBS indicated that Daniels was still involved in CEBS in February 1988.²⁷³ During that meeting, it was moved that Daniels be made life vice president of CEBS in Tasmania. The minutes record that the motion was put and 'carried with acclamation'.²⁷⁴

Daniels' promotions

At the time of the 1987 allegations, Daniels was the rector at the Parish of Deloraine. In 1988, Bishop Newell nominated Daniels for the position of rector at the Parish of Burnie and he was subsequently appointed. Bishop Newell gave evidence that before making this nomination he obtained Daniels' reassurance that he had amended his life.²⁷⁵

In 1989, Bishop Newell promoted Daniels to the position of Archdeacon of Burnie,²⁷⁶ making him one of the highest-ranking officers within the diocese. At this time, there were only three archdeacons in the Diocese of Tasmania and, together with the assistant bishop, they formed the primary leadership group within the diocese.²⁷⁷

Bishop Newell gave evidence that on Daniels' promotion to archdeacon he again obtained Daniels' assurance that he had amended his life.²⁷⁸

Mr Francis said in evidence that Daniels' appointment as Archdeacon of Burnie 'was deeply insulting to those who knew of the events in 1987'.²⁷⁹ The letter that BYG's solicitors sent to the diocese in 1994 seeking financial compensation stated that BYG saw Daniels' promotion to archdeacon as 'to a large extent a cover-up and showed a distinct lack of concern for the victims'.²⁸⁰

In October 1991, at the meeting of the Standing Committee of the General Synod, Bishop Newell nominated Daniels to take a position on the Standing Committee.²⁸¹ Bishop Newell agreed in evidence that in doing so he had in effect nominated Daniels to a position of quite some influence within the Anglican Church of Australia.²⁸²

Further, in 1993, the then Primate, Archbishop Keith Rayner, invited Daniels to become chair of the newly established General Synod Youth Commission.²⁸³

Ms Clayton's report to Reverend Aspinall about allegations against Daniels

In the years after 1987, Ms Clayton continued to reflect upon the diocesan response to the 1987 allegations. By 1992, Ms Clayton lived overseas. However, in around September or October 1992 she returned home for a visit. At that time, she felt anxious that other boys may have been sexually abused. She decided she would raise the matter with her friend, Reverend Aspinall, who by then was a priest at Bridgewater, Tasmania.²⁸⁴ She telephoned him and arranged a meeting.²⁸⁵

Ms Clayton said in evidence that she met with then Reverend Aspinall in his parish home in Bridgewater in around September or October 1992.²⁸⁶ Archbishop Aspinall originally thought the conversation had occurred sometime between 1985 and 1988,²⁸⁷ but he accepted that Ms Clayton's recollection may be correct.²⁸⁸

Ms Clayton and Archbishop Aspinall have differing recollections of the conversation that occurred when they met, although we consider that the two accounts can be reconciled. They both took away different understandings of the conversation.

Ms Clayton said that she told Reverend Aspinall about Daniels' inappropriate conduct during a CEBS trip in 1987 and that she had reported Daniels' misconduct to Bishop Newell.²⁸⁹

Ms Clayton said she told Reverend Aspinall about BYM's account of being abused by Daniels and BYG's account of being abused at Montgomery Park.²⁹⁰ Ms Clayton also said that she told him about Mr Skipper living at the rectory in Deloraine and that Mr Skipper was probably still staying with Daniels in Burnie.²⁹¹

Ms Clayton said she told Reverend Aspinall how unimpressed she was with Bishop Newell's lack of action.²⁹² She also expressed her concerns about Daniels being moved to another parish and promoted. She said she expressed concern that there may have been more victims in the past and may be more in the future.²⁹³

Ms Clayton stated that she asked Reverend Aspinall if anything could be done about the fact that Daniels was still in a leadership position.²⁹⁴ Ms Clayton said that Reverend Aspinall listened respectfully; however, she did not recall him offering to address her concerns.²⁹⁵ She stated, 'I got the clear impression that he was not convinced. Put bluntly, I left with the uneasy feeling that he may not have believed me or did not want to believe me'.²⁹⁶

Archbishop Aspinall recalls the meeting differently. He stated that Ms Clayton did not give him details of the alleged misconduct or the boys involved.²⁹⁷ Archbishop Aspinall gave oral evidence that he did not recall Ms Clayton using any description of sexual misconduct explicitly, although he understood that she was talking about serious misconduct with respect to boys and suspected it was sexual misconduct.²⁹⁸

In oral evidence before the Royal Commission, Archbishop Aspinall said that he was surprised to read Ms Clayton's statement because he had no recollection of her raising concerns about Bishop Newell's handling of the matter or of Daniels being a continuing risk to boys.²⁹⁹

Archbishop Aspinall stated that he did not understand from that conversation that Ms Clayton was asking or expecting him to take any action.³⁰⁰ As the matter had been reported to the proper authorities, Archbishop Aspinall expected it would be dealt with properly.³⁰¹

In oral evidence, Archbishop Aspinall said that he took what she said seriously; however, he was 'puzzled' by it.³⁰² What Ms Clayton had said was inconsistent with his experiences with Daniels at the time.³⁰³

In March 2002, Archbishop Aspinall spoke with Ms Clayton about their conversation all those years earlier. In a file note dated 22 March 2002, he recorded that Ms Clayton had expressed to him that

she did not expect that he would do anything because he was only a curate (an assistant priest) at the time of their initial conversation.³⁰⁴

In examination by counsel for Archbishop Aspinall, Ms Clayton said that she could not recall saying that.³⁰⁵ However, she agreed with the proposition that, as a curate (more correctly, a priest), Reverend Aspinall would find it difficult to address a matter which was already under the control of the bishop.³⁰⁶

We do not consider that Archbishop Aspinall's 22 March 2002 file note 'corroborates' his account to the exclusion of Ms Clayton's.³⁰⁷ That is not what the text of the file note says. In any event, the file note is not a transcript.

We accept that Ms Clayton did tell Reverend Aspinall that she was not satisfied with Bishop Newell's response. Archbishop Aspinall's counsel did not put any contrary suggestion to her during her oral evidence.³⁰⁸

Ms Clayton's 1989 'resignation' letter establishes that Ms Clayton was aggrieved at Bishop Newell's handling of the 1987 allegations. Her letter stated in part:

I have witnessed and been part of, what I can only describe as being, corrupt situations. At this point in time, I am supposed to be under a confidentiality of silence imposed upon me by our bishop regarding what should have been a matter of prosecution.³⁰⁹

Ms Clayton's dissatisfaction with this situation was also reflected in her 1998 written correspondence to Bishop Aspinall, then an assistant bishop in the Diocese of Adelaide, in which she referred to a 'conspiracy of denial'.³¹⁰

We are satisfied that in 1992 Ms Clayton informed then Reverend Aspinall, then a parish priest, that Daniels had sexually miscondacted himself with boys and that she had reported it to Bishop Newell and was not satisfied with his response. However, it was open for Reverend Aspinall to conclude from that discussion that Ms Clayton had not asked him to take any action.

Archbishop Aspinall gave evidence that at some time in 1994 Daniels called him and told him that he was resigning from all positions he held in the church.³¹¹ Archbishop Aspinall stated that he asked Daniels why he was resigning, but Daniels did not want to talk about it on the telephone.³¹²

Archbishop Aspinall advised that, other than the conversation with Ms Clayton, there was no other occasion during his time in Tasmania (up until 1997) in which he heard that people involved with CEBS engaged in inappropriate conduct of a sexual nature with CEBS boys.³¹³

Daniels' civil settlement of sexual abuse allegations in mid-1994

In early 1994, BYG, who by then was an adult, decided to take civil action against the church and Daniels in relation to his sexual abuse by Daniels.³¹⁴ Initially, Bishop Ronald Francis Stone, who was an assistant bishop of the Diocese of Tasmania from 11 June 1992 to 30 November 1996,³¹⁵ dealt with BYG's matter on behalf of the diocese.

Bishop Stone became aware of BYG's allegations in early 1994, when he was contacted by Dr Peter Marshall, who was then chief executive officer of the Inter-church Trade and Industry Mission. Dr Marshall had been contacted by a relative of BYG.³¹⁶ Bishop Stone kept reasonably detailed contemporaneous notes of the actions he took with respect to BYG.³¹⁷

On 25 March 1994, Bishop Stone met with BYG's relative, who repeated the allegation about BYG being abused by Daniels on a CEBS camp in Montgomery Park in the 1980s.³¹⁸ Bishop Stone suggested that the relative should encourage BYG to speak with him.³¹⁹

At some point on or after 25 March 1994, Bishop Stone spoke with Bishop Newell, who provided two sealed envelopes – one relating to BYG's complaint and one relating to another complaint against Daniels.³²⁰

On 8 April 1994, Bishop Stone spoke with BYG on the telephone and offered to meet with him.³²¹ BYG told him that he should speak to BYG's solicitor instead.³²²

On 14 April 1994, BYG's solicitor wrote to the diocese advising that, in addition to a financial settlement, one of BYG's expectations was that Daniels would be dismissed.³²³

On 26 May 1994, Bishop Stone met with BYG.³²⁴ BYG confirmed the allegations against Daniels and said that he was not the only boy molested by Daniels at Montgomery Park.³²⁵ Bishop Stone stated that he advised BYG of the following:

- The Anglican Church would regard the allegations as being very serious and a breach of trust.
- The Anglican Church had a 'Clergy Offence Procedure'.
- Bishop Stone would seek advice and confront Daniels with the allegations.
- Bishop Stone would contact BYG again after taking these steps.³²⁶

BYG did not mention the 26 May 1994 meeting in his statement to the Royal Commission or in his evidence at the public hearing. BYG noted that on 14 April 1994 his solicitor informed the church that he had the expectation that Daniels would be dismissed from the church.³²⁷ He did not receive a response.³²⁸ He also requested an apology from the church; this was not forthcoming either.³²⁹

Bishop Stone told the Royal Commission that the purpose of the meeting was pastoral and it was agreed to by BYG's solicitor and the diocesan solicitors.³³⁰ As BYG had chosen a legal path, Bishop

Stone stated he wanted to show care to BYG and let him know that he mattered. He also wanted to let BYG know about the tribunal process available in the church.³³¹

Bishop Stone says that he then sought advice from the Diocesan Advocate, Mr David Thorp (who is now deceased), and also from Bishop Newell. Bishop Newell advised him that further allegations were made against Daniels in the mid-1980s.³³²

In evidence, Bishop Newell did not recall speaking with Bishop Stone about the BYG matter.³³³ However, Bishop Newell stated that he did recall speaking with Mr Thorp about the BYG matter but could not recall what was discussed.³³⁴

On 26 May 1994, Bishop Stone called Daniels, who was attending the Standing Committee of General Synod, and asked him to return to Tasmania immediately.³³⁵

On 27 May 1994, Bishop Stone, with Mr Thorp as witness, confronted Daniels with the allegations.³³⁶ Bishop Stone stated that Daniels responded to the effect of 'God! I thought that was all over' and 'I am a homosexual, but I am not into boys'.³³⁷ According to Bishop Stone, Daniels neither admitted nor denied the allegations.³³⁸

Following the meeting, Bishop Stone said that he and Mr Thorp agreed that there was sufficient evidence to proceed with a tribunal hearing if BYG would sign a statement.³³⁹

Bishop Stone says he contacted BYG on 27 May 1994 and informed him that there was sufficient proof to proceed to a tribunal. However, BYG told him that 'I don't want the Church to deal with the matter ... I will deal with the matter through my own solicitors'.³⁴⁰

Bishop Stone says that shortly after this conversation he gave Bishop Newell a report on the situation³⁴¹ and the further conduct of the matter was then passed to Bishop Newell. Bishop Stone explained that 'I was only the Assistant Bishop, I was not able to take any further action as all other decision-making power resided with the Diocesan Bishop'.³⁴²

Bishop Stone told the Royal Commission that after the meetings with BYG and Daniels he never trusted Daniels again.³⁴³ Bishop Stone found it difficult to sit alongside Daniels at senior staff meetings.³⁴⁴

In relation to pursuing a complaint against Daniels in the diocesan tribunal, Bishop Stone gave evidence that he told Bishop Newell that he believed there was sufficient evidence to proceed but that Bishop Newell disagreed.³⁴⁵ Bishop Newell's evidence was that he could not recall that conversation.³⁴⁶

Bishop Newell did recall talking to Mr Thorp about the BYG matter; however, he could not recall what was said.³⁴⁷ Bishop Newell recalled receiving advice, although he could not recall from whom.

He could recall receiving advice that it was inappropriate to pursue a tribunal hearing because it would not succeed.³⁴⁸

Bishop Stone said that Bishop Newell told him there was not sufficient evidence to call a tribunal.³⁴⁹ Bishop Stone also told the Royal Commission that Bishop Newell appeared to be struggling with the best way to respond to the matter.³⁵⁰

Bishop Newell said that he had ‘serious doubts’ that he would have told Bishop Stone and Mr Thorp that there was not sufficient evidence to proceed to a tribunal.³⁵¹ However, the evidence is that Bishop Newell did not proceed to a tribunal.

Bishop Newell conceded that by 1994 he had no doubt that Daniels had committed the acts of which he was accused and that Daniels did not deny them.³⁵² Despite this, he did not consider whether the absence of a denial would be sufficient evidence in a diocesan tribunal.³⁵³

Even if BYG did not wish to participate in a diocesan tribunal process, this did not preclude Bishop Newell from promoting a charge before the tribunal.

Counsel for the Diocese of Tasmania, Bishop Newell and Bishop Harrower submitted that none of the putative complainants wanted to proceed in a way that would have involved a hearing by a diocesan tribunal. The Diocese of Tasmania, Bishop Newell and Bishop Harrower submitted that Mr Skipper decided not to meet with the bishop and BYG wanted a legal solution, meaning there was no complainant for a tribunal process. The Diocese of Tasmania, Bishop Newell and Bishop Harrower submitted that Bishop Newell’s response was informed by advice from the Primate.³⁵⁴

In further submissions in reply, the Diocese of Tasmania, Bishop Newell and Bishop Harrower agreed that, while BYG’s reluctance to make a statement for the purpose of a tribunal process would not have precluded Bishop Newell from promoting a charge, there would have been a stronger evidentiary basis for promoting a charge had there been a signed statement. The Diocese of Tasmania, Bishop Newell and Bishop Harrower further submitted that, while the question of whether BYG’s complaint was referred to the diocesan tribunal was separate from any civil proceedings, BYG made it clear that he wanted a legal solution.³⁵⁵

We have considered the submissions of the Diocese of Tasmania, Bishop Newell and Bishop Harrower and are of the view that a diocesan tribunal could have been held on the basis of information that the diocese did have. The wishes of the complainant are not decisive as to whether a diocesan tribunal can proceed. It is not sufficiently compelling that the tribunal would not have proceeded because of an assistant bishop’s belief that Daniels would contest the hearing and that the case would not be strong without a signed statement from a complainant.

We are satisfied that in around mid-1994 Bishop Newell told Bishop Stone that there was not sufficient evidence to proceed in the diocesan tribunal in relation to the allegations of sexual abuse

against Daniels. This position was unreasonable in view of the fact that three separate boys had by that time made allegations and two of them had committed the allegations to writing. Daniels had not denied the allegations.

On 10 June 1994, Bishop Newell and Bishop Stone met with the Archbishop of Melbourne and the then Primate of Australia, Archbishop Rayner, at Bishops court in Melbourne.³⁵⁶ The purpose of the meeting was to discuss the potential legal proceedings that BYG was bringing against Daniels and the church.³⁵⁷

Bishop Stone said that Archbishop Rayner was told about BYG's allegations against Daniels and that there were allegations from other boys as well.³⁵⁸ Bishop Stone told the Royal Commission that he would have given Archbishop Rayner his view that a tribunal could be held.³⁵⁹

Archbishop Rayner advised Bishop Newell to write a letter of solemn admonition to Daniels.³⁶⁰ Bishop Newell did not recall whether there was advice about whether a tribunal should be held; only that Archbishop Rayner advised him to send a letter.³⁶¹

Bishop Stone told the Royal Commission that, due to his position as a junior bishop, he had very little input into the conversation.³⁶² Bishop Stone felt that, since Archbishop Rayner was on the Appellate Tribunal of the Anglican Church at that time, he would be better placed to provide advice.³⁶³

In two statements tendered to the Royal Commission, Archbishop Rayner said that he could not recall the meeting with Bishop Newell and Bishop Stone. However, on reviewing his diary he noted that a meeting did occur on 10 June 1994 and he has no reason to doubt the accounts of Bishop Stone and Bishop Newell.³⁶⁴

Bishop Newell agreed in evidence that as the Bishop of the Diocese of Tasmania it was ultimately his decision as to whether he followed Archbishop Rayner's advice or not.³⁶⁵ As we have already noted, he was not bound by that advice.

On 28 July 1994, Bishop Newell issued Daniels with a letter of solemn admonition.³⁶⁶

The letter, headed 'SOLEMN ADMONITION', stated:

It is my duty and responsibility, in my care for the Church in this diocese and beyond, to place before you this LETTER OF SOLEMN ADMONITION requiring that you note its contents and fulfill its requirements.

The circumstances which have led to this are the allegations of sexual assault made against you by [BYG] when he was a child and when you occupied a position of trust with regard to his care and welfare.

Your acceptance of all that follows and your commitment to and fulfilment of the requirements set out here-in are absolutely necessary if you are to continue to be a licensed priest in this diocese.

FIRST, in the event of any civil or criminal action being taken in the courts in the matter of [BYG] and your alleged sexual assault of him, or in the event of other alleged victims of sexual assault by you taking any such civil or criminal action, neither I as Bishop nor the Church in this Diocese would take any action which would seek to stop the proceedings.

SECONDLY, the initiation of such action would create a public situation such that your resignation as a licensed priest would be immediately required. It is right that you assure me in writing of your compliance with this course of action.

THIRDLY, I hereby require of you in writing your solemn assurance that, since I verbally admonished you in 1987, there has been no repetition or further occurrence of this kind of criminal assault by you and consequent breach of trust.

FOURTHLY, I admonish you to live your life so that it is beyond reproach.

Allegations which satisfy me that you have engaged in conduct disgraceful in an ordained person and productive or likely to be productive of scandal or evil report, or allegations of improper sexual or other behaviour made against you and, again, which satisfy me as being with foundation, will lead to your being required to resign as a licensed priest. Your acknowledgement of your responsibility in this regard is required.

FIFTHLY, in the event of your seeking a position in another diocese or being offered such a position, I would be bound, for the sake of the Church, to inform the Bishop of such other diocese regarding the matters to which this letter refers.

SIXTHLY, should you at any time be asked to allow your name to be considered for election to a See or appointment as an assistant bishop, or should you be elected to and offered such an episcopal appointment I hereby require that you decline such offer, nomination or appointment, or make a complete disclosure of the matters referred to in this letter, otherwise I would be duty bound to disclose the matters referred to in this letter to the appointing, nominating or electing authority.

FURTHERMORE I put you in mind of the vows of ordination that you strive to live according to the teaching of Christ as an example to the flock of Christ. I require of you an acknowledgement of this Letter of Solemn Admonition together with the assurances indicated within fourteen days of its receipt.

Among other things, the letter required written acknowledgement that Daniels had not engaged in any further breach of trust. Daniels falsely provided that acknowledgement in a letter dated 3 August 1994.³⁶⁷ In that letter Daniels wrote, 'I hereby accept all the points listed in it and assure you that since your verbal admonition in 1987, there has been no breach of trust such as that alleged by [BYG]'.³⁶⁸

BYG gave evidence that, as he did not want the matter to become widely known and was exhausted by the civil process, he decided to settle with Daniels.³⁶⁹ In September 1994, BYG executed a deed of release with Daniels and Bishop Newell on behalf of the diocese. In accordance with the deed of release, Daniels personally paid BYG an amount of \$34,000.³⁷⁰ The deed of release released the diocese from all claims.³⁷¹

BYG said that, according to his solicitor, the church had told him that it was unable to contribute money without the matter becoming widely known and would have to go through complicated church processes.³⁷²

No steps were taken by anyone in the diocese to notify police of the allegations that BYG made. Further, Daniels continued in his position as Archdeacon of Burnie³⁷³ and as one of the members of the leadership group within the diocese. No steps were taken to alert parishioners or those involved in CEBS to Daniels' conduct.

As at October 1994, Daniels remained as chair of the Youth Commission of the General Synod.³⁷⁴ Despite both Bishop Newell and Archbishop Rayner knowing about the serious allegations of child sexual abuse being levelled at Daniels, there was no attempt to remove him from his role.³⁷⁵ At this time, Bishop Newell was a member of the General Synod Standing Committee and Archbishop Rayner, as Primate of the Anglican Church, was president.

We make the following observations about the approach Bishop Newell took to the re-emergence of BYG's allegations in early 1994.

First, the letter of solemn admonition made no reference to the allegations that BYM and Mr Skipper had made about being abused by Daniels. Bishop Newell was asked whether the letter only referred to BYG because he wanted to avoid creating a document that contained more than one allegation.³⁷⁶ Bishop Newell said that that was not the reason but that he could not explain why it only referred to BYG.³⁷⁷

Secondly, aside from the fact that BYG was now threatening to pursue a civil claim, no circumstance had changed between 1987 to mid-1994 in terms of Bishop Newell's knowledge of abuse by Daniels. We conclude that the only reason that Daniels was issued with the written admonition in 1994 rather than in 1987, when the allegations originally surfaced, was a concern that the matter may become public and Bishop Newell felt that the diocese needed to be seen to be doing something.

Bishop Newell acknowledged that the reason for issuing the letter was concern for the church if it became public knowledge that Daniels had settled with BYG for a substantial sum.³⁷⁸ Bishop Newell stated that he was of the view that Daniels' settlement with BYG would become public, as the media was bound to find out.³⁷⁹

Bishop Newell agreed that the outcome of the letter was that, unless the allegations became public, Daniels would be able to continue in ministry.³⁸⁰ When asked whether he was trying to keep the allegations secret, Bishop Newell replied that he was not conscious of that but, rather, was concerned about 'the effect on the clergy and their relationship with their people'.³⁸¹

Bishop Newell was asked in evidence whether he had considered the child protection issues which arose from Daniels being able to remain in ministry in 1994. Bishop Newell said that he very much regretted not considering what steps were necessary to protect children from Daniels.³⁸²

We consider that the July 1994 letter of solemn admonition was an inappropriate way for Bishop Newell to respond to the allegations of child sexual abuse, despite the fact that the Primate had advised him to issue the letter. The letter failed to disclose that multiple complainants had made allegations. The approach adopted by Bishop Newell had no regard for the need to protect children from further sexual abuse by Daniels.

Daniels' resignation in November 1994

On about 21 November 1994, Bishop Newell received a telephone call from BYW's stepmother.³⁸³ She alleged that Daniels had sexually abused BYW, a boy of 13 years.³⁸⁴ She also told him that BYW had informed the police, who were now investigating the matter.

Following that telephone call, Bishop Newell had a meeting with Bishop Stone and Mr Thorp at Bishops court.³⁸⁵ Bishop Newell then rang and spoke with Daniels. Bishop Newell said that he – that is, Bishop Newell – was very distressed.³⁸⁶

There is some disagreement in the evidence about what happened at that meeting. In Bishop Stone's written statement, he said that Bishop Newell gave him authority to act in one of three ways with Daniels: to require Daniels to resign immediately, to require him to hand in his licence or to suspend him immediately.³⁸⁷

Bishop Newell did not accept that was the case and said that the outcome of the meeting was that Daniels would be asked to resign.³⁸⁸ When asked why he did not suspend Daniels or refer the matter to a diocesan tribunal, Bishop Newell said that he did not consider those options and that it was important for him that Daniels resign.³⁸⁹

Bishop Newell directed Bishop Stone to deal with the matter. Bishop Stone said that Bishop Newell said he was too distressed to deal with it and he had other engagements.³⁹⁰ Bishop Newell said that

he could not deal with the matter because he had an important engagement at Government House that he wanted to keep.³⁹¹

What then followed is not in dispute. Bishop Stone immediately went to Burnie on 21 November 1994. He spoke first with Daniels and presented him with the three options. The following day, on 22 November 1994, Bishop Stone met with BYW and his stepmother³⁹² and then returned to see Daniels. At that time, Daniels handed Bishop Stone a letter of resignation, resigning all positions within the diocese and the church more generally.³⁹³

On 30 November 1994, Bishop Newell wrote an Ad Clerum to all Anglican clergy in Tasmania advising that Daniels had resigned for ‘personal reasons’.³⁹⁴ Also on 30 November 1994, Bishop Newell sent a memorandum to all diocesan bishops and administrators in Australia. That memorandum also advised that Daniels had resigned for ‘personal reasons’.³⁹⁵

Bishop Newell told the Royal Commission that he used the expression ‘personal reasons’ and did not reveal the nature of the allegations against Daniels because there was an ongoing police investigation.³⁹⁶

Bishop Newell has suggested in submissions that his 30 November 1994 memorandum to the bishops was a ‘discreet warning’ about Daniels.³⁹⁷

Bishop Rayner said in his statement that:

It was most unusual for a Bishop to notify his fellow Bishops of a resignation in this way. A memorandum of this kind would have been taken by those to whom it was directed to suggest to me a serious misdemeanour, which would suggest something out of the ordinary had occurred.³⁹⁸

The 30 November 1994 memorandum stated in full:

It is with regret that I have to announce that I have received the resignation of Lou Daniels from all positions in the Church including Rector of Burnie, Archdeacon of Burnie, Chair of the General Synod Youth Commission and membership of the Standing Committee of General Synod.

Lou has resigned for his own personal reasons.³⁹⁹

The terms of this letter are consistent with Daniels’ evidence that on the day of his resignation he agreed with Bishop Newell and Bishop Stone the terminology that would be used to explain the reasons for resignation – that is, that he resigned for ‘personal reasons’.⁴⁰⁰ This did not reveal the nature of the allegations against Daniels.

On no fair view of the text can the 30 November 1994 memorandum be characterised as a ‘discreet warning’ about Daniels.

Certain intended recipients of this memorandum did not understand it as a ‘discreet warning’. Both Bishop Ian George⁴⁰¹ and Dr Peter Hollingworth⁴⁰² said that at that time they were not advised about the allegations against Daniels.

Also, Bishop George Browning, then Bishop of the Diocese of Canberra and Goulburn, said in a statement to the Royal Commission that he first became aware of Daniels’ presence in the ACT in 1997.⁴⁰³ He was notified about the allegations against Daniels in May 1997.⁴⁰⁴

Bishop Newell conceded in oral evidence that it did not occur to him to warn bishops about Daniels and that in hindsight he may have been able to do so.⁴⁰⁵ He said it was not his intention to protect the church by asking Daniels to resign rather than pursuing a diocesan tribunal.⁴⁰⁶

In March 1995, the Standing Committee of General Synod met and carried a motion recording its appreciation of Daniels’ ‘significant contributions’. The committee, members of which included then Archbishop Rayner and Bishop Newell, asked the general secretary to write to Daniels conveying the committee’s appreciation and good wishes.⁴⁰⁷

Bishop Newell conceded that in hindsight he could have formed some appropriate words to warn the Standing Committee about acknowledging appreciation for Daniels on the public record.⁴⁰⁸

The Diocese of Tasmania, Bishop Newell and Bishop Harrower submitted that, while it was open to find that the real reason for Daniels’ resignation was not disclosed, it was not open to find that this approach was unreasonable. The Diocese of Tasmania, Bishop Newell and Bishop Harrower submitted that the letter in that form was not unreasonable, as the police were still investigating and charges had not been laid. It was submitted that Bishop Newell agreed that he wrote the *Ad Clerum* and advice to the bishops because he did not want to interfere with the police investigation and he had been advised by either Mr Thorp or some other legal person.⁴⁰⁹

We reject this submission. We are satisfied that Bishop Newell advised his colleagues in the Diocese of Tasmania and other diocesan bishops and administrators in Australia that Daniels had resigned for personal reasons and did not disclose the real reason for his resignation at the time. This approach failed to take account of the need to protect children from the risk of further abuse by Daniels.

Bishop Newell’s disclosures to ACT authorities in May 1997

In late November 1994, very soon after he resigned, Daniels moved to the ACT and applied for teaching positions within the Catholic Education Office and the public education system.⁴¹⁰ He worked as a teacher in the ACT for the next two years.⁴¹¹

During this time, police continued to investigate Daniels and began receiving allegations from other survivors. Daniels did not disclose these matters to the ACT Department of Education or the Catholic Education Office.

Mr Gould first disclosed his abuse to the Tasmania Police in late 1995. His disclosure was prompted by reading a newspaper article about Daniels resigning and leaving Tasmania.⁴¹² Mr Gould made a police statement on 1 November 1995.⁴¹³

On 11 June 1996, during the subsequent criminal investigation, police told Mr Gould that Daniels had denied Mr Gould's allegations.⁴¹⁴ Police interviewed Mr Gould again on 17 September 1997, but charges were not laid at that time.⁴¹⁵

In April 1997, Mr Gould disclosed his abuse by Daniels, Reverend Ralston and BYS to Bishop Newell.⁴¹⁶ Mr Gould told the Royal Commission that he told Bishop Newell that he feared Daniels was continuing to abuse people and that Mr Gould's abuse was 'the tip of the iceberg'.⁴¹⁷

Mr Gould had a second meeting with Bishop Newell on 7 May 1997. Mr Gould told the Royal Commission that Bishop Newell did not acknowledge that he had prior knowledge of Daniels' abusive behaviour and he did not offer an apology to Mr Gould.⁴¹⁸ Mr Gould also told the Royal Commission that Bishop Newell denied that any abuse had occurred.⁴¹⁹

At one of their meetings, Mr Gould advised Bishop Newell that Daniels was teaching in Canberra.⁴²⁰ Bishop Newell recalled Mr Gould advising him of this.⁴²¹

On 22 May 1997, Bishop Newell wrote to Bishop Browning of the Diocese of Canberra and Goulburn and the ACT Department of Education advising that there was a history of child sex abuse allegations against Daniels.⁴²² Bishop Newell's recollection about what prompted him to write to Bishop Browning and the ACT Department of Education was unclear.

We are satisfied that Bishop Newell was motivated to take this step because he had learnt from Mr Gould that Daniels was teaching and that Mr Gould was concerned Daniels was continuing to abuse children.

In May 1997, as a result of the letters from Bishop Newell, the ACT Department of Education terminated Daniels' teaching position.⁴²³

Bishop Browning stated that, as a result of being notified about Daniels, he spoke with the then rector of Daniels' ACT parish and arranged a risk management strategy that would enable Daniels to continue worshipping while protecting the parish.

The plan included:

- informing the parish wardens that he was a paedophile
- restricting him to worshipping in the early morning service, which children only attended in rare circumstances
- limiting his attendance at camps that children could be expected to attend
- not involving him in liturgical or pastoral ministry.⁴²⁴

Not the Way of Christ report in 1997

On 30 August 1997, the *Mercury* newspaper in Tasmania featured the story of ‘Simon’ – a pseudonym for Mr Gould – and his allegations of being abused by various Anglican priests in Tasmania.⁴²⁵ Mr Gould also began agitating for an inquiry into child abuse by Anglican clergy in Tasmania, including by organising a picket of 20 abuse survivors outside a Sunday service at St David’s Cathedral in Hobart.⁴²⁶

On 30 October 1997, Bishop Newell announced that the Diocese of Tasmania would conduct a pastoral inquiry into allegations of child sex abuse against priests in the Diocese of Tasmania (the Tasmanian Inquiry).⁴²⁷ Mr Gould played an instrumental role in causing this inquiry to be conducted.

Archbishop Aspinall gave evidence that the idea for an inquiry was put to Bishop Newell by Archdeacon Stuart, Dr Chris Jones and himself.⁴²⁸ By that time, Archbishop Aspinall was an archdeacon in the Diocese of Tasmania.⁴²⁹

Bishop Newell appointed psychologist Dr Michael Crowley and barrister Ms Tonia Kohl to conduct that inquiry. Their report, *Not the Way of Christ: Report of the Independent Pastoral Inquiry into Sexual Misconduct by Clergy or Officers of the Anglican Diocese of Tasmania with Particular Reference to Paedophilia* (Not the Way of Christ report), was released in March 1998.⁴³⁰ The appendices to that report noted allegations against 17 people, identified by pseudonyms.

Among other things, the report noted:

Of particular concern also is the submission from one minister who spoke of his conversations with a colleague who had been part of a group of clergy with sexual proclivities towards young males. The minister involved in that group had attempted to extricate himself from the group but found it difficult because, in the words of the witness, the minister designated P1 had ‘never let up’ trying to get the reluctant minister back into that clique. The minister who was endeavouring to break away had referred to the group, in conversations with that witness, as ‘that grubby little circle.’

It is imperative that some process be put in place so that never again in Tasmania will any minister of the Anglican Church, no matter how much status, charisma or persuasiveness he may have, be able to preside over and protect the activities of a group of that nature.⁴³¹

The evidence showed that 'P1' was Daniels.⁴³²

The Tasmanian Inquiry was a pastoral inquiry by the church, not an investigation. There is no evidence that the Anglican Church took any steps to further investigate this serious allegation – that is, that a group of Anglican clergy had sexual proclivities towards boys. However, a copy of the findings was forwarded to Tasmania Police, all Australian dioceses and bishops, the general secretary of the General Synod and the parish secretaries of all parishes in the Diocese of Tasmania.⁴³³

Mr Gould told his story to the Tasmanian Inquiry and felt generally satisfied with the process, although he felt dissatisfied that the inquiry did not seem interested in contemporary risks of children being abused.⁴³⁴

Upon his election as Bishop of the Diocese of Tasmania in around April 2000, Bishop John Harrower read the Not the Way of Christ report. He was installed as bishop on 25 July 2000 and held a media conference on 26 July 2000 in which he said, 'I make an unreserved apology to those who were abused by clergy or other officers of the Anglican Church in Tasmania'.⁴³⁵

In late 2002, Dr Crowley was convicted of maintaining a sexual relationship with a person under the legal age. In response, Bishop Harrower and Ms Kohl released public comments expressing their belief in the integrity of the Tasmanian Inquiry, and Bishop Harrower called for any participant in the inquiry who had concerns about their involvement to contact the diocese. Bishop Harrower stated that at the time of his appointment Dr Crowley was in good standing and, if the diocese knew 'what we know now', it would not have appointed him.⁴³⁶

Mr Skipper's legal proceedings against Daniels and others in 1998

In May 1998, Mr Skipper commenced a civil action in the Tasmanian Supreme Court against Daniels, Mr Brandenburg and the Diocese of Tasmania, alleging that he had been sexually abused by Daniels and Mr Brandenburg over an extended period while he was a youth.⁴³⁷

Mr Skipper had lived with Daniels in Tasmania and then in the ACT.⁴³⁸ Mr Skipper eventually settled the proceedings with the Diocese of Tasmania six years later, on 11 May 2004.⁴³⁹ Later that day he took his own life.⁴⁴⁰

Daniels' convictions for child sexual abuse offences in 1999

On 13 February 1999, Daniels was extradited from the ACT to Tasmania to face charges relating to BYW. On 23 April 1999, Daniels pleaded guilty to four counts of indecent assault (section 127 of the Criminal Code) and two counts of unlawful sexual intercourse (section 124 of the Criminal Code) in relation to BYW.⁴⁴¹

On 28 May 1999, Daniels was sentenced to a term of one year's imprisonment with the last three months of the sentence suspended.⁴⁴²

In April 1999, Archbishop Aspinall, who by that time was Assistant Bishop of the Diocese of Adelaide, received a letter from Daniels' solicitors asking him to provide a reference for the purpose of Daniels' court sentence.⁴⁴³ Archbishop Aspinall wrote the reference and in it he described Daniels in positive terms.⁴⁴⁴

Archbishop Aspinall told the Royal Commission that he was aware that Daniels had pleaded guilty to offences relating to one boy and that he suspected Daniels was the perpetrator 'P1' in the Not the Way of Christ report.⁴⁴⁵ He had also had the conversation with Ms Clayton in 1992 that we discussed above.

Archbishop Aspinall told the Royal Commission he was 'very ambivalent about the reference'.⁴⁴⁶ He said that on one level he considered that it had been the correct thing to do – he had known Daniels most of his life and he considered that his reference would have assisted the judicial process. He also felt an obligation to him since Daniels had been his mentor. However, since that time he has had 15 years of experience with survivors of child sexual abuse and acquired a much deeper understanding of their experiences. He acknowledged his reference would have been a source of further suffering to them.⁴⁴⁷

Archbishop Aspinall stated that to the present day he feels a sense of betrayal by Daniels.⁴⁴⁸

Mr Gould's claim for compensation from the Diocese of Tasmania in 2001

On 21 August 2001, after Bishop Newell had retired as Bishop of Tasmania and Bishop Harrower had been installed,⁴⁴⁹ Mr Gould's friend and solicitor, Mr Michael Longbottom, met with Bishop Harrower and Mr William Haas, the diocesan registrar, to discuss compensation for Mr Gould.⁴⁵⁰

On 22 October 2001 the diocese responded by letter with an offer to pay counselling costs. However, it denied any legal obligation to do so.⁴⁵¹

At Mr Gould's request, Bishop Harrower met with Mr Gould on 30 January 2002.⁴⁵² Bishop Harrower advised him that he would consider Mr Gould's views on redress.⁴⁵³

On 11 July 2002, Bishop Harrower wrote to Mr Gould advising him about the establishment of a committee to determine compensation claims from victims of sexual abuse.⁴⁵⁴

In March 2003, Mr Gould received a cheque from the diocese reimbursing him for his counselling costs since he first approached the diocese in 1997.⁴⁵⁵ As is discussed in more detail below, Mr Gould ultimately received redress through the diocese's Pastoral Support and Assistance Scheme (PSAS).

Daniels' deposition from Holy Orders in 2002

After Daniels' term of imprisonment expired in 2000, he returned to live in the ACT.

As has already been noted, on 28 February 2002 BYF contacted Archbishop Aspinall, who was by that time the Archbishop of Brisbane.⁴⁵⁶ In that conversation, BYF disclosed his abuse by both Daniels and Hawkins.

According to Archbishop Aspinall's contemporaneous file note of their conversation, he outlined the various options available to BYF, including:

- reporting Hawkins' abuse to the Bishop of the Diocese of Tasmania
- reporting Daniels' abuse to the Bishop of the Diocese of Canberra and Goulburn
- reporting the abuse to the police
- taking civil action in the courts
- seeking financial assistance from the Diocese of Tasmania for counselling and medical costs associated with care and support.⁴⁵⁷

On 2 March 2002, BYF wrote to Bishop Harrower and disclosed his abuse by Daniels and Hawkins.⁴⁵⁸

In early March 2002, BYF reported his abuse by Daniels and Hawkins to the Tasmania Police. Although the police encouraged him to make a statement, BYF said he did not feel mentally strong enough to cope with a criminal trial at that time.⁴⁵⁹

On 11 March 2002, Archbishop Aspinall and BYF had several phone conversations in which Archbishop Aspinall arranged to visit BYF when he was next in Perth. According to Archbishop Aspinall's file note of the conversation, BYF told him that he had written to the Diocese of Tasmania and had contacted the police but, after seeking advice from his lawyers, had chosen not to make a statement.⁴⁶⁰

Archbishop Aspinall wrote to BYF on 13 March 2002 following a conversation they had had earlier that day. He confirmed the options available to BYF as outlined in his phone call on 28 February 2002. He also wrote:

[BYF], it grieves me greatly to think that my ignorance or insensitivity or ineptness over 20 years ago may have added in some way to the harm done to you. Perhaps if I knew then, what I know now your story might have been different. In any case be assured that I will do anything I now can to assist you.⁴⁶¹

On 14 March 2002, Bishop Harrower wrote to BYF outlining the steps involved in pursuing a disciplinary process against Daniels and Hawkins.⁴⁶² That same day, BYF completed and returned a pre-prepared letter requesting the diocese to formally investigate the complaints against Daniels and Hawkins.⁴⁶³

In early April 2002, BYF permitted the release of material concerning his complaints about Daniels to the Diocese of Canberra and Goulburn, where Daniels was by that time residing.⁴⁶⁴

In November 2002, Bishop Harrower formally referred BYF's complaint to the Diocese of Canberra and Goulburn, and disciplinary proceedings against Daniels were commenced in that diocese's tribunal.⁴⁶⁵ The Diocese of Tasmania must have given some sort of notice of the complaint to the other diocese before November 2002, given that Mr David Holmsley, from the Diocese of Canberra and Goulburn, first wrote to Daniels about the complaint on 10 September 2002.⁴⁶⁶

Daniels did not contest the allegations.⁴⁶⁷ The Diocese of Canberra and Goulburn advised BYF that Daniels was not contesting the proceedings and BYF did not need to be involved in those proceedings.⁴⁶⁸

On 9 December 2002, the diocesan tribunal recommended that Daniels be deposed from Holy Orders.⁴⁶⁹ On 10 December 2002, the Diocese of Canberra and Goulburn advised Bishop Harrower that its diocesan tribunal had by consent recommended that Daniels be deposed from Holy Orders.⁴⁷⁰ On 13 December 2002, the Bishop of Canberra and Goulburn, Bishop George Browning deposed Daniels.⁴⁷¹

Daniels' further convictions for child sexual abuse offences in 2005

In July 2004, Daniels was once again extradited to Tasmania to face further child sex offence charges, including in relation to BYF, Mr Gould and Mr Skipper.

Daniels pleaded guilty to four counts of maintaining a sexual relationship with a young person (some of these counts related to Mr Gould),⁴⁷² eight counts of indecent assault (two of which related to BYF)⁴⁷³ and one count of attempted indecent assault, contrary to the Criminal Code (Tas), sections 125A, 127 and 299.⁴⁷⁴

On 13 May 2005, Daniels was sentenced to seven and half years' imprisonment with a non-parole period of five and a half years.⁴⁷⁵ The sentencing judge referred to Daniels' 'pattern of predation' and stated that:

with status, age and experience, [Daniels] would importune and manipulate young persons for sexual purposes. Their age, stage of maturation, trust and inability to comprehend the complex processes, occurring during adolescence, made them vulnerable and acquiescent, not by reason of choice, but through confusion and inexperience. In the absence of stated or physical resistance, the offender proceeded to escalate the degree of impropriety.⁴⁷⁶

The sentencing judge also said that:

The method of approach and the escalation was relatively uniform. It involved the development of a social relationship or bond of trust and physical contact which developed into regular sexual activity. On many occasions the youth was reassured that the activity was normal and appropriate and told of the need to keep the activity secret. Intellect, psychology, insight and, above all, status and a betrayal of the [tenets] of faith held by the complainants were the vehicles of sexual predation.⁴⁷⁷

In respect of one of the victims, the sentencing judge observed, 'in one instance, the predation was assisted by another, an acquaintance of the offender, who lived interstate'.⁴⁷⁸ It may be expected that the judge would not have made such a comment unless it was supported by the evidence before him. We are satisfied that this 'acquaintance' was Elliot who was convicted of sexually abusing the same boy.⁴⁷⁹

Current risk management of Daniels

In late October 2010, Bishop Stuart Robinson, the Bishop of the Diocese of Canberra and Goulburn, was informed that Daniels was due to be released from custody in 2012 and intended to return to live in the ACT.⁴⁸⁰

Bishop Robinson, with the assistance of his Professional Standards Director, Ms Celia Irving, took steps to establish a safety plan with respect to Daniels' return to his local Anglican Church as a parishioner.⁴⁸¹ This included Bishop Robinson writing to Daniels in prison.⁴⁸²

On Daniels' release in 2012, the diocese requested Daniels to undertake an assessment from a forensic psychologist, Dr Katie Seidler.⁴⁸³ Dr Seidler's report informed the development of the safety plan to manage the risk of Daniels reoffending within the church.⁴⁸⁴

Daniels entered into a safety agreement in 2012 whereby members of the congregation, under the supervision of a member of the Professional Standards Unit, were appointed as a support group for Daniels.⁴⁸⁵

The agreement imposed a number of conditions on Daniels, including that he does not accept nomination for election to any leadership office in the church, that he does not have contact with minors at social events, and that a member of his support group has ‘eyes on’ Daniels at all times while he is on church premises or involved in church activities.⁴⁸⁶

The Diocese of Canberra and Goulburn has reviewed the agreement annually and minor changes have been made.⁴⁸⁷

2.4 Response of the Diocese of Tasmania to sexual abuse by Hawkins

The diocese’s first knowledge of allegations against Hawkins

There is a question in the evidence about when diocesan officials first became aware of allegations that Hawkins sexually abused boys. According to one of Hawkins’ victims, Mr Fisher, Hawkins made a comment to him before moving to Triabunna in late 1981 that then Bishop Davies was moving Hawkins because of rumours about him having boys stay with him.⁴⁸⁸

The nature of these rumours was not further explored in evidence. In particular, it is not known whether the rumours involved any suggestion of sexual misconduct with boys on the part of Hawkins.

Also before the Royal Commission is an undated letter of BYH to Bishop Harrower. The letter states in part, ‘I would also like to know how my mother heard rumours that Garth Hawkins was moved for interfering with young boys in late 1981/early 1982 when she is not involved in the church’.⁴⁸⁹

In oral evidence Hawkins denied having told Mr Fisher that Bishop Davies was moving him because of rumours about him. He said that his move to Triabunna was at his own behest. Bishop Davies is deceased.

It would not be appropriate to make a finding based upon two non-specific rumours. No other evidence before the Royal Commission supports a conclusion that Hawkins was moved at that time because of concerns about sexual improprieties with boys. It is not open to find on the evidence before us that Bishop Davies knew of allegations of sexual misconduct with boys against Hawkins at that time.

As discussed above, there is evidence that, in or around 1981, BYF told Mr Aspinall, who was then 22 years old, that Hawkins had made ‘some kind of advance’ to him the previous evening. Archbishop Aspinall gave evidence that he did not understand the conversation to be an allegation of abuse. Also, he did not understand the comments that BYF made to him when they were at a

camp in 1982 at Montgomery Park to be allegations of sexual abuse. At that time, Mr Aspinall was not a member of the clergy, but he was the diocesan Youth and Education Officer.

In August 1999, Mr Fisher reported his abuse by Hawkins to Tasmania Police.⁴⁹⁰ This was the first time allegations had been made against Hawkins to the police. Hawkins denied the allegations and the police did not proceed with charges at that time.⁴⁹¹

In late 2000, Canon Eric Cave of the Diocese of Tasmania received a telephone call from a social worker, Mr Tony Howe, who asked if Canon Cave would meet Mr Fisher.⁴⁹² In February 2001, Canon Cave met with Mr Fisher, who disclosed his sexual abuse by Hawkins.⁴⁹³

We are satisfied that the Diocese of Tasmania was first made aware of allegations that Hawkins had sexually abused a boy when Mr Fisher disclosed the abuse to Canon Cave in February 2001.

The diocese's response to allegations against Hawkins

In 2001, Mr Fisher made a complaint to the diocese about Hawkins' conduct.⁴⁹⁴ Mr Fisher asked for help with paying for his university fees and for counselling.⁴⁹⁵ He also requested the removal of Hawkins from the church.⁴⁹⁶

At the time, Hawkins did not live in Tasmania, but he continued to hold a Permission to Officiate in the Diocese of Tasmania. Bishop Harrower advised Mr Fisher that he would meet with Hawkins.⁴⁹⁷

Bishop Harrower interviewed Hawkins on 25 May 2001. Hawkins denied the allegations.⁴⁹⁸ A note of that meeting records:

Hawkins offered to hand in his Licence if such action would satisfy [Bishop Harrower]. The Bishop made it clear that such action was a decision for Hawkins and that he was not requesting such action at this time.⁴⁹⁹

We consider that it would have been appropriate for Bishop Harrower to explore the question of suspending Hawkins' licence at this time. Clause 11 of the *Ministry and Tribunal Ordinance* does confer a power of suspension. Bishop Harrower agreed that it would have been open to suspend Hawkins' licence before the diocesan tribunal made its decision.⁵⁰⁰

On 15 June 2001, Bishop Harrower reported the allegations to the police on the basis that Mr Fisher was a child at the time of the abuse. The diocesan registrar, Mr Haas, then wrote to Mr Fisher advising that, if the police decided not to proceed, Bishop Harrower would decide whether to pursue the matter under church procedures.⁵⁰¹

On 27 June 2001, Mr Haas wrote to Mr Fisher advising that Bishop Harrower had put Mr Fisher's allegations to Hawkins, who had denied them. Mr Haas also advised that Bishop Harrower had referred the matter to the police⁵⁰² and that any disciplinary processes would need to wait until the police investigation had concluded.⁵⁰³

In around August 2001, the Tasmanian Office of the Director of Public Prosecutions advised that it would not pursue Mr Fisher's allegations against Hawkins. Thereafter, a diocese-appointed assessor recommended that a diocesan tribunal consider charges against Hawkins.⁵⁰⁴

On 10 August 2001, Mr Fisher met with Bishop Harrower, Mr Haas and Canon Cave and was told that the diocese would commence procedures under the *Ministry and Tribunal Ordinance* as soon as the police investigation had concluded.⁵⁰⁵ At the meeting Bishop Harrower offered to cover Mr Fisher's counselling costs.⁵⁰⁶

On 20 December 2001, Mr Haas informed Mr Fisher that there would be a diocesan tribunal process in relation to Hawkins, as the police investigation had by that stage concluded without any charges.⁵⁰⁷

Hawkins' deposition from Holy Orders in 2002

As noted above, BYF contacted Archbishop Aspinall in early 2002 and alleged that he had been sexually abused by both Daniels and Hawkins. BYF then wrote to Bishop Harrower about these allegations.

On 14 March 2002, BYF signed a statement to the effect that he had asked the diocese to investigate his allegations against Hawkins and had chosen not to go to the police.⁵⁰⁸

Bishop Harrower subsequently appointed a board of enquiry to determine whether BYF's allegations against Hawkins should be referred to a diocesan tribunal. The board of enquiry interviewed BYF, Archbishop Aspinall and Hawkins.

The board of enquiry's report was released on 16 April 2002. It recommended that Bishop Harrower refer BYF's complaints about Hawkins to a diocesan tribunal,⁵⁰⁹ which he did.⁵¹⁰

A diocesan tribunal in relation to Hawkins commenced its preliminary hearings on 19 April 2002.⁵¹¹ The tribunal dealt with complaints by both BYF and Mr Fisher. Mr Fisher, BYF, Archbishop Aspinall and Hawkins gave evidence.⁵¹²

At the tribunal, Hawkins pleaded not guilty to all charges related to BYF, which were based on the first and second incidents in 1981 at East Devonport and Triabunna. In relation to Mr Fisher, Hawkins pleaded neither guilty nor not guilty, which the tribunal took to be a plea of not guilty.⁵¹³

Both Mr Fisher and BYF were cross-examined by Hawkins' lawyer during the tribunal proceeding.⁵¹⁴ Mr Fisher attended the diocesan tribunal on 15 May 2002. He said it was 'like a court room' and that he was under cross-examination for three hours in relation to his abuse by Hawkins.⁵¹⁵

On 15 May 2002, the diocesan tribunal ultimately found eight out of 10 charges that Mr Fisher brought against Hawkins were proven.⁵¹⁶ All charges of disgraceful conduct in relation to BYF were found proven.⁵¹⁷ The diocesan tribunal recommended that Hawkins be deposed from Holy Orders.⁵¹⁸ On 21 May 2002, Bishop Harrower suspended Hawkins' Authority to Officiate as an interim measure while he made a decision about how to sentence Hawkins.⁵¹⁹

On 23 June 2002, Bishop Harrower advised Mr Fisher that Hawkins would be deposed from Holy Orders.⁵²⁰ Bishop Harrower also notified BYF.⁵²¹ Bishop Harrower deposed Hawkins the following day, on 24 June 2002.⁵²²

That same day, Bishop Harrower notified the Primate, all diocesan bishops and the general secretary of the General Synod and released a media release entitled 'Retired Minister Deposed'.⁵²³

Bishop Harrower called BYF in June 2002 to advise him that Hawkins had been deposed from Holy Orders.⁵²⁴

BYF gave evidence to the Royal Commission about his experience with the tribunal proceedings in relation to Hawkins.⁵²⁵ BYF said that the process of having to tell his story multiple times – to the bishop, then the board of enquiry assessors and then the tribunal itself – was very difficult.⁵²⁶ BYF said he felt like he had to prove himself and that the diocese and Bishop Harrower did not believe him.⁵²⁷

Although BYF found the convenor, Reverend Dr James Young, to be considerate, on the whole he found the process extremely distressing. BYF described how he was told the proceedings would be informal and he was surprised when they were held in a courtroom.⁵²⁸

BYF gave evidence that he was told he would not have to see Hawkins. However, as it turned out, Hawkins was in the room the whole time.⁵²⁹

BYF also said that he was cross-examined and felt like he was being attacked. No-one had warned him that he could be cross-examined.⁵³⁰

Bishop Harrower agreed in evidence that the diocesan tribunal process ended up taking a different form to that which he had anticipated it would.⁵³¹ For example, Bishop Harrower gave evidence that the tribunal required a video link; therefore, it was moved from Bishops court to the Workers' Compensation Tribunal.⁵³²

Bishop Harrower said that he had not anticipated the impact of the changes in procedure on BYF.⁵³³ He accepted that the procedures caused additional trauma to BYF.⁵³⁴

Hawkins' convictions for child sexual abuse offences in 2003 and 2004

In 2002 the police reinvestigated Mr Fisher's complaints about Hawkins after BYH reported his abuse by Hawkins to police.⁵³⁵

On 27 August 2003, Hawkins was charged with four counts of indecent assault in relation to abuse committed against Mr Fisher.⁵³⁶ Hawkins pleaded guilty in the Supreme Court of Hobart to one count of maintaining a sexual relationship in relation to Mr Fisher.

Ultimately, in 2003, Hawkins pleaded guilty to and was convicted of 11 child sex offences against seven boys.⁵³⁷ The convictions all related to abuse during Hawkins' postings at Hamilton, East Devonport and Triabunna from 1972 onwards. In addition to the charges relating to Mr Fisher and BYF, three of the charges related to BYH.⁵³⁸

On 27 November 2003, Hawkins was sentenced to seven and a half years' imprisonment for child sex offences against multiple victims.⁵³⁹

On 12 December 2003, Bishop Harrower wrote a letter of apology, which was to be sent to the victims of Hawkins via the Commissioner of Tasmania Police.⁵⁴⁰

In 2004, Hawkins was convicted of a further offence. On 26 November 2004, following a plea of guilty, Hawkins was sentenced to a further nine months' imprisonment for indecent assault of a 15-year-old boy in 1984 at Triabunna.⁵⁴¹

2.5 Scope of redress provided by the diocese

Pastoral Support and Assistance Scheme

In May 2003, the Diocese of Tasmania established the PSAS.⁵⁴²

If a complainant was invited to apply for the PSAS, they would be appointed a support person. Grants of pastoral support and assistance were then made on the recommendation of an independent assessor.⁵⁴³

From 2003 to 2014, the maximum PSAS grant of assistance was \$60,000. In May 2015 this was increased to \$75,000.⁵⁴⁴

BYF's claim for redress in 2003

On 10 July 2003, BYF applied for financial assistance under the PSAS. The PSAS framework documents were not tendered in evidence. However, it appears from correspondence about the issue between Bishop Harrower and the assessors and BYF that a board of enquiry process was required in Tasmania in order to progress BYF's application under the PSAS, despite the fact that Daniels had already been deposed from Holy Orders by the Bishop of the Diocese of Canberra and Goulburn.⁵⁴⁵

On 30 July 2003, BYF wrote to Bishop Harrower expressing his strong concern over the processes he had had to go through to prove his abuse.⁵⁴⁶ Bishop Harrower responded on 4 August 2003 saying:

I was very saddened to read your letter and to hear of your distress.

I admit that we in Tasmania have been on a very steep learning curve as we have tried to respond to disclosures of sexual abuse by clergy, and we have certainly not always got it right or foreseen all the difficulties that would require us to make changes.

The journey for someone bringing a complaint is never an easy one, but I am very sorry if the way we have tackled this has made your journey even harder than it needed to have been.⁵⁴⁷

The board of enquiry issued its report on BYF's claim on 6 September 2003 and found that there was a case to answer. However, because Daniels had by that time been deposed from Holy Orders, the church had no current jurisdiction over him.⁵⁴⁸ Bishop Harrower then asked the board to make a finding on whether the abuse occurred.⁵⁴⁹ The board found the abuse had occurred.⁵⁵⁰

In March 2004, the independent assessor for the PSAS made findings about BYF's application for financial assistance. BYF signed a deed of settlement on 25 March 2004 in relation to his abuse by Hawkins and Daniels and received some financial compensation.⁵⁵¹

There is force to BYF's submission that there was undue delay in the assessment of his application and that the procedure put him to inconvenience. Bishop Harrower said that one of the reasons for delays in PSAS assessments is that independent assessors were 'sometimes not available for literally months for personal reasons'.⁵⁵²

Mr Fisher's claim for redress in 2003

In January 2003, Mr Fisher instructed solicitors to seek compensation from the Diocese of Tasmania.⁵⁵³ The diocese advised Mr Fisher's solicitors that it did not have legal liability for Hawkins' actions.⁵⁵⁴ The reasoning was that the clergy were not employees of the Anglican Church; rather, they were officeholders.⁵⁵⁵

Mr Fisher gave evidence that between January and May 2003 he met with Bishop Harrower to discuss compensation.⁵⁵⁶ Mr Fisher said that he told Bishop Harrower that no amount of money could make up for the trauma experienced by victims, but even a small amount could help them.⁵⁵⁷

Mr Fisher applied for compensation under the PSAS in October 2004. On 6 May 2005, Mr Fisher signed a deed of release and was paid \$56,210.⁵⁵⁸ At that time, \$60,000 was the maximum available under the scheme.⁵⁵⁹

BYH's claim for redress in 2003

BYH said that in 2002, after watching a TV program about child sexual abuse in the Catholic Church, he decided to report the abuse he had suffered to the police.⁵⁶⁰ BYH made a police statement on 21 August 2002.⁵⁶¹ BYH said that the policeman he dealt with, Mr David Chapman, was compassionate and did not judge him.⁵⁶²

On 24 May 2003, BYH wrote to Bishop Harrower about his abuse.⁵⁶³ Ms Anne Foot, the facilitator of the PSAS, responded to BYH on 26 May 2003 advising that until the police investigation had concluded they could not pursue the complaint.⁵⁶⁴

In the meantime, the diocese offered BYH paid visits to a psychiatrist, Dr Max Jacobs,⁵⁶⁵ which BYH accepted and said were beneficial.⁵⁶⁶

BYH gave evidence that Bishop Harrower visited him on 25 July 2003.⁵⁶⁷ At BYH's request, Bishop Harrower removed his 'dog-collar'.⁵⁶⁸ BYH said that Bishop Harrower apologised and BYH felt that it was a sincere apology.⁵⁶⁹ Bishop Harrower stated that this visit occurred on 18 July 2003.⁵⁷⁰

Following Hawkins' convictions (discussed below), Bishop Harrower contacted BYH and advised him that he could apply for assistance under the PSAS.⁵⁷¹ BYH told Bishop Harrower that his lawyers would handle it.⁵⁷²

BYH said that Bishop Harrower advised him not to use a lawyer because BYH would be liable for fees.⁵⁷³ Bishop Harrower's file note of the conversation refers to the discussion about BYH being represented by lawyers but does not mention the comment about BYH being liable for fees.⁵⁷⁴

On 25 May 2004, BYH's lawyers wrote to the diocese about BYH's intention to apply for assistance under the PSAS.⁵⁷⁵ BYH ultimately applied on 5 November 2004.⁵⁷⁶

BYH was awarded the full amount available under the PSAS minus the amount spent on counselling to that point.⁵⁷⁷ BYH said that he was not told that the diocese would deduct the cost of the counselling he had received from the final settlement amount.⁵⁷⁸ He had originally thought the counselling was provided free.

We consider that BYH should have been advised in advance that any counselling fees would be deducted from the final settlement amount. We note that this was inconsistent with the approach that the diocese took with Mr Gould. On 28 November 2005, Bishop Harrower wrote to Mr Gould advising that the diocese would not deduct counselling payments from the final settlement amount.⁵⁷⁹

BYH signed a deed of release on 12 May 2005.⁵⁸⁰ BYH said that after he paid legal costs he was left with around \$40,000.⁵⁸¹

On 7 July 2005, BYH received a written apology from Bishop Harrower.⁵⁸² BYH said that he was happy to receive an apology in writing, but he felt the apology in person was more sincere.⁵⁸³

Mr Gould's claim for redress in 2004

On 14 July 2004, Mr Gould submitted an application to the PSAS.⁵⁸⁴ There was some delay in the assessment of his application because police were still investigating Daniels.⁵⁸⁵

Mr Gould and his wife met with Bishop Harrower and Mr Les Whittle, then administrator of the PSAS, on 19 October 2005.⁵⁸⁶ They discussed the complexities of Mr Gould's experiences as well as the limitations of the PSAS in responding to someone who was abused by more than one perpetrator.⁵⁸⁷ Following the meeting, Bishop Harrower wrote to Mr Gould confirming that the diocese would not subtract counselling payments from any payout he received.⁵⁸⁸

On 26 September 2006, Mr Gould's application under the PSAS was assessed and he was awarded the maximum amount under the scheme.⁵⁸⁹ Mr Gould signed a deed of release on 6 October 2006 releasing the Diocese of Tasmania from any future claim in respect of Daniels and Reverend Ralston.⁵⁹⁰

Redress for survivors generally

The current administrator of the Diocese of Tasmania, Dr Jones, gave evidence that the diocese has reached financial settlements with 13 survivors in relation to Daniels. The earliest of those incidents of sexual abuse was in 1965 and the latest was in 1994.⁵⁹¹

The diocese has reached financial settlements with nine survivors of Hawkins' abuse. The earliest of those incidents was in 1974 and the latest was in 1984.⁵⁹²

Additionally, the diocese has reached a financial settlement with one survivor of abuse by Mr Brandenburg. This settlement related to an incident in 1985 in Launceston. Dr Jones says no individual has sought but not reached a financial settlement in relation to Daniels, Hawkins or Mr Brandenburg.⁵⁹³

3 Diocese of Adelaide

This part of the report examines the response of the Diocese of Adelaide to child sex abuse by Mr Robert Brandenburg. Mr Brandenburg was heavily involved in CEBS for an extended period.

In May 1999, Mr Brandenburg was charged with a large number of child sexual abuse offences. He died by suicide in June 1999 before the charges were finally dealt with.

In this section we consider:

- the history of Mr Brandenburg's involvement with CEBS
- the experiences of certain survivors of Mr Brandenburg's abuse. Two survivors of Mr Brandenburg's abuse – BYA and Mr Mark King – gave evidence to the Royal Commission
- the responses of those involved in the Diocese of Adelaide in relation to allegations made against Mr Brandenburg
- the level of support that the diocese offered to the survivors of Mr Brandenburg's abuse.

3.1 Mr Robert Brandenburg

Mr Brandenburg was born in 1936.⁵⁹⁴ He was involved in CEBS as a layperson and was not at any stage a member of clergy. He rose to senior positions within CEBS in South Australia and nationally in the late 1960s.⁵⁹⁵

In April 1981, Mr Brandenburg was deposed as commissioner of South Australian CEBS at an election. At around this time, Mr Brandenburg also ceased to be a salaried employee of CEBS, apparently due to CEBS no longer having the funds to employ him.⁵⁹⁶

In around 1981, Mr Brandenburg became an employee of the Anglican Diocese of Adelaide with responsibilities for the management of campsites and parish liaison.⁵⁹⁷ On 21 January 1989, Mr Brandenburg's employment was transferred to Anglicare SA. Anglicare SA was originally known as Anglican Community Services; however, it adopted the name Anglicare SA in round 1998 and was separately incorporated as Anglicare SA in 2000.⁵⁹⁸ Bishop George said that, although it was separately incorporated, it was still very much part of the diocesan structure.⁵⁹⁹

Mr Brandenburg retired from Anglicare SA on 31 July 1998.⁶⁰⁰ The circumstances of his retirement are considered in more detail below.

On 24 May 1999, Mr Brandenburg was charged with 34 counts of unlawful sexual intercourse and 341 counts of indecent assault.⁶⁰¹ On 2 June 1999, two days before he was due to appear in court, Mr Brandenburg took his own life by drowning.⁶⁰²

Bishop George was the Archbishop of the Diocese of Adelaide from 1991 to 2004.⁶⁰³ By reason of his position as archbishop, he was ex-officio state president of CEBS and he attended a national CEBS

camp on one occasion.⁶⁰⁴ Bishop George said that during his time as Archbishop of Adelaide Mr Brandenburg was very prominent in CEBS and 'he was very well known generally'.⁶⁰⁵

3.2 Survivors of sexual abuse by Mr Brandenburg

BYA

BYA's family attended the local Anglican Church, St Richards at Lockleys in South Australia.⁶⁰⁶ In around 1960, BYA met Mr Brandenburg when he joined CEBS. At that time, BYA was eight years old.⁶⁰⁷

Mr Brandenburg befriended BYA's family and attended his family's social events. BYA said that many CEBS boys called Mr Brandenburg 'Uncle Bob'.⁶⁰⁸

BYA said that, in 1967 when he was around 15 years old, Mr Brandenburg asked him to stay overnight at his home in Magill in Adelaide so they could look for campsites the following day.⁶⁰⁹ BYA said that Mr Brandenburg sexually abused him that evening and then continued to sexually abuse him over the following year when BYA stayed overnight at his house and when they went looking for campsites.⁶¹⁰

BYA also said that he was sexually abused by four other CEBS leaders.⁶¹¹ BYA said he considered that Mr Brandenburg and the other four CEBS leaders knew each other. BYA said that, in his view, 'there was a cross-pollination of ideas and information' between them⁶¹² and a 'closeness in the group'.⁶¹³ BYA said he felt that they exchanged information on which boys were vulnerable or approachable for sexual contact.⁶¹⁴

One of the five CEBS leaders who abused BYA was BYU, the branch governor of the St Richard's CEBS branch, who later became an ordained Anglican priest.⁶¹⁵ BYA stated that he was sexually abused by BYU on a number of occasions in or around 1967, when he was around 15 years of age.⁶¹⁶

BYA stated that, in or around 1967, he was also sexually abused by BYV, a CEBS leader at Richmond, during weekends when they went away together to explore campsites.⁶¹⁷ Like Mr Brandenburg, both BYU and BYV befriended BYA's family.⁶¹⁸

BYA also described attempts by Mr John (Percy or Perc) Simons, then a CEBS district commissioner, to sexually abuse him at a CEBS leadership camp in 1969 and similar attempts by BYQ (then the branch governor of CEBS at St Peter's Church) in the late 1960s.⁶¹⁹

BYA said that BYU and BYV were acquainted with one another through CEBS, as they 'both came to Lockleys from the branch in Richmond in South Australia'.⁶²⁰ BYA said they were acquainted with Mr Brandenburg⁶²¹ and, when BYV and BYU took over the St Richard's at Lockleys branch,

Mr Brandenburg was also present at CEBS branch events.⁶²² BYA said that Mr Brandenburg, BYV and BYU were mentors to him. BYA said that these three men filled in for his father, who was often away for work.⁶²³

BYA was involved in CEBS until about 1975 to 1976.⁶²⁴ During that time, he received CEBS leadership training. He did not receive any training on the protection of children from child sexual abuse.⁶²⁵ He was not aware of any written policies for branch governors or CEBS leaders on the protection of children from child sexual abuse.⁶²⁶

At the time of the public hearing, BYA had chosen not to report his abuse to police.⁶²⁷

As a result of the abuse by Mr Brandenburg, BYA said he considered himself 'a people pleaser' with no self-confidence. He finds it difficult to assert himself, especially in the work environment.⁶²⁸

Mr Mark King

While growing up, Mr King attended church with his family at the Church of the Good Shepherd in Plympton in South Australia. Mr King joined the Plympton CEBS branch as a 10-year-old in 1962.⁶²⁹

Mr King described being groomed by CEBS leaders at CEBS activities and camps when he was aged between 10 and 14 years. Mr King said that CEBS leaders encouraged sexual activity between the boys during CEBS activities at the church hall and on camps.⁶³⁰

Mr King told the Royal Commission that he was sexually abused in a one-on-one context by at least one CEBS leader from the Parish of the Good Shepherd in Plympton and by Mr Brandenburg.⁶³¹ Mr King said he was abused in a number of places, including when he attended CEBS camps at Mylor and a national CEBS camp at Langwarrin in Victoria.⁶³²

Mr King gave evidence that in 1966, when aged 14 years, he was abused by Mr Brandenburg at a camp at Melrose after Mr Brandenburg had asked him to attend the camp as a kitchen hand. Mr King withdrew from CEBS activities and church life in general after the incident at Melrose.⁶³³

In 1992, Mr King experienced a 'mini' breakdown while watching someone on television share the story of their abuse. Shortly afterwards, Mr King disclosed his abuse to his wife. Mr King described how during this time there was a shift in his relationship with his children, who 'effectively became parents to [him]'.⁶³⁴

In June 1993, Mr King attended a meeting with Archdeacon Brian Smith at the Anglican Diocese of Adelaide office in Currie Street, Adelaide, and disclosed the abuse he had suffered.⁶³⁵ This meeting will be considered in more detail below.

Mr King said that in 1993 he also disclosed his abuse to a member of parliament.⁶³⁶ Mr King said that the member of parliament told him that he had known Mr Brandenburg for years and that he had visited Mr Brandenburg's home and seen him with lots of young boys but never saw anything going on.⁶³⁷

Mr King also reported his abuse anonymously to police in the early 1990s through a lawyer. Police informed the lawyer that the statute of limitations for prosecuting the offences committed against Mr King had expired.⁶³⁸ In the years that followed, Mr King disclosed his abuse several more times to the Diocese of Adelaide.⁶³⁹ Details of these disclosures and the response of the diocese are set out below.

In his statement, Mr King told the Royal Commission that the abuse by Mr Brandenburg and others had defined his entire adult life.⁶⁴⁰

3.3 Response of the Diocese of Adelaide to sexual abuse by Mr Brandenburg

Disclosures to Archdeacon Smith

The evidence before us suggested that Archdeacon Smith received multiple disclosures of child abuse against Mr Brandenburg. Archdeacon Smith was summonsed to give oral evidence in this hearing but made an application to be excused by reason of his present state of health.⁶⁴¹ That application was granted.⁶⁴²

As Archdeacon Smith was excused from giving evidence, he was not able to provide the Royal Commission with evidence about his response to the allegations reported to him.

However, Archdeacon Smith gave detailed evidence to an independent board of inquiry established by the synod of the Diocese of Adelaide in May 2003 to investigate allegations of child sexual abuse within the diocese (the Adelaide Inquiry). That inquiry was chaired by retired Justice of the Supreme Court of South Australia, the Hon. Trevor Olsson, and psychiatrist Dr Donna Chung. They issued a written report on 26 May 2004 entitled *Report of the Board of Inquiry into the Handling of Claims of Sexual Abuse and Misconduct within the Anglican Diocese of Adelaide*.

We took into account the evidence that Archdeacon Smith gave to the Adelaide Inquiry.⁶⁴³

Report by CBB and CBC to Reverend Grey-Smith and Archdeacon Smith between 1976 and 1978

The first evidence before the Royal Commission of complaints being made to the Diocese of Adelaide in relation to Mr Brandenburg's sexual offending against boys comes from some time in the period 1976 to 1978.⁶⁴⁴ This evidence consists of statements provided to the Adelaide Inquiry by CBB and CBC, the parents of a boy whom Mr Brandenburg attempted to fondle;⁶⁴⁵ a transcript of the Adelaide Inquiry's interview with Archdeacon Smith;⁶⁴⁶ and an unsigned typewritten statement to the Adelaide Inquiry by Reverend Donald Grey-Smith.⁶⁴⁷ CBB and CBC did not give evidence directly to the Royal Commission.

CBC said in her statement to the Adelaide Inquiry that her eldest son raised concerns about Mr Brandenburg when he found out that his younger brother was on a trip with him to Melbourne in around 1978.⁶⁴⁸ The younger brother subsequently confirmed to his parents that Mr Brandenburg had attempted to fondle him during that trip.⁶⁴⁹

CBB subsequently arranged a meeting with the rector of his local church, Reverend Grey-Smith.⁶⁵⁰ CBB said in his statement that a further meeting was then organised, which was attended by CBB, Reverend Grey-Smith, Reverend Smith (later Archdeacon Smith), Mr Brandenburg and one other person at St Theodore's in Rose Park.⁶⁵¹

CBB stated that Reverend Smith was there because he was chaplain for CEBS.⁶⁵² CBB said that Reverend Smith ran the meeting.

There are competing accounts of what was discussed at the meeting. According to CBB:

Reverend Smith said something like 'look he's been a naughty boy,' and 'Bob, you won't do this again, will you?' Bob said he wouldn't. He admitted that he had been playing with the boys and had a guilty look on his face but it struck me at the time that he did not look at all worried. He seemed to have Smith backing him up all the time. I would have thought that having been caught out at molesting little boys you would be looking very scared. But he wasn't.⁶⁵³

According to CBB, Reverend Smith told Mr Brandenburg that if he did something like that again he would lose his job.⁶⁵⁴

Archdeacon Smith confirmed in his interview for the Adelaide Inquiry that he did attend a meeting at St Theodore's with CBB, Reverend Grey-Smith, Mr Brandenburg and another person.⁶⁵⁵ Archdeacon Smith said that the meeting was initiated by a phone call from Reverend Grey-Smith, who said that one of the parents in his congregation had a concern about Mr Brandenburg's relationship with one of the boys on a trip to a camp.⁶⁵⁶

However, Archdeacon Smith said that the complaint related to Mr Brandenburg telling stories of a sexually explicit nature to CEBS boys while on a car journey.⁶⁵⁷ Archdeacon Smith did not recall the complaint involving fondling on a bus; however, he did recall Mr Brandenburg admitting to the allegation that was discussed.⁶⁵⁸

The unsigned statement of Reverend Grey-Smith confirms that he did attend a meeting with Mr Brandenburg and Archdeacon Smith at which ‘allegations of sexual misconduct’ were discussed. He did not recall the nature of the allegations but did remember that, in response to the allegations, Mr Brandenburg said that he was not ‘a homosexual’.⁶⁵⁹

It is not in doubt that a meeting occurred and that at the meeting some kind of impropriety on the part of Mr Brandenburg was discussed.

We prefer CBB’s account of the meeting. It is likely he would recall the nature of the sexual abuse experienced by his son and, as a parent wishing to protect his son, would take steps to accurately convey the nature of that abuse. Reverend Grey-Smith’s recollection is more consistent with that account than with Archdeacon Smith’s account. Also, for reasons that we discuss in further detail in relation to Archdeacon Smith’s dealings with Mr King, we have strong doubts about Archdeacon Smith’s evidence to the Adelaide Inquiry.

Further, Archdeacon Smith said in his Adelaide Inquiry interview that, following the meeting, Mr Brandenburg was asked not to run any more camps and that his role as CEBS commissioner should be confined to administrative matters. Archdeacon Smith said that this was ‘to protect him’.⁶⁶⁰ The steps that Archdeacon Smith says that he took are also more consistent with being made aware that the allegations involved sexual abuse rather than telling stories of a sexually explicit nature.

Archdeacon Smith also said in his interview that, in response to the meeting with CBB, a directive went out to CEBS leaders that no leader should be on his or her own when taking CEBS boys to camps.⁶⁶¹

We are satisfied on the basis of the above evidence that sometime between 1976 and 1978 there was a meeting between CBB, Reverend Grey-Smith, Archdeacon Smith (then Reverend Smith) and Mr Brandenburg. At that meeting CBB reported that Mr Brandenburg had fondled his son. Archdeacon Smith ran the meeting and said words to the effect, ‘look he’s been a naughty boy’ and ‘you won’t do this again’, to which Mr Brandenburg said ‘no’.

As noted above, Mr Brandenburg remained in the position of CEBS commissioner until 1981. There is no evidence before the Royal Commission to support Archdeacon Smith’s account to the Adelaide Inquiry that Mr Brandenburg was confined to administrative matters as CEBS commissioner in the aftermath of the complaint.

Mr King's 1993 disclosure to Archdeacon Smith

In 1992, Archdeacon Smith was appointed the chairperson of the diocese's Critical Incident Taskforce (CIT),⁶⁶² which first met on 30 September 1992.⁶⁶³ The role of the CIT was to respond to allegations of abuse by clergy.⁶⁶⁴

Bishop George gave evidence that the CIT was created to establish procedures and protocols in the diocese when it received a child abuse allegation.⁶⁶⁵

In late 1992, Mr King disclosed his abuse by Mr Brandenburg to his brother, Reverend Andrew King, an Anglican clergyman.⁶⁶⁶ Reverend King advised Mr King that the contact person for the Diocese of Adelaide for receiving complaints was Archdeacon Smith.⁶⁶⁷

Mr King gave evidence that he reported his abuse to Archdeacon Smith in his capacity as the chairperson of the CIT in 1993.⁶⁶⁸ At the time of these disclosures, Mr Brandenburg worked for Anglican Community Services (later known as Anglicare SA) and had contact with boys in this role.⁶⁶⁹

Mr King's account was that, upon raising the allegations against Mr Brandenburg, Archdeacon Smith was 'aggressively defensive'.⁶⁷⁰ Archdeacon Smith vouched for Mr Brandenburg's good character and questioned the point of bringing the matter up so many years after the fact.⁶⁷¹ Archdeacon Smith said that he was president of CEBS when Mr Brandenburg was CEBS chief commissioner.⁶⁷²

Mr King formed the view that Archdeacon Smith and Mr Brandenburg were close friends.⁶⁷³

Mr King said that Archdeacon Smith told him 'if you think you can get money you're wasting your time, it's too late'.⁶⁷⁴ Mr King believed Archdeacon Smith was referring to the statute of limitations on claiming compensation in South Australia.⁶⁷⁵

Mr King also gave evidence that Archdeacon Smith said to him, 'Be very careful who you talk to about this. We have the best lawyers and we have no hesitation in pursuing you'.⁶⁷⁶

Following the meeting, Mr King said that he followed up with Archdeacon Smith on three or four subsequent occasions over eight to nine weeks. He was told the matter was 'sorted out'⁶⁷⁷ and also that the diocese would take legal action against him if he repeated the allegations.⁶⁷⁸

Archdeacon Smith told the Adelaide Inquiry that he had no recollection of Mr King coming to see him.⁶⁷⁹ Further, he said that he had no recollection of knowing Mr King or ever meeting him.⁶⁸⁰

When asked in the interview with the Adelaide Inquiry whether he could have forgotten, Archdeacon Smith said, 'I admit to being fallible, but I do not agree that I would not act in a situation like that'.⁶⁸¹ However, Archdeacon Smith admitted that it was most unlikely that Mr King would have known where his office was if he had not been to visit him.⁶⁸²

The Adelaide Inquiry, which had the benefit of meeting with Archdeacon Smith, was satisfied that the substance of Mr King's evidence was accurate and that, given the precise details of what he said and his description of the location of the archdeacon's office at the time, the evidence had a 'ring of truth'. There was no apparent reason that Mr King would be likely to fabricate his detailed narrative of the circumstances relating to the making of his complaint.⁶⁸³

In coming to our view, we also take into account a letter written by Mr King's brother, the late Reverend King, in August 2002 in which he advised that he had recommended that his brother see Archdeacon Smith, that his brother had done so and Archdeacon Smith had not believed him.⁶⁸⁴

We are satisfied that in 1993 Mr King disclosed his abuse by Mr Brandenburg to Archdeacon Smith and that Archdeacon Smith responded to the allegations in an aggressively defensive way, vouched for Mr Brandenburg's good character and threatened Mr King that the diocese would take legal action against him if he repeated the allegations.

It is clear that Archdeacon Smith's conduct toward Mr King conveyed that he did not believe Mr King's allegations. This had a devastating effect on Mr King. Moreover, Archdeacon Smith's threats did have the effect of discouraging Mr King from taking the matter further at that time.⁶⁸⁵

Bishop George was critical of Archdeacon Smith's failure to inform him of the allegations.⁶⁸⁶ Bishop George gave evidence that he would have expected Archdeacon Smith, as chairperson of the CIT, to have advised him if he received an allegation of child sexual abuse.⁶⁸⁷ Bishop George said that the CIT was available for survivors of both clergy and non-clergy abuse.⁶⁸⁸ He said that, at that time, Archdeacon Smith was the 'go-to' person for complaints of sexual abuse, including child sexual abuse.⁶⁸⁹

Mr King also gave evidence that Archdeacon Smith did not advise Bishop George of the allegations.⁶⁹⁰ Mr King said that Archdeacon Smith did not discuss redress with him.⁶⁹¹

There is no evidence before the Royal Commission that Archdeacon Smith did anything at all about the allegations put to him in 1993, despite the fact that he was the chairperson of the CIT at that time.

We are satisfied that Archdeacon Smith took no action on Mr King's allegations that he was sexually abused by Mr Brandenburg. This failure to act was unacceptable given that Archdeacon Smith was at the time the chairperson of the CIT and had previously been made aware between 1976 and 1978 of other allegations that Mr Brandenburg had fondled a boy.

The effect of Archdeacon Smith's failure to act was to suppress the allegations against Mr Brandenburg and to protect Mr Brandenburg and the reputation of CEBS and the diocese.

Mr Brandenburg and a boy found naked in a spa in 1995

In March 1995, then Archbishop George received a report from a senior priest in his diocese that a parishioner had found Mr Brandenburg naked in a spa with her 10-year-old son at Mr Brandenburg's home. Her son was also naked.⁶⁹²

Bishop George gave evidence that the report raised alarm bells for him.⁶⁹³ Bishop George said that, as he did not have an 'allegation', he could not follow any of the diocesan procedures developed by the Diocesan Response Group.⁶⁹⁴ He said that, as Mr Brandenburg was employed by Anglicare SA, he referred the matter to then chief executive officer of Anglicare SA, Mr Menses.⁶⁹⁵

Bishop George did not take steps to identify the complainant and conceded that he could have done more to do so.⁶⁹⁶ Bishop George also said that he should have insisted that Anglicare SA report the complaint to police and that it was a serious error of judgment on his part that it was not pursued further.⁶⁹⁷ He said that, if he had reported the incident to police at the time, '[a]ll this would probably have not eventuated'.⁶⁹⁸

Bishop George gave evidence that Anglicare SA was part of the diocesan structure at the time he was Archbishop of Adelaide – that is, it was not separately incorporated. He also said that Anglicare SA was incorporated in 2000⁶⁹⁹ but was 'still very much' part of the diocesan structure, and he was ex officio president of the organisation.⁷⁰⁰ Bishop George said he regarded officers of Anglicare SA as officers of the diocese.⁷⁰¹

Mr Menses, who at the time was the chief executive officer of Anglicare SA, told the Royal Commission that the allegation was first brought to his attention when then Archbishop George called him.⁷⁰² Mr Menses said that Archbishop George assured him that nothing had happened beyond the spa incident and that the mother was thankful for the support Mr Brandenburg had shown her son.⁷⁰³

Mr Menses said that he told Archbishop George that it would be more appropriate for the parish priest to deal with the matter, as it occurred in the context of Mr Brandenburg being a fellowship leader in the parish.⁷⁰⁴ Also, as it was not employment related, Mr Menses would be limited in what he could do.⁷⁰⁵

Mr Menses told the Royal Commission that Archbishop George advised that, to the public, there was no difference between Anglicare SA and the Anglican Church, which Mr Menses conceded.⁷⁰⁶

Mr Menses and Mr Brandenburg's manager, Mr Peter Bleby, interviewed Mr Brandenburg about the allegation on 3 April 1995.⁷⁰⁷

Mr Menses asked Mr Bleby to write a memorandum as a record of the outcomes of the meeting.⁷⁰⁸ Mr Menses put to Mr Brandenburg the allegation about being naked in a spa with a 10-year-old boy. Mr Brandenburg said it was true.⁷⁰⁹

When asked why he was naked, Mr Brandenburg replied along the lines of ‘that’s what one does in a spa’ and that it was ‘innocent’.⁷¹⁰ Mr Menses responded by saying that it was highly inappropriate, a boundary violation and a stupid act.⁷¹¹

At the time, Mr Menses accepted Mr Brandenburg’s explanation that the incident had been ‘innocent’ in nature. However, in evidence Mr Menses accepted that Mr Brandenburg had made a gross error of judgment.⁷¹² Mr Menses explained that at the time he had no other reason to question Mr Brandenburg. This was the first time he had had any difficulty with Mr Brandenburg.⁷¹³

Mr Menses said that one of the problems with the response to the allegation was that the act had occurred outside of Mr Brandenburg’s employment with Anglicare SA.⁷¹⁴ Mr Menses kept a record of the meeting in case there was a recurrence, but he did not place the record on Mr Brandenburg’s personnel file.⁷¹⁵

Following the interview with Mr Brandenburg, Mr Menses reported to Archbishop George.⁷¹⁶ No other action was taken.⁷¹⁷ Archbishop George said he relied on Mr Menses’ investigation.⁷¹⁸ He did not undertake any inquiries personally.⁷¹⁹

Bishop George said that ‘looking back it was obviously a grooming incident and we should have done much more about it at the time’.⁷²⁰ He said that he relied on Mr Menses’ expertise in responding to the allegations.⁷²¹

During evidence before the Royal Commission Mr Menses said that, while at the time he characterised Mr Brandenburg’s behaviour as inappropriate, he now accepts that it was indecent behaviour.⁷²²

Complaint about Mr Brandenburg in 1997 relating to Harrogate campsite

In mid-1997, two officers of Anglicare SA – Mr Geoff Blackwood and Mr Robert Stocks – investigated complaints about Mr Brandenburg’s management of the Harrogate campsite.⁷²³ These complaints related to significant occupational health and safety (OHS) issues that the caretaker, Mr Bob McGlennon, had identified.⁷²⁴

Mr Blackwood and Mr Stocks reported the outcome of their OHS investigation to Mr Menses on 5 June 1997.⁷²⁵ However, Mr Blackwood maintained that a second report was given to Mr Menses at around that time. The second report outlined claims that Mr Brandenburg had been to the campsite with a young man and stayed overnight; and that Mr Brandenburg had arranged for a convicted paedophile, Mr Viv Deboo, to provide catering on various camps.⁷²⁶

The alleged second report has never been located.⁷²⁷ The Adelaide Inquiry found that there were two reports given to Mr Menses at that time.⁷²⁸ Mr Menses has always maintained that he was only ever given one report.⁷²⁹ He says that the Adelaide Inquiry finding was incorrect.

In a supplementary statement to the Royal Commission, Mr Menses set out detailed reasons that the Adelaide Inquiry's finding that he had seen two reports at the time was incorrect.⁷³⁰ Those reasons include, but are not limited to, the fact that Mr Blackwood and Mr Stocks gave different evidence about whether or not there were two reports.⁷³¹ His submission relied on the fact that Mr Stocks said that there was one report which covered both the OHS issues and the allegations about Mr Deboo and being in the company of boys, which was dated 24 June 1997,⁷³² whereas Mr Blackwood alleged there were two reports.⁷³³

We do not consider that there is sufficient evidence before us to conclude that Mr Menses was given two reports. We accept his evidence that he was only given one report, which dealt only with OHS issues.

On 10 June 1997, Mr Brandenburg was relieved of his duties as campsite manager for breaches of OHS legislation.⁷³⁴ However, he remained employed by Anglicare SA and was redeployed to a role as parish liaison officer.⁷³⁵

By late 1997 Mr Menses was made aware that there were further allegations about Mr Brandenburg.⁷³⁶ Mr Menses says that Mr Bill Hartwig, a financial controller within Anglicare SA, and Mr Blackwood made him aware of those allegations at some point between 6 and 26 November 1997.⁷³⁷

Mr Menses was made aware of two allegations:

- that Mr Brandenburg had previously arranged for Mr Deboo, a convicted paedophile, to provide catering services to the Harrogate campsite⁷³⁸
- that Mr McGlennon was 'uncomfortable' about Mr Brandenburg attending the campsite with a young boy.⁷³⁹

By November 1997, Mr Deboo was no longer at the campsite.⁷⁴⁰

Mr Menses said in oral evidence that there was no suggestion that Mr Brandenburg had done anything inappropriate with the boy.⁷⁴¹ We do not accept this, as it is inconsistent with contemporaneous documents recording Mr Menses' understanding of the allegations.

Mr Menses sought legal advice on what to do about the allegations.⁷⁴² This in itself is an indication that he regarded the allegations as being serious ones. A 26 November 1997 file note of a conversation with Mr Menses prepared by his solicitor, Mr Mills, records Mr Menses as stating 'Alleg's of paedophilia'.⁷⁴³

Further, when Mr Menses interviewed Mr Brandenburg on 5 December 1997, he directly put to him that there were allegations that he had engaged in paedophilic activity. We are satisfied that Mr Menses was aware that Mr McGlennon's 'discomfort' related to a concern that Mr Brandenburg had engaged in paedophilic activities.

Mr Menses told the Royal Commission that on the basis of that advice he interviewed Mr Brandenburg on 5 December 1997.⁷⁴⁴ We have reviewed the transcript of interview. There were a number of serious shortcomings in the interview. In particular:

- Mr Menses undermined the allegations at the very beginning of his interview with Mr Brandenburg: he told Mr Brandenburg, ‘in the course of investigating situations at Harrogate some unsubstantiated, I want to stress that, unsubstantiated allegations about you were made.’⁷⁴⁵ However, it does appear that Mr Menses used the word ‘unsubstantiated’ on the advice of his solicitor, Mr Mills.⁷⁴⁶
- Mr Menses apologised to Mr Brandenburg for asking questions of him: ‘I am sorry to have to do this but I just feel morally the organisation has no choice.’ Mr Menses also said, ‘Clearly the unsubstantiated allegations made against you are pointing to a belief or a suggestion that you have engaged in paedophile activities. As such I feel honour bound to directly ask you that question, I feel sorry but I have to do this’.
- At one point, Mr Menses directly put to Mr Brandenburg that an allegation was made that he had ‘engaged in paedophile activities’. Mr Brandenburg gave a discursive, rambling, non-responsive answer in which he did not at any point directly deny the allegation. Mr Menses replied, ‘I heard in that answer a direct statement that no, whilst you have been a youth worker for many years you have not engaged in paedophile activities’.⁷⁴⁷ In oral evidence Mr Menses denied that he was ‘putting words’ into Mr Brandenburg’s mouth and asserted that he ‘misheard’,⁷⁴⁸ but the transcript speaks for itself.

These shortcomings were put to Mr Menses in oral evidence.⁷⁴⁹ Mr Menses accepted that there were some shortcomings in the interview, going so far as to say, ‘I am not going to defend the quality of this particular interview’.⁷⁵⁰ Mr Menses was also taken to the findings of the Adelaide Inquiry on his conduct of the interview and said, ‘I think I accept the intent of those criticisms’.⁷⁵¹

We are satisfied that there were shortcomings in Mr Menses’ interview with Mr Brandenburg on 5 December 1997. Mr Menses did not conduct a thorough investigative interview, his questions invited negative responses and he placed words into Mr Brandenburg’s mouth.

Mr Menses did not report the 1997 allegations to then Archbishop George. Bishop George said that he was surprised to read about the 1997 investigation in the Adelaide Inquiry report, as he had not previously been advised about it.⁷⁵² Mr Menses said that, as he did not have a clear allegation, he did not report it to then Archbishop George.⁷⁵³

We consider that Mr Menses ought to have informed Archbishop George of the allegations. Archbishop George was head of the diocese and Anglicare SA formed part of the diocese. Mr Menses took the allegations seriously enough that he sought legal advice and conducted an interview with Mr Brandenburg. The allegations also came after an earlier incident where Mr Menses was aware that Mr Brandenburg had been found naked in a spa with a 10-year-old boy.

Bishop Newell's notification in 1998 of allegations against Mr Brandenburg

As has already been noted, in mid-1998, Mr Skipper commenced legal proceedings in Tasmania against Daniels, Mr Brandenburg and the Diocese of Tasmania in relation to sexual abuse.⁷⁵⁴ This received some media attention in Tasmania, and an article in the Tasmanian *Mercury* named Mr Brandenburg as a defendant.⁷⁵⁵

On 2 July 1998, Bishop Newell in Tasmania wrote to then Archbishop George in Adelaide and advised him of the media attention.⁷⁵⁶ In the letter Bishop Newell said, 'Further to our telephone conversation yesterday ... You will see that it names Bob Brandenburg [sic]'.⁷⁵⁷

Bishop Newell gave evidence that in a telephone conversation with Archbishop George he told the archbishop that an article had appeared and that he should look at it, and that it involved Mr Brandenburg.⁷⁵⁸ Bishop Newell gave evidence that he followed that up with the letter.⁷⁵⁹

In oral evidence, Bishop George said he had no recollection of the phone call from Bishop Newell. However, he did not deny the phone call took place.⁷⁶⁰

Bishop George also gave evidence that he did not see the letter from Bishop Newell until after the Adelaide Inquiry.⁷⁶¹ He also said that he did not become aware of Mr Skipper's allegations until after Mr Brandenburg was arrested in 1999.⁷⁶²

In view of Bishop Newell's clear recollection of a telephone conversation, Bishop George's lack of recollection either way and the 2 July 1998 letter which refers to the telephone conversation, we are satisfied that Bishop Newell did telephone then Archbishop George on 1 July 1998 and advise him that Mr Skipper had commenced legal proceedings against Mr Brandenburg.

Mr Menses gave evidence that Bishop Newell called him in July 1998 and that Bishop Newell faxed a copy of the newspaper article to him.⁷⁶³ He then confronted Mr Brandenburg with the allegations. Mr Brandenburg denied any wrongdoing.⁷⁶⁴ In the public hearing, Bishop Newell was not able to recall whether he did or did not call Mr Menses.⁷⁶⁵

Mr Menses said in evidence that, as Mr Brandenburg was leaving the organisation three weeks later, Mr Menses did not progress the matter or follow it up.⁷⁶⁶ Mr Menses told the Royal Commission this was on the basis of legal advice.⁷⁶⁷

Mr Menses said that he told then Archbishop George about the matter.⁷⁶⁸ At the Adelaide Inquiry, then Archbishop George denied being told about the matter.⁷⁶⁹ However, Bishop George gave evidence to us that Mr Menses did tell him about Mr Brandenburg's court case involving child sexual abuse as well as Mr Menses' phone call with Bishop Newell in late 1998.⁷⁷⁰ We are satisfied that Mr Menses had a discussion with Archbishop George about the Skipper litigation against Mr Brandenburg at the latest by late 1998.

Dr Owers' allegations in 1999 about Mr Brandenburg

In early 1999, a young man reported his sexual abuse by Mr Brandenburg to the police.⁷⁷¹ On 3 April 1999, this young man also reported his abuse to Reverend Dr Don Owers.⁷⁷² At that time, Dr Owers was the rector of the Parish of Magill, where Mr Brandenburg worshipped.⁷⁷³

On 3 April 1999, Dr Owers informed Archbishop George that a young man had told him that he had been sexually abused by Mr Brandenburg.⁷⁷⁴ Dr Owers recalled that Archbishop George remarked, 'not that name again'.⁷⁷⁵

Bishop George gave evidence that, at the time Dr Owers told him about the disclosure of abuse by Mr Brandenburg that Dr Owers had received, he was aware that legal proceedings had been commenced in Tasmania alleging that Mr Brandenburg had assaulted a child.⁷⁷⁶

Later in April 1999, Dr Owers was contacted by the South Australia Police seeking records relating to CEBS held by the Parish of Magill. Dr Owers stated that the police informed him that, in their experience of such cases, there would 'almost certainly be a minimum of 30 victims'.⁷⁷⁷ The police asked Dr Owers to take care not to alert Mr Brandenburg to the allegations. Therefore, Dr Owers believed there was little he could do pastorally at the time.⁷⁷⁸

Dr Owers said he passed on the information he had received from the police to both Archbishop George and Bishop Aspinall, who by this time was the Assistant Bishop of the Diocese of Adelaide. Dr Owers said he conveyed the scope of the alleged offending by Mr Brandenburg.⁷⁷⁹

Bishop George agreed in evidence that Dr Owers had advised him of the police information regarding Mr Brandenburg's offending in the first half of 1999. At that time, Bishop George was also aware of three separate allegations against Mr Brandenburg and had begun to suspect that Brandenburg had offended much more widely.⁷⁸⁰

On 24 May 1999, the police interviewed Mr Brandenburg, who made certain admissions.⁷⁸¹ He was charged with 34 counts of unlawful sexual intercourse and 341 counts of indecent assault.⁷⁸²

On about 2 June 1999, Mr Brandenburg died by suicide.⁷⁸³ He was due to face charges in court on 4 June 1999.⁷⁸⁴

The diocese's initial inquiries into the allegations against Mr Brandenburg

Bishop George stated that in 1999, after Mr Brandenburg was charged, he asked Archdeacon Conrad Patterson to make inquiries of past and present CEBS leaders to investigate the possibility that other CEBS members had been abused by Mr Brandenburg.⁷⁸⁵ Bishop George's recollection was that Archdeacon Patterson provided him with a written report and an oral summary.⁷⁸⁶

At the public hearing Bishop George was shown a copy of a letter from Archdeacon Patterson dated 10 September 2003⁷⁸⁷ and an accompanying statement, also dated 10 September 2003.⁷⁸⁸ Bishop George did not believe this was the written report he had referred to in his statement, as it was dated 10 September 2003.⁷⁸⁹ No other report has been produced to the Royal Commission.

In the 10 September 2003 letter, Archdeacon Patterson reported that:

Following Bob Brandenburg's being charged and his subsequent suicide, the next State Annual Meeting provided an opportunity to raise the matter with the then current members, the majority of whom were members of quite long standing, up to 20 years or more in some cases. The question was specifically put, 'Was any of the present members ever aware of any of the accusations which were then being made about Mr Brandenburg?' Without exception, all indicated that the events of the last few weeks were the first that any had heard about these matters.⁷⁹⁰

Bishop George agreed that, if the only step Archdeacon Patterson took to investigate the possibility of other CEBS members being abused by Mr Brandenburg was to ask a question at a state CEBS meeting, it was not a particularly thorough investigation.⁷⁹¹

Dr Owers' attempts to have the diocese respond to the allegations of abuse

After Mr Brandenburg's suicide and since there were no further police proceedings against Mr Brandenburg, Dr Owers felt there was no longer any impediment to him telling his parish what had occurred and putting in place a pastoral response.⁷⁹² Before or about 8 July 1999, Dr Owers met with then Bishop Aspinall to discuss action that the diocese might take and resources it might provide.⁷⁹³

On 17 August 1999, Dr Owers also sent a letter to the Parish of Magill informing parishioners that Mr Brandenburg had been the subject of child sexual abuse charges and inviting members to attend a free workshop that would provide information and advice on the situation.⁷⁹⁴ Dr Owers believed that it was reasonable to suppose that, if there were multiple victims of Mr Brandenburg, many of them would be from the CEBS branch of St George's, Magill.⁷⁹⁵

On 24 August 1999, Dr Owers facilitated a workshop entitled 'Understanding Sexual Abuse in the Church'. Approximately 40 to 50 people attended the workshop.⁷⁹⁶ At that workshop a young man announced that he had also been abused by Mr Brandenburg.⁷⁹⁷ About a week later another person disclosed to Dr Owers that he had been abused by Mr Brandenburg.⁷⁹⁸

On 7 September 1999, Dr Owers wrote to Archbishop George informing him that two further victims of Mr Brandenburg had come forward and that there were indications that abuse had occurred in one or more CEBS branches and at a diocesan campsite as well as in at least one other diocese. Dr Owers also informed Archbishop George that he intended to hold another workshop.⁷⁹⁹

On 19 October 1999, Archbishop George telephoned Dr Owers and requested that he not hold the workshop.⁸⁰⁰ Archbishop George told Dr Owers that he might inadvertently breach the diocesan insurance policy or guidelines and that Archbishop George wanted time to evaluate and create a diocesan response to the situation. Dr Owers agreed to postpone the second workshop until 30 November 1999.⁸⁰¹

On 12 October 1999, Dr Owers attended a meeting with Archbishop George, Bishop Aspinall, diocesan solicitor Mr Andrew Luckhurst-Smith, and Mr John Roffey, the then chief executive officer of Anglicare SA. At that meeting, Dr Owers was asked to prepare a set of pastoral responses the diocese could make to the situation.⁸⁰²

On 26 October 1999, Dr Owers wrote to Archbishop George setting out some suggested pastoral responses.⁸⁰³

On 22 November 1999, Dr Owers emailed Archbishop George requesting an update on the diocesan position on a pastoral response to the Brandenburg situation. On 7 December 1999, Dr Owers received a response from Bishop Aspinall informing him that a meeting had been held on 15 November 1999 between Archbishop George, Bishop Aspinall, Mr Luckhurst-Smith and psychologist Dr Joan Chataway to consider the pastoral responses Dr Owers had prepared.⁸⁰⁴

Dr Owers gave evidence that he felt this reply was vague and somewhat evasive.⁸⁰⁵ On 10 December 1999, Dr Owers wrote to Bishop Aspinall expressing his frustration at Bishop Aspinall's response and requesting an urgent and serious effort be made to provide a concrete pastoral response.⁸⁰⁶

Dr Owers received no response to this letter.⁸⁰⁷ To persuade Archbishop George of the seriousness and extent of the abuse, Dr Owers arranged for Archbishop George to meet with the young man who had disclosed his abuse to Dr Owers at the workshop on 24 August 1999. On 7 March 2000, Dr Owers and the young man met with Archbishop George.⁸⁰⁸

Bishop George agreed that Dr Owers had made him aware that a young man had disclosed his abuse at the workshop on 24 August 1999 and that another young man had come forward shortly after the workshop. He also agreed that Dr Owers had arranged for Archbishop George to meet with the man who disclosed his abuse at the workshop.⁸⁰⁹ Bishop George also agreed that, by the time of that meeting on 7 March 2000, he was aware of five people who complained of sexually inappropriate conduct by Mr Brandenburg.⁸¹⁰

On 27 April 2000, Archbishop George wrote to Dr Owers to say that Dr Owers was incorrect in accusing the diocese of a lack of action on the Brandenburg matter and that the diocese could not make statements about Mr Brandenburg's behaviour because it was not proven.⁸¹¹

On 11 April 2000, Dr Owers wrote to Archbishop George to emphasise again his view that the diocese needed to make a formal statement acknowledging the harm done by Mr Brandenburg's behaviour, expressing the church's concern and regret and inviting survivors to access appropriate care.

Archbishop Aspinall told the Royal Commission that he supported Dr Owers' proposal.⁸¹² Archbishop Aspinall said that then Archbishop George was reluctant to make the apology specifically to the victims of Mr Brandenburg⁸¹³ but that they then reached a compromise: Archbishop George would make a semi-public statement to the synod of the diocese.⁸¹⁴ Archbishop Aspinall acknowledged this was not as much as Dr Owers wanted. However, as Archbishop George was prepared to do it, Bishop Aspinall prepared a statement for him.⁸¹⁵

On 19 May 2000, Archbishop George made a statement to the synod expressing on behalf of the church sorrow over the occurrence of sexual abuse and encouraging any person who had suffered such abuse within a church context to call the church's confidential helpline.⁸¹⁶ Bishop George agreed in evidence that he did not name Mr Brandenburg at that time.⁸¹⁷

In February 2001, Dr Owers attended a conference in Sydney on helping male survivors of sexual abuse. At the conference he met Mr Gould. Mr Gould disclosed to Dr Owers that he had been a victim of sexual abuse by Daniels. Mr Gould also informed Dr Owers that Daniels was an associate of Mr Brandenburg and that then Bishop Aspinall had also known both Daniels and Mr Brandenburg.⁸¹⁸ Mr Gould also informed Dr Owers that Bishop Aspinall had provided a character reference for Daniels at Daniels' sentencing proceeding.⁸¹⁹

Dr Owers stated in his evidence that he was very surprised at this information because he had been liaising with Bishop Aspinall on the Brandenburg situation in Adelaide and Bishop Aspinall had not said anything about these associations.⁸²⁰

Dr Owers subsequently raised this with Bishop Aspinall, who acknowledged to Dr Owers that he should have disclosed this association earlier.⁸²¹

On 14 December 2001, Dr Owers wrote to Bishop Aspinall advising him of his view that the church had a nationwide problem with child sexual abuse.⁸²² As Bishop Aspinall had recently been elected Archbishop of the Anglican Diocese of Brisbane, Dr Owers suggested that he might consider initiating a national task group to develop an appropriate response by the church to survivors of abuse.⁸²³

In February 2002, Archbishop George issued a media release requesting victims of church-related sexual abuse to contact a confidential helpline.⁸²⁴ The media release did not name Mr Brandenburg. In evidence, Bishop George agreed that it was a mistake not to have named Mr Brandenburg.⁸²⁵

Bishop George stated that the reasons for not naming Mr Brandenburg at that time were that:

- he was concerned about the legal and insurance implications
- a number of eminent people had contacted him at the time Mr Brandenburg was charged and they expressed disbelief
- he didn't want to 'blacken [Mr Brandenburg's] name', as he was now dead.⁸²⁶

Bishop George accepted in oral evidence that he had placed too much weight on his concern for Mr Brandenburg's reputation to the detriment of a pastoral response.⁸²⁷ Bishop George also agreed that, despite being aware of at least five sets of allegations against Mr Brandenburg at that time, he was not quite convinced that Mr Brandenburg was a paedophile.⁸²⁸

Bishop George stated that, if he had been convinced, he probably would have named Mr Brandenburg in the media release.⁸²⁹ Bishop George acknowledged that it was wrong to remain unconvinced about whether Mr Brandenburg was a paedophile at that time.⁸³⁰

Archbishop Aspinall told the Royal Commission that he did not always agree with Archbishop George.⁸³¹ He said that the Brandenburg matter was one where he made the judgment that it was not wise to confront Archbishop George about the things he disagreed with him on and that 'one got better outcomes if one went gently and perhaps in an indirect way to achieve some outcomes'.⁸³²

Archbishop Aspinall told the Royal Commission that he supported Dr Owers' request for a public statement about the abuse that named Mr Brandenburg.⁸³³

Archbishop Aspinall said that the diocese received advice from insurance brokers which may have inhibited the diocese from making the statement.⁸³⁴ Archbishop Aspinall also said that he arranged for Dr Chataway, a psychologist, to participate in discussions about a public apology, as she was in favour of one, and he hoped this would influence Archbishop George.⁸³⁵

Archbishop George and Bishop Aspinall had been advised by the diocese's lawyers and insurance brokers not to do anything which may increase the legal liability of the insurers.⁸³⁶ Bishop George stated that he had received legal advice not to name Mr Brandenburg because of issues relating to the diocese's insurance cover and legal liability.⁸³⁷

Bishop George conceded in oral evidence that 'far too much emphasis was given to legal liability and insurance issues'⁸³⁸ and not enough emphasis was given to pastoral care.⁸³⁹ We are satisfied that too much weight was given to legal liability and insurance issues and not enough weight was given to the need to provide appropriate pastoral support to Mr Brandenburg's victims.

During 2002, Dr Owers continued to lobby Archbishop George to make a public response about the extent of the abuse within the Diocese of Adelaide.⁸⁴⁰

In June 2002, at a diocesan council meeting, Dr Owers raised the issue of an appropriate response from the diocese regarding Mr Brandenburg's abuse. Dr Owers had the impression that most members of the diocesan council had either not heard of the issue or were not aware of the extent or seriousness of the abuse perpetrated by Mr Brandenburg.⁸⁴¹

Dr Owers gave evidence that he was surprised about the diocesan council's reaction, as he believed that, as a senior leadership group within the diocese, it would have been informed about Mr Brandenburg earlier.⁸⁴²

The diocesan council referred the matter to the Diocesan Response Group.⁸⁴³ In July 2003, the diocesan council resolved to form a Sexual Abuse Response Task Group to provide reports to the diocesan council.⁸⁴⁴

In mid-2002, Dr Owers came into contact with Mr King's brother, Reverend King. From that time, they worked together to lobby Archbishop George to make a public statement about sexual abuse within the Diocese of Adelaide.⁸⁴⁵

In August 2002, Reverend King wrote to the administrator of the diocese about Mr King's previous attempts to disclose his abuse to the diocese.⁸⁴⁶

In about March 2003, Mr King, Dr Owers, a lawyer representing other victims of Mr Brandenburg and Reverend King met with Mr Nick Xenophon, who was then a member of the Parliament of South Australia.⁸⁴⁷ Mr King gave evidence that Mr Xenophon supported a public inquiry into Mr Brandenburg's abuse and the response of the Diocese of Adelaide.⁸⁴⁸

On 22 May 2003, Reverend King and Dr Owers released a media statement calling for an independent public inquiry into the response of the Diocese of Adelaide to the abuse perpetrated by Mr Brandenburg.⁸⁴⁹

Archbishop George's 23 May 2003 media release

On 23 May 2003, then Archbishop George issued a media release on behalf of the diocese rejecting the claim that it had failed to disclose the extent and seriousness of the alleged abuse by Mr Brandenburg.⁸⁵⁰ It is clear enough that this media release was in response to the 22 May 2003 statement of Dr Owers and Reverend King.

In the media release Archbishop George stated that he had not realised what the extent and seriousness of the abuse might be until recently and that, once it was suspected, the diocese had moved swiftly.⁸⁵¹

Bishop George conceded in oral evidence that the statement in the media release that he had 'no inkling of how serious the abuse might be until recently' could be considered misleading but that it expressed his thinking at the time.⁸⁵² However, Bishop George conceded that he was wrong.⁸⁵³

When asked about this statement, Archbishop Aspinall, who had left the diocese to become Archbishop of Brisbane in February 2002, said he was surprised and that:

Certainly by the time I left the Diocese the seriousness of the Brandenburg matter was very apparent to everyone. I was personally aware of at least four victims, which makes it very serious. The police had also told us that they expected there could be many more, so it was a very serious matter and that, at the very least, grossly understates the situation.⁸⁵⁴

Dr Owers gave the following evidence in relation to the media release: ‘I was very angry when I saw that. It is difficult for me to say much else than I felt that it was just false.’⁸⁵⁵

In his oral evidence to the Royal Commission, Bishop George agreed that this public statement was the first time that he had named Mr Brandenburg.⁸⁵⁶

Bishop George stated that, at the time of making the statement ‘the Diocese had moved swiftly’, he believed it to be true. However, he accepted that it could be construed as misleading.⁸⁵⁷ It is difficult to see on what basis it could be said that the diocese had moved ‘swiftly’ in responding to the allegations. The history we have recounted above shows that, despite the determined efforts of Dr Owers and later Reverend King, the diocese had done very little to that point.

Counsel for Bishop George submitted that it would be misleading to find that the media statement was ‘misleading to Archbishop George’s knowledge’. It was submitted that Bishop George had consistently maintained in his evidence that the media release ‘expressed where [he] was’ at the time. It was submitted that Bishop George admitted his mistakes, had apologised and had taken full responsibility. As such, Bishop George submitted that it would be unfair for us to ‘hone in on one line of the press release and not consider the document as a whole’. Bishop George conceded that, with hindsight, the media release could be seen as misleading, although he submitted that was ‘as high as the matter can be put, having regard to the evidence before the Royal Commission’.⁸⁵⁸

We have considered the overall content of the 23 May 2003 media release and taken the document as a whole. As discussed, Dr Owers and Reverend King attempted to act swiftly and Archbishop George was holding the response up. Bishop George admitted in evidence that this was because, having been advised of the allegations, he refused to believe that Mr Brandenburg was a paedophile for several years.⁸⁵⁹ We are satisfied that the statements that Archbishop George made in that media release – that he had ‘no inkling of how serious the abuse might be until recently’ and that, when the seriousness of the abuse by Mr Brandenburg was suspected, ‘the Diocese had moved swiftly’ – were misleading, and they were misleading to then Archbishop George’s knowledge.

The misleading statements in the media release would no doubt have caused further distress to Mr Brandenburg’s victims.

The diocese apologises in late May 2003

On 25 May 2003, Archbishop George issued a pastoral letter to be read or distributed to all congregations on that day. On behalf of the diocese, he expressed his regret that people who sought help from the church may not have received the help they needed or expected. The letter stated that the diocese had been continually developing and revising procedures for dealing with complaints and that he would report to the synod in the following week about progress.⁸⁶⁰

On 29 May 2003, Archbishop George issued an apology to the community on behalf of the Diocese of Adelaide as part of the opening session of the annual church synod in Adelaide.⁸⁶¹ Archbishop George acknowledged that hurt had been done to a large number of people and that the processes of the church were sometimes inadequate.

Archbishop George stated that the diocese now knew that Mr Brandenburg's abuse took place over at least three decades and involved a significant number of boys and young men. Archbishop George admitted that at times the church had not acted with compassion and had 'met human suffering with too little concern'.⁸⁶²

Also on 29 May 2003, the archbishop wrote to the Commissioner of South Australia Police advising that the diocese had established a sex abuse hotline and had received some 65 calls.⁸⁶³ Archbishop George advised that as a result of those calls 'counsellors involved had indicated there is a probability that a "paedophile ring" has been operating in the Boy's Society for a number of years'.⁸⁶⁴ Archbishop George sought the assistance of the police in investigating.⁸⁶⁵

In his oral evidence to the Royal Commission, Bishop George agreed that he kept himself informed of the progress of the police investigation and that he reached the conclusion that there was a paedophile ring operating within CEBS.⁸⁶⁶

On 30 May 2003, Archbishop George issued a public apology to the people of South Australia.⁸⁶⁷

We are left in no doubt that the Diocese of Adelaide delayed inordinately in responding to the widespread allegations that Mr Brandenburg had sexually abused boys. That delay denied appropriate pastoral support to Mr Brandenburg's victims. Archbishop George bore the primary responsibility for that delay.

Following a vote by the diocesan council, Archbishop George resigned in June 2004.⁸⁶⁸ Bishop George told us he believed the diocesan council considered that he had been too defensive of the church in his dealings with the media and that this did not reflect appropriately the view of the church at that time. Bishop George stated that the diocesan council was probably correct in this belief.⁸⁶⁹

In evidence to the Royal Commission, Bishop George apologised to the survivors of Mr Brandenburg's abuse. He expressed remorse that sexual abuse of children had occurred within the Anglican Church of Australia and in particular within the Diocese of Adelaide. He stated that he was deeply sorry that the church did not protect children and had provided an opportunity for someone like Mr Brandenburg to abuse so many. He was also deeply sorry for the harm inflicted upon those subjected to abuse and their families. Bishop George stated that he now understood and accepted that he could have done more to assist survivors. He said that the advice that he had received from Dr Owers was the path he should have followed.⁸⁷⁰

The Adelaide Inquiry

After the synod in May 2003, the Diocese of Adelaide announced the Adelaide Inquiry. Retired Supreme Court Justice Olsson and Dr Chung were appointed the chairs of the Adelaide Inquiry.⁸⁷¹

Archbishop Aspinall told the Royal Commission that while he was assistant bishop in Adelaide he had advised Archbishop George on a number of occasions that an inquiry would be a valuable thing.⁸⁷² However, according to Archbishop Aspinall, Archbishop George was not convinced of that.⁸⁷³

Initially, the Adelaide Inquiry was largely concerned with the sexual abuse alleged to have been perpetrated by Mr Brandenburg upon members of CEBS.⁸⁷⁴ Although much of the information gathered related to the conduct of Mr Brandenburg and persons known to him and associated with CEBS, in the end the Adelaide Inquiry also gathered information on a substantial number of other allegations of sexual abuse.⁸⁷⁵

By the conclusion of the information-gathering process, the Adelaide Inquiry had taken evidence from 95 witnesses at formal hearings and taken preliminary statements from about 47 other persons.⁸⁷⁶

On 26 May 2004, the Adelaide Inquiry released its report on the handling of sex abuse and misconduct claims within the diocese.⁸⁷⁷ The report was critical of the diocese's actions.

Among other things, the Adelaide Inquiry found that:

- there was a general prevailing culture of minimisation or actual disbelief and, in most instances, an aggressive rejection of assertions of misconduct on the part of members of the clergy, especially if those claims were made by young persons⁸⁷⁸
- there was an inadequate understanding of child sexual abuse and a lack of knowledge about child sexual abuse perpetrators, which had a number of negative impacts⁸⁷⁹
- complaints and concerns were treated as single isolated incidents and not considered as part of a broader pattern of behaviour that might involve more than one victim. An admission of inappropriate sexual behaviour and the alleged perpetrator's promise that such behaviours would not continue were often considered adequate intervention⁸⁸⁰
- the attitude of the church was, in its practical effect, both uncaring towards the victims and sometimes undermining of the characters of both the victims and their families. The primary focus was on the church and any likely effect on it or its priests⁸⁸¹
- the church was reluctant to acknowledge the reality of the situations and repair the harm done to victims because of a fear of besmirching the reputation of the church and the consequences of possible civil litigation⁸⁸²
- in some cases there was a focus on extending compassion and forgiveness to the offender rather than properly considering the needs of the victim.⁸⁸³

The Adelaide Inquiry concluded that what had occurred had seriously damaged the reputation of the church in the eyes of the community. It said that a great deal of ‘fence mending’ needed to be done to improve the image of the church and to change the perception of those who had been disillusioned by past events.⁸⁸⁴

3.4 Scope of redress provided by the diocese

Claim for redress by Mr King in 2003

On 25 July 2003, Mr King commenced a claim for negligence against the Diocese of Adelaide.⁸⁸⁵

Mr King gave evidence that he met with Archbishop Jeffrey Driver, who had been appointed the Archbishop of the Diocese of Adelaide in late 2005.⁸⁸⁶ Mr King stated that, amongst other matters discussed at the meeting, Archbishop Driver and he discussed the need to provide more counselling to victims of abuse and that Archbishop Driver agreed to meet with Mr King’s mother.⁸⁸⁷

Mr King said in his statement that, to his knowledge, as at the time of the hearing Archbishop Driver had not spoken to his mother or provided him with a written apology.⁸⁸⁸

Archbishop Driver provided a supplementary statement to the Royal Commission addressing the issues raised in Mr King’s statement.⁸⁸⁹ Archbishop Driver stated that the day after his installation as archbishop he wrote to Mr King inviting him to meet with him.⁸⁹⁰

Archbishop Driver stated that he met with Mr King twice in 2005 – in November and in December.⁸⁹¹ Archbishop Driver stated that it was his practice to apologise during meetings with victims. He said he was confident that he had apologised to Mr King at the first meeting⁸⁹² and he was not aware that Mr King wanted a written apology.⁸⁹³ Archbishop Driver has undertaken to provide one to Mr King.⁸⁹⁴

On the matter of meeting with Mr King’s mother, Archbishop Driver stated that he had no recollection of being asked to speak with Mr King’s mother.⁸⁹⁵ However, he had previously made inquiries about the appropriateness of him meeting with Mr King’s mother.⁸⁹⁶

As a result of his meetings with Mr King, Archbishop Driver sought to change the level of counselling offered to victims, increasing from six available sessions to 15 sessions, and relax the requirement around which counsellors victims could see.⁸⁹⁷

Mr King said that at the time he made his statement it was his recollection that he, Reverend King and Archbishop Driver had only met once.⁸⁹⁸ However, since being shown Archbishop Driver’s statement dated 28 January 2016, he thinks that there may have been two meetings in late 2005.⁸⁹⁹

Mr King generally accepts that a memorandum prepared by Archbishop Driver summarising the discussion at one of their meetings accords with his recollection of that meeting.⁹⁰⁰

Mr King settled his claim for compensation with the Diocese of Adelaide in April 2006.⁹⁰¹

Mr King said that it has been 22 years since he brought the abuse of Mr Brandenburg to the attention of the church and he feels like his whole adult life has been shaped by this experience.⁹⁰²

Mr King told the Royal Commission that one of the issues with apologies from institutions relating to child sex abuse is that the institutions concerned do not acknowledge that they knew about the abuse at the time.⁹⁰³

Redress provided to BYA

On 3 March 2010, BYA contacted the Director of Professional Standards for the Diocese of Adelaide to see if the diocese could assist him.⁹⁰⁴ BYA was referred to the Director of Professional Standards in Brisbane, Mr Rod McLary, and made a statement to him on 19 May 2010.⁹⁰⁵

On 25 August 2010, Mr Keith Stephens, Registrar of the Diocese of Adelaide, wrote to BYA advising him that the diocese did not intend to investigate the complaint but that it could proceed through 'Healing Steps', which was the diocese's pastoral response program.⁹⁰⁶

On 3 November 2010, BYA was assessed by Professor Whiteford, a consultant psychiatrist. BYA was satisfied with the report.⁹⁰⁷

In February 2011, BYA reached a settlement via mediation with the Diocese of Adelaide.⁹⁰⁸ BYA received a letter of apology from then Vicar General of the Diocese of Adelaide, Dr Sarah MacNeil.⁹⁰⁹

Claims for redress generally

The current Archbishop of the Diocese of Adelaide, Archbishop Driver, gave evidence that the Diocese of Adelaide has compensated 43 victims of Mr Brandenburg.⁹¹⁰

4 Diocese of Brisbane

This section of the report examines the response of the Diocese of Brisbane to child sexual abuse by John Elliot. For many years Elliot was a lay leader in CEBS and spent time in both Queensland and Tasmania. He later became a member of the clergy in the Diocese of Brisbane.

In 2002, Elliot was convicted of a large number of sexual offences against boys. Elliot did not give evidence to the Royal Commission, but he was legally represented during the hearing.

In this section we consider:

- the history of Elliot's involvement with CEBS and the Diocese of Brisbane and Elliot's convictions for sexual offending
- the experiences of certain survivors of Elliot's abuse. BYB gave evidence to the Royal Commission of his sexual abuse by Elliot as a child, the disclosure of his abuse to the Diocese of Brisbane and the impacts upon him of this abuse
- the diocese's response to the allegations of sexual abuse against Elliot, including the manner in which then Archbishop Peter Hollingworth handled the matter and the establishment in 2002 of an independent inquiry (chaired by Mr Peter O'Callaghan QC and Professor Freda Briggs) into the diocese's past handling of sexual abuse allegations, including in relation to Elliot (the Brisbane Inquiry)
- the level of support the diocese offered to the survivors of Elliot's abuse.

4.1 John Elliot

Elliot was born in Brisbane in 1933.⁹¹¹ After leaving school, Elliot worked as a bank officer at various branches in Queensland.⁹¹² In 1956, Elliot was transferred to Tasmania for work.⁹¹³

At various times between 1956 and the early 1990s, Elliot was a CEBS leader in both Queensland and Tasmania and held the position of CEBS chief commissioner in both states. He was also a representative on National Council and a member of the CEBS Queensland executive.⁹¹⁴

While Elliot was in Tasmania, he was a CEBS leader at the New Town, Sandy Bay and North Hobart branches of CEBS.⁹¹⁵ He was also on the CEBS state executive as state secretary.⁹¹⁶

Elliot told psychiatrist Dr John Slaughter that when he was in Tasmania between 1956 and 1958⁹¹⁷ he became sexually attached to a 13-year-old boy whose father had died.⁹¹⁸ Elliot used to house sit for the boy's family and the boy would come and stay with him.⁹¹⁹

In 1982 Daniels wrote a book about the history of CEBS in Tasmania.⁹²⁰ The book records that Elliot left Tasmania in 1959.⁹²¹ Elliot returned to Queensland to work at Mt Isa before returning to Brisbane.⁹²²

In 1963, at the age of 30, Elliot got married.⁹²³ There is evidence that by the age of 31 he had begun sexually abusing a 15-year-old male.⁹²⁴

In 1966, Elliot returned to Tasmania. There is evidence that he sexually abused another boy while he was there.⁹²⁵ It was around this time that Elliot met Daniels through CEBS.⁹²⁶

In January 1970, Elliot was transferred to Bundaberg in Queensland, where he became a CEBS leader at the local church.⁹²⁷ In November 1972, Elliot was transferred to Sunnybank, Brisbane, where he became involved with CEBS at St Barnabas.⁹²⁸

In around 1978, Elliot left his employment with a bank to take up a job as a bursar at the Church of England Grammar School in Brisbane (colloquially known as 'Churchie').⁹²⁹ At this time, Elliot remained involved with CEBS as a leader.⁹³⁰

In the early 1980s, Elliot applied to study for ordination as an Anglican priest.⁹³¹ In 1985, he was ordained as a deacon in the Anglican Diocese of Brisbane. He resigned from Churchie and took up a position in the ministry. On 20 December 1986, Elliot received Holy Orders as a priest.⁹³²

Upon ordination, Elliot worked as an assistant curate at Christ Church Bundaberg, as priest-in-charge and rector of St Anne's, Nanango, and then as rector of Dalby.

Around mid-1993, the then Archbishop of the Diocese of Brisbane, Dr Hollingworth, was made aware of allegations that Elliot had engaged in child sexual abuse several years earlier, before he was ordained. As will be discussed in more detail below, Dr Hollingworth permitted Elliot to remain in his ministry. From this time, Elliot was 'formally' banned from establishing or having any close association with CEBS or any similar kinds of groups for boys.⁹³³

After Elliot retired in 1998, Dr Hollingworth granted him an Authority to Officiate. Elliot then performed various casual ministry positions around the Diocese of Brisbane.⁹³⁴

In March 2001, Elliot contacted Bishop John Noble, who was then Assistant Bishop of the Diocese of Brisbane, and informed him that the Queensland Police Service had interviewed him about child sexual abuse allegations.⁹³⁵ On 6 November 2001, Elliot wrote to Bishop Noble informing him that he had decided to plead guilty to all of the charges against him except the sodomy charges.⁹³⁶

On 27 March 2002, following a plea of guilty, Elliot was sentenced to seven and a half years' imprisonment with a 30-month non-parole period in relation to child sexual abuse offences against five boys, all aged between 10 and 13. The counts, which were reduced from the initial number of charges in order to obtain a guilty plea, included 10 counts of sodomy and 18 counts of indecently dealing with boys under 14.⁹³⁷

In 2002, further charges were laid against Elliot in relation to two other boys, including eight offences relating to BYB.⁹³⁸ Elliot pleaded guilty to these offences and had his non-parole period extended by six months.⁹³⁹ Elliot has now completed his sentence.

4.2 Survivors of sexual abuse by Elliot

BYB

BYB gave a written statement and oral evidence to the Royal Commission about his sexual abuse by Elliot and the response of the Diocese of Brisbane to his disclosures of abuse.

BYB first met Elliot in or around 1975, when he was about eight years old. His family attended St Barnabas Anglican Church in Sunnybank. At that time, Elliot was the branch governor of CEBS Sunnybank and also a lay preacher.⁹⁴⁰

Elliot befriended BYB's parents and saw them regularly. BYB's parents trusted Elliot and would often encourage BYB to attend activities organised by Elliot, such as overnight CEBS camps.⁹⁴¹

BYB said that from when he was aged around nine until when he turned 13 he saw Elliot on at least a weekly basis. On nearly all of these occasions, BYB said Elliot sexually abused him.⁹⁴² BYB gave evidence that Elliot also sexually abused his brother.

BYB said that when he was about 12 years old he started to limit the time he spent with Elliot by refusing to attend any church activities, including CEBS.⁹⁴³ However, Elliot continued to associate with BYB's parents.⁹⁴⁴

BYB's disclosures of abuse to the Diocese of Brisbane and its response are set out below.

BYB told the Royal Commission that the biggest impact of the abuse was upon his self-esteem. BYB said that he not only felt responsible for allowing the abuse to occur in the first place but also felt that he had allowed the church to sweep the problem under the carpet.⁹⁴⁵

4.3 Response of the Diocese of Brisbane to sexual abuse by Elliot

First notification of sexual abuse to the diocese in July 1993

In July 1993, BYB (then aged around 23 years) told his parents that he had been sexually abused by Elliot when he was a child.⁹⁴⁶ At around the same time, BYB's brother also disclosed his abuse by Elliot to his parents.⁹⁴⁷

BYB's parents immediately reported the allegations to Bishop Noble. Bishop Noble was a family friend and a former parish priest of Dalby.⁹⁴⁸ At that time, he was Assistant Bishop of the Diocese of Brisbane (and was one of the regional bishops).⁹⁴⁹

Bishop Noble told the Royal Commission that BYB's parents informed him that BYB and his brother had been abused by Elliot at Churchie as well as in the parish.⁹⁵⁰ Bishop Noble said he took 'in the parish' to mean either within the geographical location of the Parish of Sunnybank or in a parish-based activity such as a CEBS camp.⁹⁵¹

Bishop Noble gave evidence that a few days after speaking with BYB's parents Elliot's wife contacted Bishop Noble in a distressed state seeking pastoral support, as Elliot had confessed to her that he had abused BYB and his brother. Bishop Noble said that he told her he could not offer that support, as he perceived there was a conflict of interest because of his relationship with BYB's family.⁹⁵²

In July 1993, very soon after becoming aware of the allegations, Bishop Noble reported the matter to the then Archbishop of the Diocese of Brisbane, Dr Hollingworth.⁹⁵³ Dr Hollingworth was the Archbishop of the Diocese of Brisbane from 1989 until 2001.⁹⁵⁴

In their conversation, Bishop Noble told Dr Hollingworth that BYB and his brother had both alleged abuse by Elliot and that BYB's parents had told Bishop Noble of these allegations.⁹⁵⁵ For personal reasons, Bishop Noble asked Dr Hollingworth to handle the matter.⁹⁵⁶

Dr Hollingworth gave oral evidence that he could not recall whether Bishop Noble did or did not tell him that the abuse of the boys occurred both in the parish and at Churchie.⁹⁵⁷

In a letter to the Brisbane Inquiry in 2003, Dr Hollingworth, through his solicitors, said that Bishop Noble had informed him of a complaint by some parents that Elliot had sexually abused 'their two sons many years previously when Elliot was a parish CEBS leader and when Bursar at Churchie'.⁹⁵⁸ Given that Dr Hollingworth specified Elliot's two roles – parish CEBS leader and bursar at Churchie – it is reasonable to infer that Bishop Noble did tell Dr Hollingworth that the abuse occurred both in the parish and at Churchie.

Bishop Noble told the Royal Commission that in his conversation with Dr Hollingworth he was not specific about the nature of the abuse or whether it extended over a long period of time.⁹⁵⁹

Dr Hollingworth gave evidence to the Royal Commission that he could not recall whether Bishop Noble had described abuse occurring on one occasion or more than one occasion.⁹⁶⁰

In view of what Dr Hollingworth can recall, we are satisfied that, in July 1993, Bishop Noble informed Dr Hollingworth that BYB and his brother had both alleged sexual abuse by Elliot and that the abuse was said to have occurred both at Churchie and in a parish context.

Dr Hollingworth's meeting with Elliot

On 23 July 1993, Dr Hollingworth met with Elliot. According to Dr Hollingworth's solicitors' letter to the Brisbane Inquiry, at that meeting 'Elliot admitted his wrongdoing as Bursar of Churchie and as a CEBS leader in relation to the two boys' and said 'there had been no other wrongdoing on his part'.⁹⁶¹

In oral evidence to the Royal Commission, Dr Hollingworth said that in their meeting Elliot 'admitted to [the allegations] very quickly'.⁹⁶² Dr Hollingworth also said that Elliot did not say whether the abuse had occurred on more than one occasion and that Dr Hollingworth did not form an impression of whether or not it had.⁹⁶³

Dr Hollingworth gave evidence in which he indicated that Elliot did admit to abusing BYB but did not admit to abusing BYB's brother.⁹⁶⁴ However, this evidence is inconsistent with what Dr Hollingworth told the Brisbane Inquiry, which was that Elliot admitted to abuse 'in relation to the two boys'.⁹⁶⁵

Further, Dr Hollingworth gave evidence that his recall of the meeting with Elliot was limited. He told the Royal Commission that he had 'no sort of detailed recollection'⁹⁶⁶ of the meeting and, when asked by Counsel Assisting whether he raised with Elliot the allegation that Elliot had abused BYB's brother, he said, 'I can't answer that. I can't recall the detail of that'.⁹⁶⁷

We note that Dr Hollingworth did not contest Counsel Assisting's proposed finding that in the July 1993 meeting Elliot admitted to Dr Hollingworth that he abused BYB and his brother.⁹⁶⁸ Accordingly, we are satisfied that on 23 July 1993 Elliot did admit to Dr Hollingworth that he abused both BYB and his brother.

Elliot's meeting with BYB's parents

A few days after Dr Hollingworth met with Elliot, he telephoned BYB's parents. They told the Brisbane Inquiry that Dr Hollingworth said that Elliot had 'admitted his guilt and confessed to all offences' and Elliot wanted to come to their home and see them.⁹⁶⁹

That day or the next, Elliot visited BYB's parents. BYB's parents told the Brisbane Inquiry that 'Elliot's attitude was all self pity. It was all "poor me" and that he was sad that he would never see [BYB] again'. Elliot also told them that 'no harm was done'. They said that 'at no time did [Elliot] ask for forgiveness or express any kind of remorse'.⁹⁷⁰

Dr Hollingworth's meeting with BYB

On 30 August 1993, Dr Hollingworth met with BYB.⁹⁷¹ BYB and Dr Hollingworth have provided conflicting accounts of what occurred at that meeting, both to the Brisbane Inquiry and in evidence before the Royal Commission.

BYB's evidence to the Brisbane Inquiry was essentially the same as his evidence to the Royal Commission.⁹⁷² BYB gave evidence to the Royal Commission that he told Dr Hollingworth that he had been sexually abused by Elliot over a number of years and that Elliot was a paedophile who should not have contact with the general public.⁹⁷³ BYB did not use the phrase 'serial' paedophile in evidence to the Royal Commission. BYB also gave evidence to the Royal Commission that during the meeting Dr Hollingworth addressed him by name and that he also referred to Elliot by name.⁹⁷⁴

Dr Hollingworth told the Brisbane Inquiry (via a letter from his solicitors dated 20 December 2002) that he did not know the name of the young man with whom he met that day and that the meeting commenced without Dr Hollingworth knowing why the young man had come to see him. The solicitor's letter noted that, if Elliot was mentioned by name that day, Dr Hollingworth could not remember it. Dr Hollingworth felt that following the meeting he had not been given information that would allow him to take any action.⁹⁷⁵ Dr Hollingworth said that it was only in preparing for the Brisbane Inquiry that he had come to the belief that the young man was BYB.⁹⁷⁶

Dr Hollingworth agreed in oral evidence that the 20 December 2002 letter from his solicitors to the Brisbane Inquiry (which he reviewed before it was sent)⁹⁷⁷ was incorrect in stating that Dr Hollingworth did not recall Elliot being mentioned.⁹⁷⁸ He also agreed the letter was incorrect in asserting that Dr Hollingworth did not recall BYB mentioning his name.⁹⁷⁹ We are satisfied that the information provided to the Brisbane Inquiry was incorrect in these respects.

It is difficult to view the explanation for these inaccuracies as mere carelessness. The inaccuracy of the letter must have been apparent to Dr Hollingworth.

Dr Hollingworth did not deny in evidence before the Royal Commission that BYB told him during that meeting that Elliot was a paedophile⁹⁸⁰ or that BYB said to him that Elliot should not have any contact with children.⁹⁸¹ When asked whether he understood from the meeting with BYB that the abuse had occurred over a number of years, Dr Hollingworth said, 'I have no knowledge – there was never any reference made to me that I can recall that it was over a number of years'.⁹⁸² Dr Hollingworth agreed that he said to BYB during the meeting that he would like to handle the

matter internally.⁹⁸³ However, Dr Hollingworth said he did not discourage BYB from taking his complaint to the police.⁹⁸⁴

Counsel for Dr Hollingworth submitted that the Royal Commission should not find that BYB told Dr Hollingworth that Elliot was a serial paedophile, as this was not put to Dr Hollingworth and Dr Hollingworth did not accept BYB's evidence that BYB used this expression. It was submitted that it was also not put to Dr Hollingworth that BYB told him that Elliot's abuse had gone on 'over a number of years'. It was submitted that Counsel Assisting referred to the report of the board of inquiry which did not offer Dr Hollingworth the opportunity to give evidence or to respond directly to BYB. Counsel for Dr Hollingworth submitted that the Royal Commission make its findings on the basis of evidence before it, not on the basis of another body's findings.⁹⁸⁵

We have considered the submissions of Dr Hollingworth. Dr Hollingworth was specifically asked to address in his statement the narrative and the findings of the board of inquiry. In response, Dr Hollingworth said that he accepted 'the Board of Inquiry conclusion that [his] handling of the complaint in respect of John Elliot was not "fair, reasonable and appropriate"' and that he accepted 'the description set out in the Board of Inquiry Report of the actions that [he] took after [he] became aware of allegations against Elliot'.⁹⁸⁶

We prefer BYB's evidence for the following reasons. BYB's accounts to the Brisbane Inquiry and to the Royal Commission were essentially the same. As discussed above, there were inaccuracies in the letter Dr Hollingworth wrote through his solicitors to the Brisbane Inquiry. Dr Hollingworth further gave oral evidence that he did not deny that BYB told him during the meeting that Elliot was a paedophile or that BYB said Elliot should not have contact with children.

We are satisfied that, during the 30 August 1993 meeting, BYB told Dr Hollingworth that Elliot was a paedophile and that the abuse he experienced from Elliot was repeated over a number of years.

Also at the 30 August 1993 meeting, BYB asked Dr Hollingworth for assistance with professional help.⁹⁸⁷ Dr Hollingworth offered BYB counselling, but it was through a church-organised support group.⁹⁸⁸ BYB declined this offer because he wanted a doctor who had no connection with the church.⁹⁸⁹

Dr Hollingworth's dealings with Dr Slaughter

In order to make a decision about what to do about Elliot, Dr Hollingworth decided to consult with Dr Slaughter. At that time, Dr Slaughter was a practising psychiatrist and was on the Diocese of Brisbane's selection panel for clergy. His role was to assess clergy applicants to determine whether they had personality or sexual problems which might affect their behaviour as priests.⁹⁹⁰ He also provided psychiatric treatment and counselling to individuals referred to him by the diocese.⁹⁹¹

Dr Hollingworth told the Royal Commission that he wanted to understand what risk Elliot presented.⁹⁹²

Dr Hollingworth telephoned Dr Slaughter in around late July 1993 and asked whether he would assess Elliot. Dr Hollingworth asked for a psychiatric assessment of the nature of Elliot's 'disorder', whether it was treatable and whether there was a risk of repetition.⁹⁹³ Dr Slaughter asked Dr Hollingworth to arrange a referral from Dr Tony Blue, which Dr Hollingworth did.⁹⁹⁴

Dr Slaughter already knew Elliot, having interviewed him before his ordination selection in around 1983.⁹⁹⁵ Dr Slaughter gave evidence that, after Dr Hollingworth requested he meet with Elliot, they had six consultations in which he sought to establish the nature of the problem and whether Elliot was 'treatable'.⁹⁹⁶

The first consultation was on 30 August 1993⁹⁹⁷ (the same day that BYB met with Dr Hollingworth). Dr Slaughter gave oral evidence that at that first consultation Elliot told him that he had had sexual relationships with other boys.⁹⁹⁸

During subsequent consultations, Elliot told Dr Slaughter that he remained sexually attracted to young boys and his preference was for pubescent boys (12 to 14 years of age).⁹⁹⁹

Dr Slaughter said that by his second consultation with Elliot he had formed the opinion that Elliot was a paedophile and that his personality type was untreatable.¹⁰⁰⁰ Dr Slaughter said he considered that there was a 'real risk' that Elliot would engage in sexual relations with boys in the future.¹⁰⁰¹

There is a disagreement in the evidence about how Dr Slaughter's opinion was communicated to Dr Hollingworth and the content of the information communicated.

The 4 September 1993 meeting

On 4 September 1993 Dr Hollingworth ran into Dr Slaughter at the St Francis College Ordination Selection Conference,¹⁰⁰² and Dr Hollingworth asked Dr Slaughter for feedback on how Elliot's counselling and treatment were proceeding.¹⁰⁰³

Dr Hollingworth and Dr Slaughter agree on one matter that was discussed at the chance meeting on 4 September 1993: Dr Slaughter suggested that Dr Hollingworth write him a letter.¹⁰⁰⁴ Other than with respect to this suggestion, Dr Slaughter's and Dr Hollingworth's accounts of the meeting differ substantially.

Dr Slaughter gave oral evidence that he told Dr Hollingworth during the brief 4 September 1993 discussion that Elliot and a boy had engaged in masturbation together and that Elliot had a sexual attraction to young males.¹⁰⁰⁵ Dr Slaughter recalled telling Dr Hollingworth, 'once a paedophile always a paedophile', and that Elliot's condition was not treatable and would not change.¹⁰⁰⁶

He also said he advised that, if a person had misled the selection panel about his sexual orientation, that was a matter that Dr Hollingworth should also take into account.¹⁰⁰⁷ Dr Slaughter said he told Dr Hollingworth that, despite Elliot's assurances, Elliot could not control his sexual urges.¹⁰⁰⁸

Dr Hollingworth gave oral evidence that he only had a very brief meeting with Dr Slaughter that day and that Dr Slaughter did not say any of the things Dr Slaughter gave evidence of saying.¹⁰⁰⁹

The 6 September 1993 letter

On 6 September 1993, Dr Hollingworth wrote to Dr Slaughter relevantly stating:

I am now writing formally at your suggestion seeking your professional advice as to what action should be taken in relation to the Reverend John Elliott [sic].

... I am anxious to ascertain whether or not he may be in situations of risk, given his position in the community and whether a program of treatment can effectively deal with his problem.¹⁰¹⁰

Dr Hollingworth agreed in oral evidence that his objective was to obtain sufficient information about the risks that Elliot may have presented so that he could make an informed decision. He further agreed that the prudent course would have been to obtain advice in writing.¹⁰¹¹

Dr Hollingworth's telephone call

Dr Hollingworth said that Dr Slaughter provided him with advice about Elliot during a telephone conversation. Dr Hollingworth gave the following evidence about what he says Dr Slaughter told him in this conversation:

I recall him saying that there is no known cure or effective treatment for paedophilia. He said it was a disorder that could re-occur. This is, again, relying on my memory. And I think he said especially in times of stress. He did say also, as I recall, that some people obviously have been able to control their desires and not offend, but he couldn't say one way or the other about Elliot. I think that was probably the gist of the conversation. He agreed, from his close questioning of Elliot, that there was no evidence that he'd ever offended again since he was priested, but that was not to say it might not happen. He concluded – and this is the clearest thing I remember from that conversation – 'I'm sorry, I can't advise you one way or the other whether you ought to suspend him from ministry or whether he continues. That's in your hands'.¹⁰¹²

Dr Hollingworth's account of this conversation changed during oral evidence before us. He initially said in oral evidence that he asked Dr Slaughter whether he had knowledge of Elliot offending with other boys and Dr Slaughter said 'no'. However, Dr Hollingworth later said he could not remember whether they discussed this. Later still, he said that Dr Slaughter did not tell him that Elliot had offended against more than one boy.¹⁰¹³

Dr Slaughter said that at no time did he convey his advice about Elliot to Dr Hollingworth during a telephone conversation.¹⁰¹⁴

The letter dated 20 September 1993

In evidence before the Royal Commission is a letter dated 20 September 1993 from Dr Slaughter to Dr Hollingworth. It was not signed.

The 20 September 1993 letter relevantly stated that Dr Slaughter had seen Elliot on two occasions and:

Rev Elliott [sic] has sexual attraction towards adolescent males and this has been present throughout his adult life. ...

Rev Elliott [sic] tells me that he has had sexual contact with a number of young teenage boys over the years. This has involved kissing, genital fondling and mutual masturbation. ...

Rev Elliott [sic] tells me that he has refrained from any sexual dealings with males since ordination. ...

Sexual attraction to children and adolescents both male and female is considered by society as a sexual deviation.

In my opinion it is a life long trait of personality ...

In my opinion the sexual orientation itself is not able to be changed. But there is evidence that some people are more able to successfully contain their sexual feelings than others ...

Despite Rev Elliott's [sic] assurance that he has not had sexual dealings with young males since ordination ... it is not possible for him or anyone else to give an assurance that such episodes could not occur again. ...¹⁰¹⁵

This letter was not available to the Brisbane Inquiry and was only subsequently discovered.¹⁰¹⁶

Dr Slaughter explained in oral evidence that, at the time the letter was written, there were some problems with his filing system because his then secretary was experiencing some personal problems. By the time of preparations for the Royal Commission, Dr Slaughter had a different secretary, who was able to locate the letter among the files.¹⁰¹⁷

Dr Hollingworth firmly denied having seen this letter before the Royal Commission process.¹⁰¹⁸

On the evidence available to the Royal Commission we are unable to conclude that Dr Hollingworth read the letter of 20 September 1993.

Dr Hollingworth wrote to Dr Slaughter indicating that he wanted to ascertain whether or not Elliot may be in situations of risk and whether or not Elliot could be effectively treated. On Dr Hollingworth's own evidence, Dr Slaughter unambiguously conveyed to him that Elliot could not be treated. Dr Hollingworth told the Royal Commission that the advice from Dr Slaughter was that, in addition to the fact that paedophilia could not be effectively treated or cured, it was a disorder that could recur. Significantly, the evidence of both Dr Hollingworth and Dr Slaughter is that Dr Slaughter conveyed to Dr Hollingworth that he could not give any assurances that Elliot would not offend in the future.¹⁰¹⁹

Accordingly, we are satisfied that the information Dr Slaughter conveyed to Dr Hollingworth in around September 1993 was sufficient to alert him that Elliot posed an ongoing risk to children.

It is unnecessary for the Royal Commission to resolve the question of whether Dr Slaughter conveyed his assessment of Elliot to Dr Hollingworth at the chance meeting or in a subsequent phone call.

Dr Hollingworth's consultation with other bishops

Dr Hollingworth said in his statement to the Royal Commission that he consulted with the regional bishops of the diocese – Bishop Noble, Bishop Clyde Wood and Bishop Ronald Williams – before deciding what to do about Elliot.¹⁰²⁰

As is set out below, Dr Hollingworth decided that Elliot would remain in the parish subject to various conditions.¹⁰²¹ Dr Hollingworth said that Bishops Noble, Wood and Williams did not object to this decision.

There was no evidence from Bishop Williams before the Royal Commission.

So far as Bishop Noble was concerned, Dr Hollingworth agreed in oral evidence that when Bishop Noble first reported the allegations he said that for personal reasons – namely, his friendship with BYB's parents – he did not want to have anything to do with the matter. At the time Dr Hollingworth understood that he wanted no part in the decision-making process.¹⁰²² In his statement, Dr Noble said that he was only made aware of Dr Hollingworth's decision after it had been made.¹⁰²³

In his written statement to the Royal Commission, Bishop Wood said that the decision made was that once Elliot had reached retirement age he would leave Dalby and not again be licensed in

any way.¹⁰²⁴ The rationale behind the decision was to minimise any financial hardship on Elliot's family.¹⁰²⁵ However, Bishop Wood said that he was not made aware of any advice having been received from Dr Slaughter.¹⁰²⁶

Dr Hollingworth gave oral evidence that he could not remember whether he made the bishops aware of Dr Slaughter's advice.¹⁰²⁷

We are satisfied that Dr Hollingworth did consult with two of the regional bishops – Bishop Wood and Bishop Williams – about what action to take with respect to Elliot. However, he did not make Bishop Wood aware of the advice he had received from Dr Slaughter. Dr Hollingworth did not consult with Bishop Noble because he had requested not to be involved in the process.

Dr Hollingworth's decision to permit Elliot to remain in the ministry

Following Dr Hollingworth's conversations with BYB, BYB's parents and Dr Slaughter, Dr Hollingworth decided to permit Elliot to remain in the ministry as rector of Dalby until he turned 65, when he was to retire.¹⁰²⁸

Dr Hollingworth wrote to Elliot on 3 November 1993 stating that 'no good purpose' could be served by requiring Elliot to relinquish his pastoral responsibility.¹⁰²⁹ In his letter, Dr Hollingworth imposed certain conditions, including that Elliot avoid unsupervised situations with children.

A further condition Dr Hollingworth imposed was that Elliot was to retire at 65 years of age. In oral evidence to the Royal Commission, Dr Hollingworth said that he thought Elliot was soon due to retire and did not appreciate that that condition permitted Elliot to remain in the ministry until February 1998 (his retirement age).¹⁰³⁰

During the Brisbane Inquiry, Dr Hollingworth, through his solicitors, gave reasons for his decision to let Elliot continue in the ministry. He said that:

It needs to be stressed that, in reaching this decision, Dr Hollingworth had no reason to believe that the incident with the boys was anything other than a single, isolated and distant occurrence.¹⁰³¹

The Brisbane Inquiry rejected this claim and found that Dr Hollingworth did not have the belief that Elliot's abuse of boys was an isolated occurrence.¹⁰³² The following evidence before the Royal Commission supports the Brisbane Inquiry's finding that Dr Hollingworth could not have regarded the abuse as isolated:

- Bishop Noble told Dr Hollingworth in July 1993 that both BYB and his brother were abused and that the abuse occurred in multiple contexts (and therefore more than once).

- Elliot admitted to Dr Hollingworth in July 1993 that he had abused BYB and BYB's brother.
- BYB told Dr Hollingworth on 30 August 1993 that his abuse by Elliot was repeated over a number of years.

Dr Hollingworth agreed in oral evidence to the Royal Commission that his solicitors' letter that asserted that he had 'no reason to believe that the incident was anything other than a single, isolated and distant occurrence' was misleading insofar as the word 'isolated' was used.¹⁰³³

Dr Hollingworth said he did not think the abuse was a single, one-off event¹⁰³⁴ and he gave evidence that it was his 'assumption from the beginning that [the abuse] had occurred on a number of occasions'.¹⁰³⁵

In relation to the definition of the word 'isolated', Dr Hollingworth told the Royal Commission that he did not mean he thought that BYB had told him there was only a 'single, one off' incident of abuse; rather, the word 'isolated' meant the abuse was confined to one person.¹⁰³⁶ This evidence was inconsistent with the other evidence before the Royal Commission that Dr Hollingworth was aware that Elliot had abused more than one boy.

For reasons already outlined, we reject the suggestion that Dr Hollingworth was not aware that Elliot had admitted to sexual contact with more than one boy over the years.

We are satisfied that Dr Hollingworth, through his solicitors' letter, provided misleading information to the Brisbane Inquiry to the extent that it was suggested that Dr Hollingworth had 'no reason to believe that the incident was anything other than a single, isolated and distant occurrence'.

During oral evidence, Dr Hollingworth frankly acknowledged that his decision to permit Elliot to remain in the ministry was a serious error of judgment. Dr Hollingworth acknowledged that he focused overly on Elliot's needs to the exclusion of those of BYB and his family.¹⁰³⁷ Dr Hollingworth conceded that his decision to keep Elliot in the ministry had been a mistake and he apologised to BYB and BYB's parents.¹⁰³⁸

We are satisfied that Dr Hollingworth's decision to permit Elliot to continue in the ministry was a serious error of judgment which focused overly on Elliot's needs to the exclusion of those of BYB and his family and of the need to protect children more generally.

We are also satisfied that, in making this decision, Dr Hollingworth failed to take into account the advice that Dr Slaughter had given him. Upon receiving Dr Slaughter's advice, it was reasonably open to Dr Hollingworth to conclude that Elliot did remain a risk to children. Dr Hollingworth agreed in oral evidence that he did not follow Dr Slaughter's advice.¹⁰³⁹

Dr Hollingworth's response to BYB and his family

BYB and his parents were upset by, and critical of, the decision to keep Elliot in the ministry.¹⁰⁴⁰ On 8 September 1995, BYB's brother wrote to Archbishop Hollingworth and asked why he permitted Elliot to continue in ministry when he had 'sexually assaulted children for years'.¹⁰⁴¹

Archbishop Hollingworth responded to BYB's brother in a letter dated 11 September 1995.¹⁰⁴² Among other things, Archbishop Hollingworth said in his letter that:

- Elliot had been 'brought under the discipline of the Church'
- the 'disruption and upset' that would be caused to the parish and to Elliot and his family by not letting him continue in ministry 'would be in nobody's best interests'
- Elliot has 'had to pay for the consequences of his actions'
- '[t]he issue is really whether he is likely to behave in the same way again, and I have a guarantee from him that he will avoid involvement with young children and when he does so, be there in the presence of another adult at all times'
- 'the Christian rule is one of forgiveness and reconciliation' and 'if he ever does this kind of thing again he knows that I will remove his Licence immediately'.

Dr Hollingworth conceded during his oral evidence that his letter to BYB's brother was insensitive.¹⁰⁴³ He also acknowledged that his response to the allegations of child sexual abuse against Elliot was in the nature of a personal agreement between him and Elliot rather than any formal 'discipline of the Church'.¹⁰⁴⁴

We consider that Dr Hollingworth's letter to BYB's brother dated 11 September 1995 was inappropriate and insensitive. It was inaccurate in suggesting that Elliot had been 'brought under the discipline of the Church' given that no formal discipline procedure available within the diocese had been invoked. Rather, the discipline to which Elliot was subject was in the nature of a personal agreement between Dr Hollingworth and Elliot.

Elliot's retirement in 1998

Elliot retired as rector of Dalby on 1 February 1998.¹⁰⁴⁵ On 2 February 1998, Dr Hollingworth awarded Elliot an Authority to Officiate.¹⁰⁴⁶ Elliot subsequently performed casual priestly functions, known as locum tenancies, around the Diocese of Brisbane.¹⁰⁴⁷

In oral evidence, Dr Hollingworth agreed that the stipulation that Elliot retire that he had imposed in November 1993 was a risk management measure. However, Dr Hollingworth said that he awarded the Authority to Officiate to Elliot upon his retirement because he considered Elliot no longer posed a risk.¹⁰⁴⁸ He based this conclusion on the lack of further complaints about him and that he 'was in good standing' in the parish.¹⁰⁴⁹

Dr Hollingworth accepted in oral evidence that he took no further steps to assess whether Elliot posed a risk to children and that his decision to grant Elliot an Authority to Officiate in February 1998 was a serious error of judgment.¹⁰⁵⁰

On 15 October 1999, Dr Hollingworth wrote to Elliot saying that there had been some unease in the diocese that he had been allowed to do 'longish' locum tenancies in major centres.¹⁰⁵¹ In the letter, Dr Hollingworth told Elliot that he thought the proper course of action would be for Elliot to consult with him before accepting any offers of locum tenancies of any length.¹⁰⁵²

We are satisfied that Dr Hollingworth's decision on 2 February 1998 to grant Elliot an Authority to Officiate was inconsistent with the condition that Dr Hollingworth had imposed in his 3 November 1993 letter to Elliot that he retire upon reaching 65 years of age.

We are also satisfied that Dr Hollingworth's decision on 2 February 1998 to grant Elliot an Authority to Officiate was a serious error of judgment. Dr Hollingworth made this decision even though he took no further steps to assess whether Elliot posed a risk to children.

BYB's request for counselling assistance in 2001

In 2001, BYB spoke with Dr Hollingworth again. BYB sought financial assistance from the diocese for therapy.¹⁰⁵³

The diocese agreed to cover the cost of BYB's therapy up to the value of \$500 on the condition that any notes taken during the session regarding BYB's abuse were provided to the diocese.¹⁰⁵⁴ BYB rejected this offer and continued to cover the costs of his therapy himself.

Elliot's convictions in 2002 and 2003

On 12 July 2001, Elliot wrote to Bishop Noble and advised that he had been charged with offences, including sodomy, in relation to a number of boys dating back to the 1970s, when he was involved in CEBS. In the letter Elliot denied having committed sodomy on anyone and alleged that the allegations were fabricated. Elliot asked the church to assist in paying for his defence due to the poor state of his personal finances.¹⁰⁵⁵

Elliot subsequently met with Bishop Noble, who told him that the church would not provide assistance for his defence and that he would have to seek Legal Aid.¹⁰⁵⁶ Elliot gave Bishop Noble some taped records of interview with the police. Bishop Noble listened to the recordings and told the Royal Commission that he was saddened that Elliot had told the police that he had persisted in his abuse of the boys because he thought they liked it.¹⁰⁵⁷

Immediately after meeting with Elliot, Bishop Noble contacted the then administrator of the diocese, Bishop Richard Appleby (Bishop Appleby had become administrator in June 2001 after Dr Hollingworth left his position to become Governor-General of Australia).¹⁰⁵⁸

On 13 July 2001, Bishop Appleby wrote to Elliot requesting that he hand in his Authority to Officiate and advised that his licence would be revoked if he pleaded guilty to or was found guilty of the charges.¹⁰⁵⁹

On 6 November 2001, Elliot wrote to Bishop Noble informing him that he had decided to plead guilty to the charges against him, although he denied the sodomy charges.¹⁰⁶⁰

On 27 March 2002, Elliot pleaded guilty to 28 charges perpetrated against five boys.¹⁰⁶¹ The charges included 10 counts of sodomy with a male under 18 and 18 counts of indecently dealing with boys under 14.¹⁰⁶² Elliot was sentenced to seven and a half years' imprisonment with a non-parole period of 30 months.¹⁰⁶³

On 14 February 2003, Elliot pleaded guilty to further charges of indecently dealing with boys under the age of 14 years.¹⁰⁶⁴ These further offences related to two boys, one of whom was BYB.¹⁰⁶⁵ Elliot was sentenced to an additional two and half years' imprisonment and his non-parole period was extended by three months.¹⁰⁶⁶

Steps taken by Archbishop Aspinall upon his installation in 2002

Bishop Aspinall was installed as the Archbishop of the Diocese of Brisbane on 2 February 2002.¹⁰⁶⁷ Shortly after installation, Archbishop Aspinall took the following steps:

- Two weeks after his installation, Archbishop Aspinall announced the establishment of the Brisbane Inquiry to inquire into the diocese's past handling of sexual abuse allegations against five named individuals, including Elliot.¹⁰⁶⁸
- At around the same time, Archbishop Aspinall began lobbying both state and federal governments for a Royal Commission into child sexual abuse.¹⁰⁶⁹
- Archbishop Aspinall also asked Bishop Noble to visit the Parish of Dalby to advise the congregation of the charges against Elliot and to give them the opportunity to report any inappropriate behaviour on Elliot's part.¹⁰⁷⁰

In June 2002, the diocese arranged for Elliot to sign a deed relinquishing his Holy Orders.¹⁰⁷¹ Archbishop Aspinall told the Royal Commission that he negotiated with Elliot to voluntarily relinquish his Holy Orders instead of proceeding to a diocesan tribunal¹⁰⁷² because he considered it the most expedient way to remove his credentials. Also, he considered that, as Elliot had already been convicted, there was little benefit in rehearing the matter and it would have placed an unnecessary burden on Elliot's victims.¹⁰⁷³ We consider that Archbishop Aspinall's decision was expedient and appropriate in the circumstances.

On 20 September 2002, Archbishop Aspinall wrote an open letter to Elliot's victims apologising on behalf of the church and offering them pastoral support.¹⁰⁷⁴

Upon his installation as Archbishop of Brisbane, Archbishop Aspinall was prompt in taking action in this matter.

Brisbane Inquiry

In May 2003, the Brisbane Inquiry published its findings.¹⁰⁷⁵ The Brisbane Inquiry's report considered nine separate complaints, one of which was BYB's complaint against Elliot.

The Brisbane Inquiry's report was critical of the way that Dr Hollingworth had handled allegations of child abuse against Elliot. The Brisbane Inquiry rejected Dr Hollingworth's assertion that BYB's sexual abuse was an 'isolated occurrence'. The Brisbane Inquiry found that Dr Hollingworth's decision to permit Elliot to remain in the ministry, even though it was made in good faith, was 'untenable' and said that the complaint 'was not handled fairly, reasonably or appropriately'.¹⁰⁷⁶ In evidence before us, Dr Hollingworth accepted that conclusion.¹⁰⁷⁷

4.4 Scope of redress provided by the diocese

Archbishop Aspinall gave evidence that in 2002 the diocese settled around 25 to 30 claims arising from child sexual abuse through formal mediation processes.¹⁰⁷⁸ The Royal Commission did not specifically ascertain how many settlements at that time and in subsequent years related to Elliot's abuse.

Archbishop Aspinall said that the diocese adopted the Pastoral Care and Assistance Package (PCAS) in February 2010. That package provides for applications for financial assistance to be made once an allegation of sexual misconduct is substantiated either by court proceedings or by the Professional Standards Board. The package provides for all applicants to be offered pastoral care, an apology and counselling. Financial assistance is capped at \$75,000.¹⁰⁷⁹

Redress provided to BYB

On 4 February 2002, BYB's solicitors wrote to the Diocese of Brisbane indicating BYB's intention to commence civil action. On 5 February 2002, Archbishop Aspinall wrote to BYB offering him pastoral assistance and counselling sessions paid for by the diocese.

At first BYB did not respond because he wanted no further contact with the church.¹⁰⁸⁰ However, he later accepted financial assistance for counselling.¹⁰⁸¹

In or around August 2002, following further negotiations between BYB's solicitors and the diocese, BYB accepted an offer of compensation from the diocese and signed a deed of release in which the diocese agreed to pay compensation but denied any liability.¹⁰⁸²

5 Diocese of Sydney

This section of the report examines the response of the Diocese of Sydney to child sexual abuse by Simon Jacobs. For many years, Jacobs was a lay CEBS leader at CEBS branches in the Diocese of Sydney. Jacobs was not ever a member of the clergy and at all times his position in CEBS was a voluntary one.

In 2011, following a plea of guilty, Jacobs was convicted of a large number of sexual offences against six boys.

Jacobs did not give evidence to the Royal Commission but was legally represented at the hearing.

In this section we consider:

- the history of Jacobs' involvement with CEBS and his convictions for sexual offending
- the experiences of certain survivors of Jacobs' abuse
- the responses of those involved in CEBS and the Diocese of Sydney to allegations against Jacobs
- the level of support the diocese offered to the survivors of Jacobs' abuse, including BYC. The conduct of the police investigation and prosecution of Jacobs have given rise to certain issues concerning the criminal justice system. The Royal Commission is considering police investigations and prosecutions more generally in child sexual abuse matters in an institutional context.

This section includes an examination of the conduct of Bishop Clive Kerle, Mr Stewart Park and Reverend Boak Jobbins. Each of these men is deceased. Counsel Assisting proposed that the Royal Commission make findings in relation to these men. However, the Diocese of Sydney submitted that the Royal Commission was unable to make those findings because their families had not been given an opportunity to be heard;¹⁰⁸³ therefore, those findings would be a denial of procedural fairness and do not meet the standard in *Briginshaw v Briginshaw*, as set out in the preface to this report.

The Royal Commission contacted the Diocese of Sydney seeking contact details for the families of Bishop Kerle, Mr Park and Reverend Jobbins. The diocese provided the Royal Commission with contact details for the families of Bishop Kerle and Reverend Jobbins, but it had no contact details for the family of Mr Park. The Royal Commission contacted the families of Bishop Kerle and Reverend Jobbins and provided them with the submissions of Counsel Assisting and those of the Diocese of Sydney. The Royal Commission received submissions from family members of Bishop Kerle and Reverend Jobbins. We considered those submissions. They have been published on the Royal Commission's website.

We have taken into account the submissions by the Diocese of Sydney and Counsel Assisting concerning whether the Royal Commission can make the findings that Counsel Assisting proposed in relation to Bishop Kerle, Mr Park and Reverend Jobbins.

We accept Counsel Assisting's submissions set out in Submissions in Reply.¹⁰⁸⁴ We do not accept that we cannot make the findings that Counsel Assisting proposed. No duty of procedural fairness is owed to the families of Bishop Kerle, Mr Park or Reverend Jobbins. Also, no application was made on behalf of any of the family members for leave to represent Bishop Kerle, Mr Park or Reverend Jobbins at the public hearing. The hearing was widely publicised before and during the hearing.

5.1 Simon Jacobs

Jacobs was born in 1952.¹⁰⁸⁵ He took up a leadership role within the Christ Church St Ives CEBS group in the mid-1970's.

In 1981, Jacobs transferred to the CEBS group at St Swithun's in Pymble.¹⁰⁸⁶ His CEBS warrant was revoked in 1984 after complaints of sexual abuse of a boy, together with a history of concerning behaviour, and from that time he had no further involvement in CEBS.¹⁰⁸⁷

In October 1988, BYC complained to police about his abuse by Jacobs.¹⁰⁸⁸ Jacobs denied the allegations during a committal proceeding and in July 1990 the charges were dismissed.¹⁰⁸⁹

Over twenty years later, in 2011, Jacobs pleaded guilty to 11 child sex offence charges involving six boy victims, including BYC and Mr Wayne Guthrie. In 2011, Jacobs was sentenced to an overall term of imprisonment of nine years with a non-parole period of five years and six months.¹⁰⁹⁰ Jacobs was released on parole in September 2016.¹⁰⁹¹ The sentencing judge remarked:

These are most serious offences. ... The offences generally were committed against young boys, ten to fourteen years of age. These young boys were very vulnerable. The offender was in a position of trust, he abused that trust. He was a leader in [CEBS] and such a breach is extremely serious. The boys have been deeply affected.¹⁰⁹²

5.2 Survivors of sexual abuse by Jacobs

Mr Wayne Guthrie

Mr Guthrie, formerly known to the Royal Commission as BYJ, had intended to give evidence to the Royal Commission, but he died prematurely in December 2015. His mother, Mrs Marion Fortescue, was unable to give evidence.

In 2009, Mr Guthrie made a statement to NSW Police alleging that he had been sexually abused by Jacobs when he was a boy.¹⁰⁹³ The Royal Commission received this statement into evidence.

According to Mr Guthrie's police statement, he joined the St Ives CEBS branch in around 1979, when he was around 10 years old.¹⁰⁹⁴ At that time, Jacobs was a CEBS leader at that branch.

Mr Guthrie said that Jacobs touched his penis when he went to the toilet and kissed him.¹⁰⁹⁵ Mr Guthrie also described an occasion in 1981, when he was about 12, where Jacobs went to Mr Guthrie's home when his mother was not there and anally penetrated him.¹⁰⁹⁶

Mr Guthrie said there were many instances of sexual abuse involving Jacobs masturbating him and performing oral sex on him. Jacobs also placed rubber rings on Mr Guthrie's penis.¹⁰⁹⁷

In his police statement, Mr Guthrie described the impact the abuse had on his life¹⁰⁹⁸ and the anger he felt towards Jacobs. He stated that there was a decline in his behaviour after the abuse. He detailed his experiences with drug and alcohol abuse in both the early and later stages of his life.¹⁰⁹⁹ There is no evidence before the Royal Commission that Mr Guthrie ever reported his abuse to church authorities.

Two of the 11 offences for which Jacobs was convicted related to offences against Mr Guthrie.¹¹⁰⁰

BYC

BYC gave a written statement and oral evidence to the Royal Commission.

BYC joined the St Ives CEBS branch of the Anglican Church in the Diocese of Sydney in 1974, when he was seven years old.¹¹⁰¹ At that time, Jacobs was 13 years older than BYC and was a leader of the Pages group of CEBS. Jacobs ran the Pages' weekly activities as well as excursions and camps.¹¹⁰² Over a period of time, Jacobs became a close friend of BYC's family and eventually started driving BYC home from weekly Friday evening CEBS meetings.¹¹⁰³

BYC said that he was first sexually abused by Jacobs in May 1977, when he was 10 years old. The abuse took place during an overnight trip to Young in New South Wales with his family and Jacobs. BYC and Jacobs shared a room. BYC told us that during the night Jacobs asked BYC to get into his bed and then Jacobs masturbated BYC.¹¹⁰⁴

BYC said that from that time until 1981 Jacobs continued to sexually abuse him. The abuse occurred between two and five times a month and took place at various locations, including BYC's family home when Jacobs visited and at overnight camps. The abuse mostly occurred in Jacobs' car and usually after attending CEBS meetings when Jacobs drove BYC home.¹¹⁰⁵

BYC told the Royal Commission that the abuse escalated in early 1979.¹¹⁰⁶ BYC gave evidence that in late January or early February 1979, when he was 12 years old, he ran into Jacobs at the St Ives Shopping Centre. Jacobs invited BYC to his parents' home for lunch. There, Jacobs made BYC take a shower then shaved off BYC's pubic hair and anally penetrated him.¹¹⁰⁷

BYC said that from that time onwards Jacobs regularly anally penetrated him and made him put black rubber rings on his penis. BYC told us that on five or six occasions Jacobs inserted a small black plastic lead attached to a torch-like object into BYC's penis. BYC said all these acts caused him pain. BYC said Jacobs also took Polaroid photos of him while he was naked.¹¹⁰⁸

In around 1981, when BYC was 15 years old, BYC moved to CEBS at Pymble and became an assistant leader. In around 1983, Jacobs also moved to CEBS at Pymble. BYC immediately resigned.¹¹⁰⁹

In early 1987, BYC first disclosed the abuse to his parents. His disclosure was prompted by the suggestion of his mother, BYD, that Jacobs serve drinks at BYC's 21st birthday party.¹¹¹⁰

BYC first disclosed his abuse to the church in 1987, when he told Reverend Jobbins, who at that time was the rector at St Swithun's in Pymble. BYC said that Reverend Jobbins told him to 'let sleeping dogs lie'.¹¹¹¹

BYC first reported his abuse to police in October 1988.¹¹¹² Jacobs denied the allegations but was nevertheless charged. At the committal hearing, BYC gave evidence and was cross-examined. The magistrate found that a jury would not be likely to convict Jacobs because of a lack of corroborative evidence. The charges were dismissed.¹¹¹³

In 2009, BYC was contacted by the police.¹¹¹⁴ By that time, Jacobs was facing charges for sexual offences against several other boys, including Mr Guthrie,¹¹¹⁵ so BYC's allegations were reinvestigated. As noted above, Jacobs pleaded guilty to 11 offences against six boys in 2011. One of these offences was an offence of indecent assault against BYC.¹¹¹⁶ BYC said that there were many other instances of abuse.

BYC described to the Royal Commission how the abuse he had suffered from Jacobs has affected every facet of his life. He suffers from severe depression and has been diagnosed with post-traumatic stress disorder and anxiety. He has attempted suicide on several occasions and has constant flashbacks to the abuse. He feels very isolated and has not been able to form relationships. He has been on the disability pension since 1998.¹¹¹⁷ BYC described the anger he initially felt toward his parents, whom he blamed for what happened to him, and acknowledged the toll that the effects of his abuse have taken on his mother.¹¹¹⁸

BYC's mother, BYD, told the Royal Commission that she pays for BYC's medical and pharmaceutical bills as well as his health insurance. BYD feels that BYC has been denied the ability to form normal friendships and this weighs heavily upon her. When she is unable to contact him she fears he may have taken his life.¹¹¹⁹

BYD's husband died in 2014. He had expressed a wish to have his funeral at Christ Church in St Ives. That did not occur because BYD and her husband had agreed that they could not expect BYC to go back there. When BYD's husband was dying he continually asked BYD if the church had

compensated BYC. BYD told the Royal Commission that she continues to grieve the loss of the son she nurtured and cherished.¹¹²⁰

5.3 Response of the Diocese of Sydney to sexual abuse by Jacobs

Mr Kells reports his concerns about Jacobs to CEBS leaders

Mr Richard Kells was a CEBS leader at St Ives from about 1970 to 1982.¹¹²¹ Mr Kells gave evidence to the Royal Commission about his attempts to make those involved in the leadership of CEBS aware of his concerns about Jacobs' conduct towards young boys.

During 1977 and up to 1981, Mr Kells often attended the same CEBS events as Jacobs.¹¹²² At some of these events, Mr Kells observed Jacobs maintaining unusually close friendships with some of the junior boys. He became increasingly uncomfortable about Jacobs' behaviour.¹¹²³

In 1980, Mr Kells reported his concerns about Jacobs to the St Ives CEBS branch governor, Mr Park. According to Mr Kells, Mr Park told Mr Kells that CEBS was short of leaders and asked Mr Kells not to speak about the matter again or raise it with anyone else.¹¹²⁴ Mr Park is now deceased. There is no evidence that Mr Park took any action in response to this disclosure.

In March 1981 at a camp in Wannawong, Victoria, Mr Kells found Jacobs and a Pages boy together in bed under a blanket.¹¹²⁵ Mr Kells confronted Jacobs, who claimed he was 'playing wrestling'.¹¹²⁶

Later in 1981, the mother of another CEBS boy contacted Mr Kells and advised that her son had returned from swimming with Jacobs with a different pair of underpants on and that Jacobs had 'many pairs in his car glove box and he helped him put them on'.¹¹²⁷

After this, Mr Kells again approached Mr Park and disclosed what he had witnessed at the camp as well as the mother's complaint.¹¹²⁸ Mr Kells said that Mr Park was dismissive of Mr Kells and told him to 'leave this to me' and not to 'go looking for issues'.¹¹²⁹ There is no evidence that any steps were taken by Mr Park or anyone else in the Diocese of Sydney in response to the allegations against Jacobs at this time.

We consider that Mr Kells was a truthful witness and had no reason to be otherwise. We are satisfied on the basis of his evidence that on two occasions, in 1980 and 1981, Mr Kells reported his concerns over Jacobs' improper conduct with boys to Mr Park, the St Ives CEBS branch governor. Mr Park was dismissive and told Mr Kells not to look into the matter. Whilst we did not have the benefit of hearing from Mr Park, Mr Kells' account of reporting to Mr Park is consistent with the evidence of his persistent follow-through on his concerns about Jacobs. There is no evidence that Mr Park took any action in response to these disclosures.

In around July 1981, Mr Kells confronted Jacobs directly with his concerns. Jacobs denied the allegations. However, at Mr Kells' request, Jacobs did consult with Dr Jean Benjamin, a psychiatrist. Dr Benjamin subsequently reported to Mr Kells that Jacobs was in a 'state of denial'.¹¹³⁰

According to Mr Kells, in around early 1982 Jacobs became a CEBS leader at the Pymble CEBS branch.¹¹³¹ Mr Kells contacted the acting rector of St Swithun's at Pymble, Bishop Kerle, and reported his observations and concerns about Jacobs.¹¹³²

We accept Mr Kells' evidence that Bishop Kerle told him to 'try to be forgiving and give [Jacobs] a second chance'.¹¹³³ Bishop Kerle is now deceased. The words spoken by Bishop Kerle indicate an acceptance of Mr Kells' concerns. However, there is no evidence that Bishop Kerle took any action in response to these disclosures.

Reflecting on the matter in hindsight, Dr Peter Jensen (former Archbishop of the Diocese of Sydney, who was not the archbishop at the relevant time) said that the responses of Mr Park and Bishop Kerle were 'massively inappropriate' and that Mr Kells' approach was 'utterly correct'.¹¹³⁴ Dr Jensen explained – without trying to excuse – that at that time there was a belief that sexual abuse did not have the impact it is now known to have; and that, if abuse was perpetrated, it was thought to be isolated rather than chronic in nature – something now known to be 'utterly false'.¹¹³⁵

In around 1983, Mr Kells was made aware of another allegation that Jacobs had interfered with a CEBS boy.¹¹³⁶ He asked the family to go to the police, but they chose not to.¹¹³⁷ Mr Kells then approached Reverend Kelvin Tutt, who at that time was the chairman of CEBS in the Diocese of Sydney. Mr Kells disclosed the recent allegation as well as his own experiences with Jacobs.

Mr Kells said that Reverend Tutt, now deceased, took immediate action. That same day he revoked Jacobs' warrant to be a leader in any CEBS group.¹¹³⁸ However, it appears that no further steps were taken by the CEBS leadership or the diocese in relation to Jacobs at that time.

Mr Kells told us that he and his wife felt ostracised by many members of the St Ives congregation who perceived they were 'against' Jacobs. He also felt ostracised by several members of the CEBS executive in the Diocese of Sydney.¹¹³⁹

Mr Kells persisted in trying to bring his concerns about Jacobs to the attention of authorities within CEBS and the diocese. This persistence did not result in a timely and effective response by CEBS or the Diocese of Sydney.

As Mr Glenn Murray, Director of the Diocese of Sydney's Professional Standards Committee, stated in a 23 June 2011 case brief on Jacobs, '[s]ome of the earlier management by both the CEBS leadership and the Church was lacking in the awareness of and care for child protection'.¹¹⁴⁰

BYC's disclosure of abuse to Reverend Jobbins

BYC gave evidence that he first disclosed his abuse to his parish priest Reverend Jobbins in 1987. BYC said that Reverend Jobbins responded by telling him to “let sleeping dogs lie” and not to proceed’. He also said that, as a Christian, BYC had to forgive Jacobs.¹¹⁴¹ Reverend Jobbins is now deceased. We have no reason not to believe BYC’s account of this conversation. It was clear that Reverend Jobbins’ response troubled BYC and his mother greatly.

BYC’s mother, BYD, told the Royal Commission that, during the committal proceedings against Jacobs in 1989 and 1990, BYC continued to attend church services at St Swithun’s, but Reverend Jobbins did not offer him any emotional support.¹¹⁴²

BYD said that, at around the time of the committal, NSW Police had told her that Reverend Jobbins had refused to speak to them about Jacobs, citing his ‘oath of confidentiality to the Church’.¹¹⁴³ BYD complained of this lack of assistance from Reverend Jobbins in a 1 October 2002 meeting with then Archbishop Jensen and Mr Philip Gerber, then director of the diocese’s Professional Standards Unit.¹¹⁴⁴

When the police commenced a further investigation of Jacobs in around 2010, Reverend Jobbins did give a statement to NSW Police. He said in that statement that a victim of Jacobs (not BYC) had reported abuse to him in the ‘mid to late 1980s’.¹¹⁴⁵ They discussed reporting the matter to the police, but the victim said that he did not wish to do so. Reverend Jobbins said he immediately relieved Jacobs of his position as CEBS leader at Pymble.¹¹⁴⁶

In relation to BYC, Reverend Jobbins said in his statement to the NSW Police that:

Three or four years later I recall BYC came to see me at my church office. I knew BYC and his family as members of the church. BYC made a general statement to me that he was aware that Simon JACOBS has sexually interfered with boys and that he was seeking to report him and stop him from doing it further.¹¹⁴⁷

While not entirely clear, this statement tends to imply that BYC did not report that he himself had been abused. We find that this is unlikely given the evidence of BYC and his mother and the fact that there was indeed a committal hearing of Jacobs in 1989 and 1990. Given this statement was made 10 to 15 years after the events, it may be that Reverend Jobbins did not have a clear recollection.

BYD's approach to the diocese for counselling for BYC

In 1995, BYD approached the director of the Anglican Counselling Centre, Mr Michael Corbett Jones, in an attempt to arrange counselling for BYC, who was struggling with the impacts of Jacobs’ abuse.¹¹⁴⁸ BYD told the Royal Commission that BYC was made to pay for the counselling session that took place.¹¹⁴⁹

At some time in or after 1996, BYD again sought counselling for BYC from the Diocese of Sydney.¹¹⁵⁰ In 1996, the diocese introduced a protocol for receiving complaints of child sexual misconduct by clergy or church workers. BYD contacted the diocese using the telephone number published in the diocesan newspaper.¹¹⁵¹

BYD said that the contact person told her BYC would need to be assessed, either in person or on the basis of a written application, to determine if his stress was actually related to sexual abuse. BYD was told that the names of the assessors of any written application could not be disclosed to her because she might harass them. BYD decided not to proceed.¹¹⁵²

BYD seeks pastoral support from the diocese

In July 2002, BYD contacted the diocese's Professional Standards Unit and requested a meeting with then Archbishop Jensen.¹¹⁵³ BYD met with the archbishop on 1 October 2002.¹¹⁵⁴ Mr Gerber, the then director of the diocese's Professional Standards Unit, was also present.¹¹⁵⁵ After speaking with BYD and reading BYC's police statements, the archbishop immediately wrote a letter to BYC inviting him to meet with him and provided it to BYD to give to BYC.¹¹⁵⁶

BYD gave evidence of her distress at some of Mr Gerber's actions during the 1 October 2002 meeting. In a written statement, Mr Gerber apologised for any distress he had caused to BYD and indicated that he had not intended to cause any distress.¹¹⁵⁷

In relation to the appropriateness of Mr Gerber's attendance at the 1 October 2002 meeting, Mr Gerber gave evidence that in February 2003 it was realised within the diocese that better communication and greater pastoral support were needed for survivors. From that time onwards a chaplain, rather than other employees of the Professional Standards Unit, accompanied the archbishop to meetings with survivors and their relatives.¹¹⁵⁸

Dr Jensen said in oral evidence that at the time of the 1 October 2002 meeting the Professional Standards Unit director had a dual role but that that had since been the subject of 'further reflection and further evolution'. In hindsight, Dr Jensen agreed it was not appropriate for Mr Gerber, as the 'legal arm' of the diocesan response, to have been at the pastoral meeting.¹¹⁵⁹

In late October 2002, the archbishop met with BYC and apologised to him directly.¹¹⁶⁰

The diocese takes action against Jacobs

In 2011, Jacobs' details were entered on the National Register of the Anglican Church of Australia following his criminal convictions.¹¹⁶¹ Mr Gerber said that Jacobs would not be granted a licence from the archbishop for lay ministry without a Working with Children Check clearance from the New South Wales Government, which he would not be able to obtain given his criminal convictions.¹¹⁶²

On 23 June 2011, the then director of the Professional Standards Unit in the Diocese of Sydney, Mr Murray, wrote a case brief which concluded that Jacobs had offended against the *Discipline Ordinance 2006*. Mr Murray recommended that Jacobs be banned from any further ministry within the Anglican Church.¹¹⁶³

As at the time of the public hearing, the Professional Standards Committee had not adopted or implemented this recommendation.¹¹⁶⁴ However, Mr Gerber said he had been advised that the current director of the Professional Standards Unit intends to initiate proceedings to have Jacobs declared a 'prohibited person' under the *Discipline Ordinance 2006*.¹¹⁶⁵ The diocese explained in its submissions that there was no utility in making this declaration until Jacobs is released from prison.

On 29 November 2016, the Diocese of Sydney advised the Royal Commission that on 3 August 2016 the Commissary of the Diocese issued a prohibition order against Jacobs under the *Discipline Ordinance 2006*. This order indefinitely prohibits Mr Jacobs from holding any office or position within the Diocese or with any church body or church authority, whether employed or voluntary, paid or unpaid or as a contractor performing services. The Diocese advised that all Rectors in the Diocese were notified of the prohibition order and its terms in the week commencing 7 August 2016.

Jacobs was released on parole in September 2016.

5.4 Scope of redress provided by the diocese

Claim for redress by BYC in 2008

The PCAS was introduced by the Diocese of Sydney in 2004.¹¹⁶⁶ Before and after the introduction of that scheme, the diocese made some small payments to BYC to assist with various matters, including to assist him to settle into a new home (\$5,106.91 in July 2003), moving expenses (\$2,290.00 in May 2006) and health insurance expenses (\$1,083.90 in March 2008).¹¹⁶⁷

In 2008, BYC sought financial redress from the Diocese of Sydney through its PCAS.¹¹⁶⁸ The PCAS independent panel assessed the claim and in September 2008 recommended the maximum payable amount of \$75,000.¹¹⁶⁹

On behalf of BYC, Mr Gerber made an application for a higher payment under the scheme. However, the Standing Committee of the Diocese of Sydney rejected the application¹¹⁷⁰ and BYC rejected the financial sum offered by the diocese.¹¹⁷¹

As at time of the public hearing, negotiations between BYC and the diocese for a financial settlement were continuing.¹¹⁷² The reasons that there had not been a settlement at that stage were not explored in the evidence before us. The Royal Commission has since been advised by BYD and the Diocese of Sydney that a settlement between BYC and the Diocese has now been reached.

Redress for complaints against CEBS leaders

In a witness statement Mr Gerber said that records of the Diocese of Sydney indicated that, in the period from May 2002 to June 2009, the diocese had received complaints from 24 individuals who made allegations of child sexual abuse against 14 CEBS leaders in addition to Jacobs.¹¹⁷³ Archbishop Glenn Davies, the current Archbishop of the Diocese of Sydney, is also aware of other CEBS boys in addition to BYC who were abused by Jacobs. Payments have been made to some of those survivors under the PCAS.¹¹⁷⁴

The Diocese of Sydney has made certain attempts to find victims of child sexual abuse at the hands of those involved in CEBS. In 2004, an advertisement appeared in the diocesan monthly magazine, *Southern Cross*, headed 'Zero Tolerance for Sexual Misconduct'. This advertisement outlines the abuse of a boy by a CEBS leader and the failure of the church to respond adequately to the allegations in the past. It asked readers to report any instances of clergy or church officials acting inappropriately.¹¹⁷⁵

In a written statement Archbishop Davies also said that the Professional Standards Unit is in the process of locating all survivors of parish-related CEBS child sexual abuse referred to in its files to see if those survivors are interested in support or redress from the Diocese of Sydney.¹¹⁷⁶ Both Dr Jensen and Archbishop Davies said their responses to complaints regarding abuse by CEBS leaders have been the same as their approaches to complaints relating to any other organisation affiliated with the diocese.¹¹⁷⁷

6 The institutional response of CEBS to sexual offending within CEBS

This section of the report examines the response of CEBS to allegations of child sexual abuse within its ranks. CEBS is by and large a volunteer organisation. As noted in section 1 of this report, the national coordinating body of CEBS is the National Council, although it has not held a meeting since 2013.¹¹⁷⁸

6.1 The CEBS National Council revokes national CEBS awards

The National Council is responsible for issuing national awards to members of CEBS for service to CEBS.¹¹⁷⁹ National awards are granted on the recommendation of diocesan councils.¹¹⁸⁰ The awards are usually granted to leaders and boys for exceptional service to CEBS in their dioceses.¹¹⁸¹

On 11 August 2003, Dr Ken Pidgeon, then a South Australian representative on the National Council, emailed the members of the National Council to suggest that national awards previously given to perpetrators of child sexual abuse be revoked.¹¹⁸² Dr Pidgeon's proposal was prompted by correspondence he had had with a former member of CEBS who alleged abuse.¹¹⁸³

On 27 March 2004 at the CEBS National Council meeting in Gippsland, Victoria, Dr Pidgeon formally requested that there be a policy of award revocation for any CEBS members either convicted of child abuse or against whom substantial complaints had been made.¹¹⁸⁴ The motion was carried.¹¹⁸⁵ Minutes of the annual meeting record that the National Council expressed abhorrence of abuse in any form, particularly sexual abuse.¹¹⁸⁶

On 23 April 2005, at the CEBS National Council meeting in Adelaide, South Australia, a list of all award holders was circulated to council members to review for any persons known to members who may not be worthy of holding an award.¹¹⁸⁷

Following Dr Pidgeon's initial proposal, national awards were revoked from a number of offenders, including Mr Brandenburg in 2004, Daniels in 2005 and Elliot in 2009.¹¹⁸⁸

6.2 The CEBS National Council decides not to make an apology

In May 2008, the CEBS National Council had its annual meeting in Bindaree, Victoria. Minutes of the meeting refer to a general discussion about whether to make an apology in relation to child sexual abuse and other abuse within the CEBS movement. The council moved to consider an apology but decided that the CEBS chairman at the time, Archdeacon Patterson, would first seek guidance from the dioceses as to the propriety of an apology and the form it should take.¹¹⁸⁹

The following year, in May 2009, the CEBS National Council met in Bendigo, Victoria.¹¹⁹⁰ Minutes of the annual meeting record that the National Council came to the following resolution on the issue of an apology:

The previous Chairman, after much prayer and consideration, decided that the issue of any form of apology may attract unnecessary publicity, or draw attention to the actions of a very small minority of offenders. Any apologies should be handled by the formal Diocesan authorities.¹¹⁹¹

Mr Christopher Oliver, the current national secretary of CEBS, and Dr Pidgeon were among those present at this meeting.¹¹⁹² Mr Oliver said in a statement to the Royal Commission that, at the time this apology was being considered, the National Council was doing everything it possibly could to ‘resuscitate’ CEBS.¹¹⁹³

Archdeacon Patterson was the chairman of the CEBS National Council at the relevant time. He provided two written statements to the Royal Commission but was not called to give oral evidence. Archdeacon Patterson was not asked by the Royal Commission to address the issue of any apology. Therefore, there is no evidence from the archdeacon on the reasons for his view that CEBS should not offer an apology.

We are satisfied that the CEBS National Council’s only formal response to child sexual offending by those involved in CEBS has been to revoke the CEBS national awards given to those offenders.

There has been no agreement by the CEBS National Council to issue a formal apology.

6.3 Lack of CEBS monitoring and disciplinary policies

Mr Oliver told us that the CEBS National Council does not develop its own policies and procedures on child protection.¹¹⁹⁴ However, in the past it has developed and recommended procedures and training packages for CEBS leaders and prepared a broad set of camp guidelines to assist dioceses.¹¹⁹⁵

Both Dr Pidgeon and Mr Oliver emphasised in their evidence that CEBS leaders are only subject to diocesan policies (if any) in whichever state they act, and national camps are solely set up and managed by the particular host diocese.¹¹⁹⁶

We are satisfied that there are no record-keeping practices within CEBS to monitor or keep track of CEBS leaders alleged to have perpetrated child sexual abuse. Mr Oliver gave evidence that in 2005 the National Council made the decision to send national records to the Adelaide Diocesan Archivist, Ms Robin Radford, who herself was to make an assessment of which records should be retained.¹¹⁹⁷

In his statement, Mr Oliver said that Ms Radford expressed concern about this policy because it was unclear to her what should be kept and what should be destroyed.¹¹⁹⁸ At the time of making his statement to the Royal Commission, Mr Oliver said that he believed there was still no formal record-keeping policy in place in CEBS.¹¹⁹⁹ Mr Oliver also said that he was not aware of who presently decides which CEBS records are to be kept or destroyed, when they are to be destroyed or who destroys them.¹²⁰⁰

7 Links between perpetrators and the culture of CEBS

This section of the report examines the evidence of relationships between the identified perpetrators involved in or associated with CEBS, including their knowledge of each other's proclivities for sexually abusing boys. This section also considers the social environment and culture of CEBS in which the sexual abuse occurred.

7.1 Relationships between perpetrators

The evidence before the Royal Commission establishes clear links between Daniels, Mr Brandenburg, Hawkins and Elliot. The evidence of links between the other identified perpetrators was less clear.

Daniels and Mr Brandenburg

There was evidence before the Royal Commission that Daniels and Mr Brandenburg both abused Mr Skipper and another boy.

Daniels met Mr Brandenburg when he was around 16, in about 1965,¹²⁰¹ when they attended the same CEBS training course in Tasmania.¹²⁰² Mr Brandenburg invited Daniels to Adelaide the year after and Daniels went to training courses while he was there. During this time Daniels also visited various CEBS branches in Adelaide.¹²⁰³

Daniels gave evidence that he saw Mr Brandenburg at CEBS national meetings once a year.¹²⁰⁴ From time to time Mr Brandenburg would organise CEBS tours of Tasmania for CEBS boys from South Australia.¹²⁰⁵ On some occasions Mr Brandenburg stayed at Daniels' rectory.¹²⁰⁶ Daniels also attended a CEBS camp in South Australia.¹²⁰⁷

In 1975, Daniels spent a year at St Michael's in Crafers, South Australia, which was reasonably close geographically to Mr Brandenburg's CEBS branch at Plympton.

In 1980, Daniels and Mr Brandenburg both attended a CEBS national camp.¹²⁰⁸ Daniels gave evidence that by 1980 he had developed a friendship with Mr Brandenburg.¹²⁰⁹ He said that they socialised together when Mr Brandenburg was in Tasmania.¹²¹⁰

Throughout the 1970s and 1980s, both Daniels and Mr Brandenburg held senior positions in CEBS in Tasmania and Adelaide respectively and on the National Council of CEBS. There were numerous opportunities for professional and social contact between the two.

Daniels gave evidence that he started to suspect Mr Brandenburg was abusing boys after he had known him a few years.¹²¹¹ In particular, he said he developed an 'inkling' that Mr Brandenburg was abusing boys about five or six years after he met him.¹²¹² Daniels said that this suspicion

developed not because Mr Brandenburg behaved inappropriately when he stayed with Daniels¹²¹³ but because Mr Brandenburg always seemed to travel with young men.¹²¹⁴ Daniels said he sensed a commonality between them based on their shared interest in young men.¹²¹⁵

Daniels said that he did not discuss his predilections with Mr Brandenburg during the early years he knew him.¹²¹⁶ Daniels said it was only in the last couple of years of dealing with Mr Brandenburg that he discussed with Mr Brandenburg their shared attraction to young boys.¹²¹⁷

Daniels gave evidence that Mr Skipper told him in 1990 that he had been abused by Mr Brandenburg.¹²¹⁸ Daniels said that it has previously occurred to him that Mr Brandenburg may have abused Mr Skipper when Mr Skipper stayed with him earlier in Adelaide. However, Daniels said he made no effort to ascertain the correct position.¹²¹⁹

Daniels also gave evidence that he heard rumours from CEBS leaders and members about Mr Brandenburg's conduct towards boys, but he could not recall who these people were.¹²²⁰

There was evidence that Daniels and Mr Brandenburg both sexually abused at least two of the same boys: Mr Skipper and another boy. We are satisfied that Daniels and Mr Brandenburg were aware of each other's sexual interest in boys from at least 1990.

Daniels and Hawkins

Daniels and Hawkins both sexually abused, or attempted to sexually abuse, BYF, BYH and Mr Fisher.

Daniels gave evidence that he could not recall exactly when he first met Hawkins¹²²¹ but recalled knowing him since about the mid-1970s.¹²²² Daniels and Hawkins each described themselves as friends.¹²²³

Daniels and Hawkins stayed at each other's rectories on a number of occasions¹²²⁴ and went on camps with young boys together two or three times.¹²²⁵ The evidence showed that, while Hawkins had no official role in CEBS, he associated with Daniels and other CEBS leaders and boys.¹²²⁶

Daniels also took groups of boys to East Devonport and to Hamilton, where Hawkins lived.¹²²⁷ Daniels could not recall Hawkins bringing boys to his rectory.¹²²⁸

During the period that Daniels was the CEBS Youth and Education Officer, he travelled around Tasmania and regularly stayed with Hawkins on about a fortnightly basis for about a year or two.¹²²⁹ Daniels said he observed young men at Hawkins' place¹²³⁰ and knew that boys under 18 stayed at Hawkins' house.¹²³¹

Daniels recalled observing Hawkins giving alcohol to boys at East Devonport.¹²³² Daniels also gave evidence that Hawkins frequently held social gatherings, but Daniels did not attend them.¹²³³ However, Mr Fisher and BYH both gave evidence that they regularly saw Daniels attend gatherings at Hawkins' rectory.

Daniels said he never observed Hawkins behaving inappropriately with boys and young men,¹²³⁴ although he said he used to 'rough house' with them and play a lot of jokes.¹²³⁵

Daniels said he formed suspicions about Hawkins' proclivities for boys and young men¹²³⁶ because there were always young men around Hawkins.¹²³⁷ Daniels gave evidence that he recognised his own characteristics and proclivities in Hawkins.¹²³⁸ He said, 'when somebody always seems to have young men and teenagers around and no other friends, no other much contact ... then you just think, "I think I know what's going on here"'.¹²³⁹

Daniels gave evidence that by gradual awareness, and by the early 1980s, he knew Hawkins liked boys.¹²⁴⁰ He said that 'It wasn't something you talked about' in an open way¹²⁴¹ but, rather, they shared an understanding that they liked teenage boys.¹²⁴² This understanding was expressed by, for example, joking together that particular boys were attractive.¹²⁴³

Daniels gave evidence that he did not swap boys with Hawkins and that they were not competitive in their sexual relations with boys.¹²⁴⁴ Hawkins also said he did not share boys with Daniels but that he was aware of Daniels' 'tendencies'.¹²⁴⁵

There was evidence that Hawkins knew of Daniels' proclivities from at least 1981. Hawkins gave evidence that he witnessed the 1981 incident described by BYH, where Daniels grabbed BYH's genitals as he came out of the toilet at a party at East Devonport. Hawkins said that he 'saw this boy go to the toilet and saw Daniels follow him, so [he] followed Daniels and told him just to leave that young man alone'.¹²⁴⁶ Daniels said he had no memory of that incident.¹²⁴⁷

We are satisfied that Daniels and Hawkins were aware of each other's sexual attraction to boys and from time to time observed each other's sexual advances to boys.

Daniels and Elliot

Daniels and Elliot have both been convicted of sexually abusing the same boy.¹²⁴⁸ We are satisfied that this boy's abuse by Daniels occurred during a trip to Tasmania which had been organised by Elliot. This same boy also alleged he was sexually abused by 'Father Bob', whom we consider to be Mr Brandenburg.

The evidence showed that Daniels, Elliot and Mr Brandenburg knew one another through their associations in CEBS. They interacted at leaders' meetings as well as interstate and national camps

with CEBS boys. However, there is limited evidence before the Royal Commission on the relationship between Elliot and Mr Brandenburg.

Daniels gave evidence that he met Elliot when he returned to Tasmania in 1966.¹²⁴⁹ He then attended CEBS camps with Elliot and they were both CEBS leaders in the Diocese of Tasmania.¹²⁵⁰

As was discussed above, when Daniels was sentenced in 2005, the sentencing judge said that ‘In one instance, the predation was assisted by another, an acquaintance of the offender, who lived interstate’.¹²⁵¹ We are satisfied that this was a reference to Elliot. Daniels said he had no knowledge that Elliot had a sexual attraction to boys¹²⁵² and that it was a ‘great surprise’ when he later discovered that was the case.¹²⁵³ We do not accept these assertions.

We are satisfied that Elliot and Daniels knew of each other’s sexual attraction to boys and, in least one instance, colluded in relation to a boy’s sexual abuse.

Links with Jacobs

There was no evidence of links between Jacobs and any of the other named perpetrators in this case study.

7.2 Survivors’ evidence of being shared by perpetrators

The evidence is that a number of survivors were abused by multiple perpetrators, many of whom were involved in CEBS or the church. Of these survivors, all gave evidence that they believed they were either shared by their abusers or that there was, at the very least, awareness, understanding or acknowledgement between their abusers of each other’s conduct.

The evidence before the Royal Commission is that the following survivors were offended against by multiple perpetrators:

- Mr Gould
- BYF
- BYH
- BYA
- Mr King
- Mr Skipper.

Tasmanian survivor Mr Gould gave evidence that he was abused by Daniels and three other Anglican clergy in Tasmania who were friends of Daniels: BYS, Reverend Ralston and BYT.¹²⁵⁴ Mr Gould believed that BYS and Reverend Ralston were aware that Daniels had sexually abused him and that is why they gravitated towards him.¹²⁵⁵

BYF and BYH both gave evidence that they were both abused by Daniels and Hawkins in Tasmania.

We heard that Mr Skipper, who died by suicide in 2004, was sexually abused by Mr Brandenburg and Daniels.

Adelaide survivor BYA gave evidence that he was sexually abused by four CEBS leaders in addition to Mr Brandenburg. Two of these leaders were BYU and BYV, both CEBS leaders at BYA's local parish of St Richards at Lockleys.¹²⁵⁶ BYA said he considered that these five CEBS leaders knew each other and said that in his view 'there was a cross-pollination of ideas and information' between them¹²⁵⁷ and they exchanged information on which boys were vulnerable or approachable for sexual contact.¹²⁵⁸

Adelaide survivor Mr King was sexually abused by Mr Brandenburg as well as his CEBS leader at the Church of the Good Shepherd in Plympton.¹²⁵⁹

There was also evidence that survivors were warned by their abusers to be careful around certain people or were otherwise approached for sexual contact.

Mr Fisher, BYH, BYA and Mr Gould gave evidence that individuals associated with their abusers made attempts to abuse them or that their abusers warned them to stay away from certain individuals because, it was implied, they too would abuse them.

Mr Fisher, who was abused by Hawkins, described being told by Hawkins to lock the door while staying overnight at the Deloraine rectory. When Mr Fisher told Hawkins that someone had tried to open the door during the night, he said, 'Bloody Lou! I knew it'.¹²⁶⁰

Mr Gould was told by Daniels to be careful around a parish priest because that priest 'was only after one thing'.¹²⁶¹

BYA told the Royal Commission about attempts at sexual contact by Mr Simons, then a CEBS district commissioner in South Australia, as well as attempts by BYQ, a branch governor of St Peter's Church in Glenelg.¹²⁶²

We find that there were networks of perpetrators in CEBS who had knowledge of each other's sexual offending against boys and who facilitated the sexual abuse of boys in or associated with CEBS.

7.3 The culture within CEBS

The Royal Commission heard evidence from survivors and perpetrators that demonstrates commonality in the social contexts in which abuse occurred.

There was evidence that abuse occurred in an environment where it was common for groups of children (almost always male) to be away on camps, sailing and fishing trips, both formally organised, through CEBS or Youth Synods, and informally organised. Abuse was also prevalent during overnight stays at rectories and private residences. The majority of the abuse occurred around night-time and was usually related to the organisation of sleeping arrangements.

Given the types of activities in which CEBS boys and leaders engaged – generally revolving around organised physical and social activities – children and perpetrators who were not formally involved in CEBS had opportunities to interact with boys and men who were involved in CEBS. For example:

- Mr Fisher met Hawkins through two friends who invited him on a fishing trip with Hawkins. The two boys knew Hawkins from playing badminton at his rectory in East Devonport.
- Mr Gould was not a member of CEBS but had friends who were, and through them he met Daniels and visited his house.¹²⁶³
- BYH met Hawkins while fishing and was invited to stay with Hawkins at his rectory.¹²⁶⁴
- BYF met Daniels through his involvement in Youth Synod, and after a Youth Synod meeting he stayed over at Daniels' house with another boy.

The similar physical environments in which abuse was perpetrated appeared to also drive common grooming techniques between the perpetrators. For example, Mr Guthrie, BYC, BYB, BYH, Mr Fisher, BYA and Mr King all gave evidence of perpetrators befriending their families and becoming trusted by their parents. Through this social contact with parents, and often in the perceived safety of big groups of boys, survivors would be encouraged or permitted to stay overnight with their abusers at isolated locations such as private residences and campsites in different towns or interstate.

As a result, Hawkins, Daniels, Elliot and Mr Brandenburg commonly had groups of boys at their rectories or private residences. In this context, they quickly established intimacy with the boys, including through giving them alcohol, hugging them, tickling them and ruffling their hair.¹²⁶⁵

Also, much abuse occurred after perpetrators had manipulated the sleeping arrangements such that they had access to children at night. For example:

- BYG gave evidence of being abused by Daniels while in a dormitory at Montgomery Park.¹²⁶⁶
- BYF gave evidence of being invited to sleep in both Daniels' and Hawkins' bedrooms.¹²⁶⁷
- Mr Kells gave evidence of seeing Jacobs sleeping in the same bed as a boy and behaving inappropriately with other boys during overnight CEBS camps.¹²⁶⁸

There was also some evidence that in some branches CEBS leaders created a sexualised atmosphere. For example, Mr King gave evidence that at the Plympton CEBS branch CEBS leaders encouraged sexual activity between the boys during CEBS activities at the church hall and on camps.¹²⁶⁹

During Daniels' oral evidence, he was asked whether there was anything within the culture of CEBS that facilitated sexual offending against children. His response was as follows:

I think the very nature that it was a boys' society for a start, and I mean part of the whole rationale was camps and tours and whatever – it just provided opportunity. I guess it attracted people who were looking for that, although I don't know that I could name anybody that that's true of. Most people I know of joined when they were very much younger, like I did as a kid. Yes, I don't know any more how to answer that but I guess there certainly are – a boys' society, unless it is very carefully managed, is a sitting duck, isn't it?¹²⁷⁰

With limited input or oversight by the relevant parish, diocese or CEBS at a national level, and either limited or no policies on appropriate contact between boys and CEBS leaders, most CEBS branches could operate in an autonomous and unregulated way. CEBS focused on promoting physical activities and overnight trips for boys that were organised by CEBS leaders and other men socially connected to CEBS leaders. Within this environment, a culture developed in which perpetrators had easy access to boys and opportunities to sexually abuse those boys.

7.4 Responses of dioceses and General Synod to offending within CEBS broadly

Child protection and risk management

In the latter half of 2004, the General Synod adopted a number of resolutions reflecting the national concern for the protection of children in the church. The resolutions included:

- a. Protection of children and vulnerable people.
- b. Introduction of a Code of Conduct for clergy and church workers.
- c. Enhanced selection processes (for clergy and lay staff).
- d. Policies and procedures specifically aimed at ensuring that children are safe.
- e. Sanctions against perpetrators.
- f. Implementation of a national system of reporting and recording allegations of abuse.¹²⁷¹

These resolutions resulted in the development of a new model professional standards framework, which has been adopted in most dioceses around Australia.

In 2004 and 2009 the General Synod recommended that each diocese, parish and church organisation adopt further policies and ‘Guidelines for Parish Safety’¹²⁷² to help screen clergy and laity and to manage the ongoing risk posed by sexual offenders.

Many dioceses now create ‘risk management’ or ‘individual safety’ plans with offenders to manage their involvement in their local parishes.¹²⁷³

In 2007, the General Synod passed the *National Register Canon 2007*, which established a register recording information involving misconduct against children and adults. Authorised persons may consult the National Register to assist in determining whether to license a person or to appoint lay staff.¹²⁷⁴

Inquiries into child sexual abuse within the church

The Anglican Dioceses of Tasmania, Adelaide and Brisbane have conducted three separate independent inquiries into child sexual abuse occurring within their own dioceses.

However, there is no evidence before the Royal Commission that any investigation or inquiry has been conducted by any Anglican diocese or CEBS branch, or by the National Council of CEBS or the General Synod of the Anglican Church of Australia, into whether there was an organised network of offenders within CEBS, or a culture that facilitated child sexual abuse within CEBS, that crossed diocesan lines.

This is so despite the fact that for some time dioceses and the national Anglican Church have known about the relationships between offenders across dioceses and throughout CEBS nationally. For example:

- By 1998, Bishop Newell (in Tasmania) and Archbishop George (in Adelaide) were aware of the connections between Daniels and Mr Brandenburg in relation to Mr Skipper (see section 7.1).
- In 1998, the Tasmanian Inquiry referred in its report to a clique of clergy, including ‘P1’, with sexual proclivities to young males. As was discussed in section 2.3, ‘P1’ is Daniels.
- In a letter to the Commissioner of South Australia Police on 29 May 2003, then Archbishop George described a ‘ring of paedophiles’ operating within CEBS.¹²⁷⁵
- In 2003, the Adelaide Inquiry noted the following:

It is apparent that Brandenburg was involved in sexual abuse together with what seems to have been a coterie of other senior persons within CEBS, both within South Australia and during interstate activities. Such was the scope of those activities, most of which involved serious criminal offending, that it seems well nigh incredible that his conduct did not apparently become known to persons in authority within either CEBS or the Church.

For example, the present State Chairman of CEBS told the Board that he had known Brandenburg well since about 1963 and had never had reason to doubt him until the revelations of 1999.¹²⁷⁶

- In 2009, Professor Patrick Parkinson prepared a report, commissioned by the Anglican Church of Australia Professional Standards Commission, which found a high rate of offending among CEBS leaders nationally. In particular, the report found that about one-third of the accused persons were non-clergy and, of those, 38.3 per cent were CEBS leaders.¹²⁷⁷

In his oral evidence, Archbishop Aspinall said that he had reflected upon the findings of the Parkinson report, including why CEBS may have been a vehicle for access to boys. He then gave the following evidence:

Q. In your capacity as the Archbishop of the Diocese of Brisbane and in your capacity as a former Primate of the Anglican Church, is it your opinion that the Anglican Church should be giving more consideration to this question of why?

A. Yes, I think – I think every organisation should, but the Parkinson report certainly should prompt us. And I think that is, to some extent, happening. Our Professional Standards Commission continues to do its work and it continues to reflect on these questions and produce resources and guidance to the Church. I think certainly if we can understand better why abuse happens then we're in a stronger position to prevent it. ...

Q. Do you think that the fact that the Diocese was ultimately responsible for the CEBS branches within that Diocese made it more difficult for people to see links between sex abusing behaviour that crossed State lines?

A. I'm not sure, Ms Sharp, because I'm just trying to think what other body could possibly have become aware or monitored that. You see, any activity that operates within a parish, like a Sunday School or a youth group or any kind of activity with children and young people, needs to be subject to the rules of the Diocese and it's the Diocese's responsibility to enforce those rules and make sure people are educated about them and so on. But, yes, I can see that interstate events and national events and so on do create special issues and raise jurisdictional questions. If, for example, a leader engages in misconduct while interstate at a camp, is it the rules of the Diocese in which the camp is located that apply or is it the rules of the Diocese from which the leader comes that apply? So there are those kind of jurisdictional issues, and who takes responsibility for things. Those things are addressed in our new professional standards regimes to some extent. There are mechanisms in the new canons to resolve jurisdictional issues and to provide for cooperation between Dioceses in addressing things – and I give some examples of how that has worked in practice in my statement. But the Anglican Church

of Australia still has the issue that not every Diocese has adopted that recommended regime, so the issue of dispersed authority within the Anglican Church of Australia, with each Diocese responsible for its own rules, continues to be an issue for us.¹²⁷⁸

The framework that Archbishop Aspinall referred to includes the model Professional Standards Ordinance developed by the Professional Standards Commission in 2005, which has been adopted in some but not all dioceses. The effect of partial adoption of these rules appears to be that, for a para-church national organisation such as CEBS, there are no clear and consistent rules that exist nationally, at least in those dioceses that have not adopted the model ordinance.

The absence of any coordinated response by the Anglican Church to the issue of offending in CEBS to date is particularly notable given:

- three dioceses (Tasmania, Adelaide and Brisbane) conducted inquiries in the late 1990s and early 2000s that included examination of diocesan responses specifically to CEBS offenders
- the 2009 report by Professor Parkinson found that 41 per cent of accused clergy offended against members of church youth groups. Of non-clergy accused persons, 70 per cent offended against members of church youth groups. Of those, nearly 40 per cent were CEBS leaders.

8 Systemic Issues

This case study provided the Royal Commission with insights into systemic issues within CEBS, the Anglican Church of Australia, and the Anglican Dioceses of Tasmania, Adelaide, Brisbane and Sydney.

In particular, the Royal Commission considered the historical and contemporary responses of each diocese, the General Synod and Primates, and CEBS at a local and national level, to instances and allegations of child sexual abuse.

There was evidence of the same systemic issues in all of the dioceses examined, including:

- historically, instances of child sexual abuse being treated as one-off offences or isolated incidents of aberrant behaviour
- historically, allegations of child sexual abuse not being reported to the police either at all or in a timely way
- limited information-sharing between the dioceses about allegations of child sexual abuse against clergy and lay persons in other dioceses
- a lack of child protection policies and procedures within CEBS, at a national and state level, and lack of understanding and consistency as to the applicability of diocesan policies to CEBS members
- a lack of consistent record-keeping about complaints in CEBS at a national and state level
- minimisation of the offending
- a focus on protecting the reputation of the church, dioceses, CEBS and individual clergy
- links not being made at a national level in the Anglican Church regarding the possibility of a network of perpetrators within CEBS and amongst clergy associated with CEBS.

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 a 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 Jennifer Coate Mr Bob Atkinson AO APM
Date of hearing	27 January 2016
Legislation	<i>Royal Commissions Act 1902</i> (Cth) <i>Royal Commissions Act 1923</i> (NSW) <i>Commissions of Inquiry Act 1995</i> (Tas)
Leave to appear	Anglican Diocese of Adelaide Archbishop Jeffrey Driver Anglican Diocese of Sydney Dr Peter Jensen Philip Gerber Archbishop Glenn Davies Anglican Diocese of Brisbane Archbishop Phillip Aspinall Bishop Ronald Stone Bishop Clyde Wood Anglican Diocese of Tasmania Bishop Phillip Newell Dr Chris Jones Bishop John Harrower Dr Peter Hollingworth Bishop Ian George

Leave to appear	Gerard Menses
	William Haas
	Chris Oliver
	Dr John Slaughter
	Suzanne Clayton
	Archdeacon Brian Smith
	Reverend Dr Don Owers
	Canon Eric Cave
	Richard Kells
	BYH
	Steven Fisher
	BYB
	BYF
	Mark King
	BYA
	David Gould
	BYG
	BYC
	BYD
	State of New South Wales
	Louis Daniels
	Simon Jacobs
	John Elliot
	Garth Hawkins (aka Robin Goodfellow)
Legal representation	N Sharp, Counsel Assisting the Royal Commission
	G Blake SC, instructed by N Iles of Iles Selley Lawyers, appearing for Archbishop Jeffrey Driver and the Anglican Diocese of Adelaide

Legal representation	<p>M England and A Rose, instructed by S Lucas of the Sydney Diocesan Secretariat, appearing for Philip Gerber, Archbishop Glenn Davies, Dr Peter Jensen and the Anglican Diocese of Sydney</p> <p>P Davis QC and A Braithwaite, instructed by G Cranny and A Cooper of Gilshenen & Luton, appearing for Archbishop Phillip Aspinall, Bishop Clyde Wood, Bishop John Noble and the Anglican Diocese of Brisbane</p> <p>N Clelland QC, instructed by R Webster of Dobson Mitchell & Allport, appearing for Bishop Phillip Newell, Dr Chris Jones, Bishop John Harrower and the Anglican Diocese of Tasmania</p> <p>B Doogue of Doogue O'Brien George appearing for Dr Peter Hollingworth</p> <p>A George of Doogue O'Brien George appearing for Archbishop Ian George</p> <p>S Amendola of Ashurst Australia appearing for Gerard Menses</p> <p>S Keogh-Barnes, instructed by E Turnbull of Emma Turnbull Lawyers, appearing for Bishop Ronald Stone and William Haas</p> <p>B Newtown, instructed by D Dribbin of Dribbin and Brown Criminal Law, appearing for Chris Oliver</p> <p>A Saxton of Dibbs Barker appearing for Archbishop Keith Rayner</p> <p>N Kent of Ashurst Australia appearing for Dr John Slaughter</p> <p>M O'Brien, instructed by P Rankin of Rankin Lawyers, appearing for Suzanne Clayton</p> <p>T Hammond appearing for Archdeacon Brian Smith</p> <p>D Bongiorno, instructed by A Furstenburg of Lewenberg & Lewenberg, appearing for Dr Don Owers and Eric Cave</p> <p>Dr M Marich and Dr M Fitzgerald, instructed by S Exner and E Murphy of Dr Martine Marich & Associates, appearing for Richard Kells, BYH, David Gould, Steven Fisher, BYB, BYF, BYG, BYA and Mark King</p> <p>P O'Brien of O'Brien Solicitors appearing for Louis Daniels and Simon Jacobs</p>
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Legal representation	R Baker of Baker Wilson Lawyers appearing for Garth Hawkins (aka Robin Goodfellow)
Pages of transcript	884
Notices to Produce issued under the <i>Royal Commissions Act 1902</i> (Cth) and documents produced Summons to Attend and Produce issued under the <i>Royal Commissions Act 1923</i> (NSW) and number of pages produced Requirement to Produce Documents issued under the <i>Commissions of Inquiry Act 1950</i> (Qld) and documents produced Summons to Produce issued under the <i>Evidence (Miscellaneous Provisions) Act 1958</i> (Vic) and documents produced Notice to Produce issued under the <i>Commissions of Inquiry Act 1995</i> (Tas) and documents produced	38 Notices to Produce, 8,853 documents 4 Summons to Attend and Produce, 1,747 documents 5 Requirements to Produce, 2,749 documents 1 Summons to Produce, 5 documents 8 Notices to Produce, 2,749 documents
Number of exhibits	76 exhibits consisting of a total of 624 documents tendered at the hearing
Witnesses	Steven Fisher Survivor (Tasmania) BYH Survivor (Tasmania) BYG Survivor (Tasmania) BYF Survivor (Tasmania)

Witnesses	<p>David Gould Survivor (Tasmania)</p> <p>Louis Daniels</p> <p>Garth Hawkins</p> <p>Sue Clayton Former CEBS leader</p> <p>Bishop Ronald Stone Former Assistant Bishop of Tasmania</p> <p>Bishop Phillip Newell Former Bishop of Tasmania</p> <p>Catherine Hutchinson Former Tasmania Youth Synod delegate</p> <p>Bishop John Harrower Former Bishop of Tasmania</p> <p>Dr John Slaughter Psychiatrist, formerly associated with the Diocese of Brisbane</p> <p>BYA Survivor (Adelaide)</p> <p>Mark King Survivor (Adelaide)</p> <p>Dr Don Owers Former Rector of St George's, Magill</p> <p>BYB Survivor (Brisbane)</p> <p>Dr Peter Hollingworth Former Archbishop of Brisbane</p> <p>Bishop Ian George Former Archbishop of Adelaide</p> <p>Michael Newell Bishop Phillip Newell's son</p> <p>John Newell Bishop Phillip Newell's son</p>
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Witnesses

Gerard Menses

Former CEO of Anglicare SA

Archbishop Phillip Aspinall

Former CEBS leader and Archdeacon in Tasmania, former Assistant Bishop in Adelaide, former Primate, and current Archbishop of Brisbane

BYC

Survivor (Sydney)

BYD

BYC’s mother

Richard Kells

Former CEBS leader in Sydney

Dr Peter Jensen

Former Archbishop of Sydney

Endnotes

- 1 Archbishop Aspinall has held a number of different positions in the Anglican Church over the years. This report refers to Archbishop Aspinall in a period-specific way. Thus, he will be referred to as ‘Mr Aspinall’ where he is referred to in circumstances before he was ordained.
- 2 Exhibit 36-0006, Case Study 36, STAT.0802.001.0152 at 0154.
- 3 Exhibit 36-0006, Case Study 36, STAT.0802.001.0152 at 0154.
- 4 Exhibit 36-0006, Case Study 36, STAT.0802.001.0152 at 0154.
- 5 Exhibit 36-0077, ‘Statement of G Davies’, Case Study 36, STAT.0819.002.0001_R at [14].
- 6 Exhibit 36-0077, ‘Statement of G Davies’, Case Study 36, STAT.0819.002.0001_R at [14].
- 7 Exhibit 36-0075, ‘Statement of J Driver’, Case Study 36, STAT.0840.001.0001_R at [73]–[74].
- 8 Exhibit 36-0075, ‘Statement of J Driver’, Case Study 36, STAT.0840.001.0001_R at [69]–[70]; Exhibit 36-0034, ‘Supplementary Statement of C Jones’, Case Study 36, STAT.0802.002.0001_R at [14].
- 9 Exhibit 36-0075, ‘Statement of J Driver’, Case Study 36, STAT.0840.001.0001_R at [72]; Exhibit 36-0034, ‘Supplementary Statement of C Jones’, Case Study 36, STAT.0802.002.0001_R at [14].
- 10 Exhibit 36-0034, ‘Supplementary Statement of C Jones’, Case Study 36, STAT.0802.002.0001_R at [14].
- 11 Exhibit 36-0006, Case Study 36, STAT.0802.001.0152 at 0166; Exhibit 36-0017, ‘Extract from Statement of P Aspinall’, Case Study 36, STAT.0078.002.0005_E at [13].
- 12 Exhibit 36-0075, ‘Statement of J Driver’, Case Study 36, STAT.0840.001.0001_R at [73]; Exhibit 36-0077, ‘Statement of G Davies’, Case Study 36, STAT.0819.002.0001_R at [15].
- 13 Exhibit 36-0006, Case Study 36, STAT.0802.001.0152 at 0165.
- 14 Exhibit 36-0006, Case Study 36, STAT.0802.001.0532.
- 15 Exhibit 36-0034, ‘Supplementary Statement of C Jones’, Case Study 36, STAT.0802.002.0001_R at [40]; Exhibit 36-0006, Case Study 36, ANG.0038.001.0351.
- 16 Exhibit 36-0034, ‘Supplementary Statement of C Jones’, Case Study 36, STAT.0802.002.0001_R at [40]; Exhibit 36-0006, Case Study 36, ANG.0038.001.0351.
- 17 For example, Exhibit 36-0077, ‘Statement of G Davies’, Case Study 36, STAT.0819.002.0001_R at [44].
- 18 Exhibit 36-0005, Case Study 36, CEBS.0001.001.0001 at 0003.
- 19 Exhibit 36-0077, ‘Statement of G Davies’, Case Study 36, STAT.0819.002.0001_R at [72].
- 20 Exhibit 36-0075, ‘Statement of Archbishop J Driver’, STAT.0840.001.0001_R at [104]; Exhibit 36-008, ‘Statement of C Oliver’, STAT.0831.001.0001_R at [14].
- 21 The Anglican Boys Society Melbourne, <http://cebs.alphalink.com.au> (viewed 5 December 2016).
- 22 Exhibit 36-0072, ‘Statement of K Pidgeon’, Case Study 36, STAT. 0818.001.0001 at [19]; Exhibit 36-0058, ‘Schedule A to Statement of P Aspinall’, Case Study 36, STAT.0844.001.0002 at [12(a)].
- 23 Exhibit 36-0068, ‘Statement of C Oliver’, Case Study 36, STAT.0831.001.0001_R at [13].
- 24 Exhibit 36-0060, ‘Statement of BYC’, Case Study 36, STAT.0809.001.0001_R at [10].
- 25 Exhibit 36-0060, ‘Statement of BYC’, Case Study 36, STAT.0809.001.0001_R at [10].
- 26 Exhibit 36-0005, Case Study 36, CEBS.0001.001.0001 at 0030–0031.
- 27 Exhibit 36-0005, Case Study 36, CEBS.0001.001.0001 at 0021–0022.
- 28 Exhibit 36-0005, Case Study 36, CEBS.0001.001.0001 at 0022.
- 29 Exhibit 36-0068, ‘Statement of C Oliver’, Case Study 36, STAT.0831.001.0001_R at [24].
- 30 Exhibit 36-0068, ‘Statement of C Oliver’, Case Study 36, STAT.0831.001.0001_R at [24].
- 31 Exhibit 36-0006, Case Study 36, STAT.0819.001.0137 at 0154.
- 32 Exhibit 36-0006, Case Study 36, STAT.0819.001.0137 at 0154.
- 33 Exhibit 36-0006, Case Study 36, STAT.0819.001.0137 at 0145–0146.
- 34 Exhibit 36-0068, ‘Statement of C Oliver’, Case Study 36, STAT.0831.001.0001 at [14].
- 35 Exhibit 36-0006, Case Study 36, STAT.0819.001.0101 at 0113.
- 36 Exhibit 36-0005, Case Study 36, CEBS.0006.001.0079_R at 0080_R.
- 37 Exhibit 36-0068, ‘Statement of C Oliver’, Case Study 36, STAT.0831.001.0001 at [17].
- 38 Exhibit 36-0068, ‘Statement of C Oliver’, Case Study 36, STAT.0831.001.0001 at [18].
- 39 Exhibit 36-0068, ‘Statement of C Oliver’, Case Study 36, STAT.0831.001.0001 at [20].
- 40 Exhibit 36-0006, Case Study 36, STAT.0819.001.0137 at 0170.
- 41 Exhibit 36-0068, ‘Statement of C Oliver’, Case Study 36, STAT.0831.001.0001 at [37].
- 42 Exhibit 36-0006, Case Study 36, STAT.0819.001.0137 at 0170.

- 43 Exhibit 36-0068, 'Statement of C Oliver', Case Study 36, STAT.0831.001.0001 at [25].
- 44 Exhibit 36-0068, 'Statement of C Oliver', Case Study 36, STAT.0831.001.0001 at [23].
- 45 Formal child protection policies include:
- a) Handling or responding to complaints of child sexual abuse
 - b) Risk managing individuals alleged or found to have committed child sexual abuse
 - c) Preventing child sexual abuse
 - d) Record-keeping about allegations of child sexual abuse
 - e) Information-sharing about allegations of child sexual abuse between CEBS branches and/or with the National Council
 - f) Reporting complaints of child sexual abuse to the police and other government agencies
 - g) Taking disciplinary action against CEBS leaders or others involved with CEBS alleged or found to have perpetrated child sexual abuse.
- 46 Exhibit 36-0072, 'Statement of K Pidgeon', Case Study 36, STAT.0818.001.0001 at [29], [31];
Exhibit 36-0068, 'Statement of C Oliver', Case Study 36, STAT.0831.001.0001_R at [29].
- 47 Exhibit 36-0072, 'Statement of K Pidgeon', Case Study 36, STAT.0818.001.0001 at [30].
- 48 Exhibit 36-0064, 'Statement of R Kells', Case Study 36, STAT.0826.001.0001_R at [14].
- 49 Exhibit 36-0059, 'Supplementary Statement of P Aspinall', Case Study 36, STAT.0078.007.0001_R at [32].
- 50 Exhibit 36-0072, 'Statement of K Pidgeon', Case Study 36, STAT.0818.001.0001 at [33].
- 51 Transcript of L Daniels, Case Study 36, 28 January 2016 at 15063:33–47, 15064:1–2, 15065:1–4.
- 52 Transcript of P Hollingworth, Case Study 36, 3 February 2016 at 15573:42–44;
Transcript of P Aspinall, Case Study 36, 4 February 2016 at 15761:22–27.
- 53 Exhibit 36-0005, Case Study 36, ANG.0038.001.0602_R.
- 54 Transcript of L Daniels, Case Study 36, 28 January 2016 at 5110:37–43, 15111:25–43.
- 55 Exhibit 36-0005, Case Study 36, ANG.0038.001.0123.
- 56 Exhibit 36-0005, Case Study 36, ANG.0140.001.0044.
- 57 Exhibit 36-0005, Case Study 36, ANG.0038.001.0021.
- 58 Exhibit 36-0005, Case Study 36, ANG.0142.001.0129.
- 59 Exhibit 36-0005, Case Study 36, ANG.0142.001.0134;
Exhibit 36-0005, Case Study 36, TAS.0023.001.0001_R at 0003_R.
- 60 Exhibit 36-0005, Case Study 36, TAS.0023.001.0001_R.
- 61 Exhibit 36-0005, Case Study 36, TAS.0023.001.0001_R at 0003_R.
- 62 Exhibit 36-0008, 'Statement of S Fisher', Case Study 36, STAT.0822.001.0001_R at [14].
- 63 Exhibit 36-0005, Case Study 36, ANG.0038.001.0333.
- 64 Exhibit 36-0005, Case Study 36, TAS.0001.019.0087.
- 65 Referred to in Exhibit 36-0005, Case Study 36, ANG.0038.001.0021 at 0023.
- 66 Exhibit 36-0012, 'Statement of D Gould', Case Study 36, STAT.0823.001.0001_R at [13]–[14].
- 67 Exhibit 36-0012, 'Statement of D Gould', Case Study 36, STAT.0823.001.0001_R at [14].
- 68 Exhibit 36-0012, 'Statement of D Gould', Case Study 36, STAT.0823.001.0001_R at [17].
- 69 Exhibit 36-0012, 'Statement of D Gould', Case Study 36, STAT.0823.001.0001_R at [17].
- 70 Exhibit 36-0012, 'Statement of D Gould', Case Study 36, STAT.0823.001.0001_R at [19]–[21].
- 71 Exhibit 36-0012, 'Statement of D Gould', Case Study 36, STAT.0823.001.0001_R at [23].
- 72 Exhibit 36-0012, 'Statement of D Gould', Case Study 36, STAT.0823.001.0001_R at [24].
- 73 Exhibit 36-0012, 'Statement of D Gould', Case Study 36, STAT.0823.001.0001_R at [25].
- 74 Exhibit 36-0012, 'Statement of D Gould', Case Study 36, STAT.0823.001.0001_R at [25].
- 75 Exhibit 36-0012, 'Statement of D Gould', Case Study 36, STAT.0823.001.0001_R at [26].
- 76 Exhibit 36-0012, 'Statement of D Gould', Case Study 36, STAT.0823.001.0001_R at [27].
- 77 Exhibit 36-0012, 'Statement of D Gould', Case Study 36, STAT.0823.001.0001_R at [28].
- 78 Exhibit 36-0012, 'Statement of D Gould', Case Study 36, STAT.0823.001.0001_R at [29]–[35].
- 79 Exhibit 36-0012, 'Statement of D Gould', Case Study 36, STAT.0823.001.0001_R at [30].
- 80 Exhibit 36-0012, 'Statement of D Gould', Case Study 36, STAT.0823.001.0001_R at [34]–[35].
- 81 Exhibit 36-0012, 'Statement of D Gould', Case Study 36, STAT.0823.001.0001_R at [71].
- 82 Exhibit 36-0012, 'Statement of D Gould', Case Study 36, STAT.0823.001.0001_R at [72]–[73].

83 Exhibit 36-0010, 'Statement of BYG', Case Study 36, STAT.0845.001.0001_R at [6].
 84 Exhibit 36-0010, 'Statement of BYG', Case Study 36, STAT.0845.001.0001_R at [6].
 85 Exhibit 36-0010, 'Statement of BYG', Case Study 36, STAT.0845.001.0001_R at [7].
 86 Exhibit 36-0010, 'Statement of BYG', Case Study 36, STAT.0845.001.0001_R at [7].
 87 Exhibit 36-0010, 'Statement of BYG', Case Study 36, STAT.0845.001.0001_R at [8].
 88 Exhibit 36-0010, 'Statement of BYG', Case Study 36, STAT.0845.001.0001_R at [9].
 89 Exhibit 36-0010, 'Statement of BYG', Case Study 36, STAT.0845.001.0001_R at [11].
 90 Transcript of BYG, Case Study 36, 27 January 2016 at 15035:19–21.
 91 Exhibit 36-0010, 'Statement of BYG', Case Study 36, STAT.0845.001.0001_R at [12].
 92 Exhibit 36-0010, 'Statement of BYG', Case Study 36, STAT.0845.001.0001_R at [31]–[32].
 93 Exhibit 36-0009, 'Statement of BYH', Case Study 36, STAT.0821.001.0001_R at [6]–[7].
 94 Exhibit 36-0009, 'Statement of BYH', Case Study 36, STAT.0821.001.0001_R at [11]–[12].
 95 Exhibit 36-0009, 'Statement of BYH', Case Study 36, STAT.0821.001.0001_R at [13].
 96 Exhibit 36-0009, 'Statement of BYH', Case Study 36, STAT.0821.001.0001_R at [19].
 97 Exhibit 36-0009, 'Statement of BYH', Case Study 36, STAT.0821.001.0001_R at [14].
 98 Exhibit 36-0009, 'Statement of BYH', Case Study 36, STAT.0821.001.0001_R at [14], [28].
 99 Exhibit 36-0009, 'Statement of BYH', Case Study 36, STAT.0821.001.0001_R at [15].
 100 Transcript of L Daniels, Case Study 36, 28 January 2016 at 15075:3–12, 15081:5–16;
 Transcript of P Aspinall, Case Study 36, 4 February 2016 at 5738:26–41.
 101 Exhibit 36-0009, 'Statement of BYH', Case Study 36, STAT.0821.001.0001_R at [25].
 102 Exhibit 36-0009, 'Statement of BYH', Case Study 36, STAT.0821.001.0001_R at [27].
 103 Exhibit 36-0009, 'Statement of BYH', Case Study 36, STAT.0821.001.0001_R at [27].
 104 Exhibit 36-0009, 'Statement of BYH', Case Study 36, STAT.0821.001.0001_R at [28]–[29].
 105 Exhibit 36-0009, 'Statement of BYH', Case Study 36, STAT.0821.001.0001_R at [29].
 106 Transcript of G Hawkins (now R Goodfellow), Case Study 36, 28 January 2016 at 15156:36–15157:12.
 107 Transcript of L Daniels, Case Study 36, 28 January 2016 at 15081:5–16.
 108 Transcript of L Daniels, Case Study 36, 28 January 2016 at 15081:18–30.
 109 Exhibit 36-0009, 'Statement of BYH', Case Study 36, STAT.0821.001.0001_R at [31].
 110 Exhibit 36-0009, 'Statement of BYH', Case Study 36, STAT.0821.001.0001_R at [31]–[32].
 111 Exhibit 36-0009, 'Statement of BYH', Case Study 36, STAT.0821.001.0001_R at [33].
 112 Exhibit 36-0005, Case Study 36, TAS.0001.019.0087.
 113 Exhibit 36-0009, 'Statement of BYH', Case Study 36, STAT.0821.001.0001_R at [34].
 114 Exhibit 36-0009, 'Statement of BYH', Case Study 36, STAT.0821.001.0001_R at [34].
 115 Exhibit 36-0009, 'Statement of BYH', Case Study 36, STAT.0821.001.0001_R at [36].
 116 Exhibit 36-0009, 'Statement of BYH', Case Study 36, STAT.0821.001.0001_R at [44].
 117 Exhibit 36-0009, 'Statement of BYH', Case Study 36, STAT.0821.001.0001_R at [47]–[48].
 118 Exhibit 36-0009, 'Statement of BYH', Case Study 36, STAT.0821.001.0001_R at [55].
 119 Exhibit 36-0009, 'Statement of BYH', Case Study 36, STAT.0821.001.0001_R at [62]–[65].
 120 Exhibit 36-0009, 'Statement of BYH', Case Study 36, STAT.0821.001.0001_R at [69].
 121 Exhibit 36-0009, 'Statement of BYH', Case Study 36, STAT.0821.001.0001_R at [69].
 122 Exhibit 36-0009, 'Statement of BYH', Case Study 36, STAT.0821.001.0001_R at [69].
 123 Exhibit 36-0009, 'Statement of BYH', Case Study 36, STAT.0821.001.0001_R at [70]–[73].
 124 Exhibit 36-0008, 'Statement of S Fisher', Case Study 36, STAT.0822.001.0001_R at [6], [9].
 125 Exhibit 36-0008, 'Statement of S Fisher', Case Study 36, STAT.0822.001.0001_R at [9].
 126 Exhibit 36-0008, 'Statement of S Fisher', Case Study 36, STAT.0822.001.0001_R at [9];
 Exhibit 36-0005, Case Study 36, ANG.0038.001.0477_R; Transcript of G Hawkins (now R Goodfellow),
 Case Study 36, 28 January 2016 at 15153:29–31.
 127 Exhibit 36-0008, Case Study 36, STAT.0822.001.0001_R at [11];
 Exhibit 36-0005, Case Study 36, ANG.0163.001.1454.
 128 Exhibit 36-0008, 'Statement of S Fisher', Case Study 36, STAT.0822.001.0001_R at [18].
 129 Exhibit 36-0008, 'Statement of S Fisher', Case Study 36, STAT.0822.001.0001_R at [13].
 130 Exhibit 36-0008, 'Statement of S Fisher', Case Study 36, STAT.0822.001.0001_R at [22], [29].

- 131 Exhibit 36-0008, 'Statement of S Fisher', Case Study 36, STAT.0822.001.0001_R at [12].
- 132 Exhibit 36-0008, 'Statement of S Fisher', Case Study 36, STAT.0822.001.0001_R at [14].
- 133 Exhibit 36-0008, 'Statement of S Fisher', Case Study 36, STAT.0822.001.0001_R at [19].
- 134 Exhibit 36-0008, 'Statement of S Fisher', Case Study 36, STAT.0822.001.0001_R at [14].
- 135 Exhibit 36-0008, 'Statement of S Fisher', Case Study 36, STAT.0822.001.0001_R at [24]–[25].
- 136 Exhibit 36-0008, 'Statement of S Fisher', Case Study 36, STAT.0822.001.0001_R at [25].
- 137 Exhibit 36-0008, 'Statement of S Fisher', Case Study 36, STAT.0822.001.0001_R at [17].
- 138 Exhibit 36-0008, 'Statement of S Fisher', Case Study 36, STAT.0822.001.0001_R at [20], [22].
- 139 Exhibit 36-0008, 'Statement of S Fisher', Case Study 36, STAT.0822.001.0001_R at [26].
- 140 Exhibit 36-0008, 'Statement of S Fisher', Case Study 36, STAT.0822.001.0001_R at [28].
- 141 Transcript of G Hawkins (now R Goodfellow), Case Study 36, 29 January 2016 at 15178:26–33.
- 142 Exhibit 36-0008, 'Statement of S Fisher', Case Study 36, STAT.0822.001.0001_R at [29].
- 143 Exhibit 36-0008, 'Statement of S Fisher', Case Study 36, STAT.0822.001.0001_R at [30].
- 144 Exhibit 36-0008, 'Statement of S Fisher', Case Study 36, STAT.0822.001.0001_R at [30].
- 145 Exhibit 36-0008, 'Statement of S Fisher', Case Study 36, STAT.0822.001.0001_R at [30].
- 146 Exhibit 36-0008, 'Statement of S Fisher', Case Study 36, STAT.0822.001.0001_R at [35].
- 147 Exhibit 36-0008, 'Statement of S Fisher', Case Study 36, STAT.0822.001.0001_R at [36].
- 148 Exhibit 36-0008, 'Statement of S Fisher', Case Study 36, STAT.0822.001.0001_R at [50]–[51].
- 149 Exhibit 36-0008, 'Statement of S Fisher', Case Study 36, STAT.0822.001.0001_R at [53]–[54].
- 150 Exhibit 36-0008, 'Statement of S Fisher', Case Study 36, STAT.0822.001.0001_R at [55].
- 151 Transcript of S Fisher, Case Study 36, 27 January 2016 at 15019:5–23.
- 152 Exhibit 36-0011, 'Statement of BYF', Case Study 36, STAT.0820.001.0001_R at [5]–[6].
- 153 Exhibit 36-0011, 'Statement of BYF', Case Study 36, STAT.0820.001.0001_R at [11].
- 154 Exhibit 36-0011, 'Statement of BYF', Case Study 36, STAT.0820.001.0001_R at [12].
- 155 Exhibit 36-0011, 'Statement of BYF', Case Study 36, STAT.0820.001.0001_R at [13].
- 156 Exhibit 36-0059, 'Supplementary Statement of Archbishop P Aspinall',
Case Study 36, STAT.0078.007.0001_R at [4].
- 157 Exhibit 36-0059, 'Supplementary Statement of Archbishop P Aspinall',
Case Study 36, STAT.0078.007.0001_R at [92].
- 158 Exhibit 36-0011, 'Statement of BYF', Case Study 36, STAT.0820.001.0001_R at [16].
- 159 Exhibit 36-0011, 'Statement of BYF', Case Study 36, STAT.0820.001.0001_R at [16].
- 160 Exhibit 36-0011, 'Statement of BYF', Case Study 36, STAT.0820.001.0001_R at [18].
- 161 Exhibit 36-0005, Case Study 36, ANG.0038.001.0021.
- 162 Exhibit 36-0011, 'Statement of BYF', Case Study 36, STAT.0820.001.0001_R at [19].
- 163 Exhibit 36-0011, 'Statement of BYF', Case Study 36, STAT.0820.001.0001_R at [19].
- 164 Exhibit 36-0011, 'Statement of BYF', Case Study 36, STAT.0820.001.0001_R at [20].
- 165 Exhibit 36-0011, 'Statement of BYF', Case Study 36, STAT.0820.001.0001_R at [20].
- 166 Exhibit 36-0059, 'Supplementary Statement of Archbishop P Aspinall',
Case Study 36, STAT.0078.007.0001_R at [85].
- 167 Exhibit 36-0011, 'Statement of BYF', Case Study 36, STAT.0820.001.0001_R at [20].
- 168 Transcript of P Aspinall, Case Study 36, 4 February 2016 at 15745:27–45, 15746:1–18;
Transcript of G Hawkins (now R Goodfellow), Case Study 36, 29 January 2016 at 15177:39–15177:7.
- 169 Exhibit 36-0011, 'Statement of BYF', Case Study 36, STAT.0820.001.0001_R at [21].
- 170 Exhibit 36-0011, 'Statement of BYF', Case Study 36, STAT.0820.001.0001_R at [22];
Transcript of BYF, Case Study 36, 27 January 2016 at 15047:7–10;
Transcript of P Aspinall, Case Study 36, 4 February 2016 at 15746:25–35.
- 171 Transcript of P Aspinall, Case Study 36, 4 February 2016 at 15746:42–15746:4, 15746:8–10.
- 172 Exhibit 36-0011, 'Statement of BYF', Case Study 36, STAT.0820.001.0001_R at [23].
- 173 Exhibit 36-0011, 'Statement of BYF', Case Study 36, STAT.0820.001.0001_R at [25].
- 174 Exhibit 36-0011, 'Statement of BYF', Case Study 36, STAT.0820.001.0001_R at [25].
- 175 Exhibit 36-0011, 'Statement of BYF', Case Study 36, STAT.0820.001.0001_R at [26].
- 176 Exhibit 36-0011, 'Statement of BYF', Case Study 36, STAT.0820.001.0001_R at [26].

177 Exhibit 36-0005, Case Study 36, TAS.0001.019.0087.
 178 Exhibit 36-0011, 'Statement of BYF', Case Study 36, STAT.0820.001.0001_R at [23].
 179 Exhibit 36-0011, 'Statement of BYF', Case Study 36, STAT.0820.001.0001_R at [24].
 180 Transcript of P Aspinall, Case Study 36, 4 February 2016 at 15749:40–15751:41.
 See also Exhibit 36-0067, Case Study 36, ASQ.504.003.0009_R.
 181 Transcript of P Aspinall, Case Study 36, 4 February 2013 at 15751:7–41.
 182 Exhibit 36-0005, 'Statement of Russell Judd', Case Study 36, ASQ.504.003.0039_R at [7];
 Exhibit 36-0005, 'Statement of Stuart Day', Case Study 36, ASQ.504.003.0041_R at [6].
 183 Transcript of G Hawkins (now R Goodfellow), Case Study 36, 28 January 2016 at 15172:6–10.
 184 Transcript of G Hawkins (now R Goodfellow), Case Study 36, 28 January 2016 at 15172:35–15173:7.
 185 Transcript of G Hawkins (now R Goodfellow), Case Study 36, 28 January 2016 at 15174:9–12.
 186 Transcript of G Hawkins (now R Goodfellow), Case Study 36, 28 January 2016 at 15172:6–10, 15172:35–39,
 15173:2–13, 15173:15–14, 15174:9–26.
 187 Transcript of G Hawkins (now R Goodfellow), Case Study 36, 28 January 2016 at 15177:29–30.
 188 Exhibit 36-0005, Case Study 36, ASQ.504.003.0009_R at 0009_R–0010_R;
 Exhibit 36-0005, Case Study 36, ANG.0038.001.0089_R at 0091_R;
 Exhibit 36-0005, Case Study 36, ANG.0038.001.2027_R at 2028;
 Exhibit 36-0067, Case Study 36, ASQ.504.003.0065;
 Exhibit 36-0011, 'Statement of BYF', Case Study 36, STAT.0820.001.0001_R at [24];
 Transcript of BYF, Case Study 36, 27 January 2016 at 15058:23–4, 15057:37–9.
 189 Exhibit 36-0011, 'Statement of BYF', Case Study 36, STAT.0820.001.0001_R at [28].
 190 Exhibit 36-0011, 'Statement of BYF', Case Study 36, STAT.0820.001.0001_R at [28].
 191 Transcript of P Aspinall, Case Study 36, 4 February 2016 at 15751:43–15752:20; Exhibit 36-0059,
 'Supplementary Statement of Archbishop P Aspinall', Case Study 36, STAT.0078.007.0001_R at [99].
 192 Exhibit 36-0059, 'Supplementary Statement of Archbishop P Aspinall',
 Case Study 36, STAT.0078.007.0001_R at [96], [98], [104];
 Exhibit 36-0067, Case Study 36, ASQ.504.003.0018_R.
 193 Transcript of BYF, Case Study 36, 27 January 2016 at 15048:37–44.
 194 Transcript of BYF, Case Study 36, 27 January 2016 at 15049:5–8, 15053:35–37.
 195 Transcript of BYF, Case Study 36, 27 January 2016 at 15053:37–41.
 196 Exhibit 36-0011, 'Statement of BYF', Case Study 36, STAT.0820.001.0001_R at [63]–[68].
 197 Transcript of BYF, Case Study 36, 27 January 2016 at 15054:20–31.
 198 Exhibit 36-0011, 'Statement of BYF', Case Study 36, STAT.0820.001.0001_R at [65].
 199 Exhibit 36-0011, 'Statement of BYF', Case Study 36, STAT.0820.001.0001_R at [65].
 200 Exhibit 36-0011, 'Statement of BYF', Case Study 36, STAT.0820.001.0001_R at [66].
 201 Transcript of L Daniels, Case Study 36, 28 January 2016 at 15088:31–34.
 202 Transcript of L Daniels, Case Study 36, 28 January 2016 at 15088:36–38.
 203 Transcript of L Daniels, Case Study 36, 28 January 2016 at 15088:43–45.
 204 Transcript of L Daniels, Case Study 36, 28 January 2016 at 15089:1–16.
 205 Transcript of L Daniels, Case Study 36, 28 January 2016 at 15089:28–32.
 206 Transcript of L Daniels, Case Study 36, 28 January 2016 at 15089:1–13.
 207 Transcript of L Daniels, Case Study 36, 28 January 2016 at 15089:39–45.
 208 Transcript of L Daniels, Case Study 36, 28 January 2016 at 15089:47–15090:17;
 Exhibit 36-0005, Case Study 36, ANG.0038.001.1536.
 209 Transcript of L Daniels, Case Study 36, 28 January 2016 at 15090:19–21.
 210 Transcript of L Daniels, Case Study 36, 28 January 2016 at 15090:23–26.
 211 Exhibit 36-0005, Case Study 36, ANG.0038.001.1536.
 212 Exhibit 36-0005, Case Study 36, ANG.0038.001.1536.
 213 Exhibit 36-0005, Case Study 36, ANG.0038.001.1536.
 214 Exhibit 36-0005, Case Study 36, ANG.0038.001.1536.
 215 Exhibit 36-0005, Case Study 36, ANG.0038.001.1536.
 216 Transcript of P Newell, Case Study 36, 1 February 2016 at 15327:5–14.

217 Exhibit 36-0037, 'Statement of Catherine Hutchison', Case Study 36, STAT.0852.001.0001 at [8].
 218 Exhibit 36-0037, 'Statement of Catherine Hutchison', Case Study 36, STAT.0852.001.0001 at [9];
 Transcript of C Hutchison, Case Study 36, 2 February 2016 at 15399:31–15400: 3.
 219 Exhibit 36-0037, 'Statement of Catherine Hutchison', Case Study 36, STAT.0852.001.0001 at [10];
 Transcript of C Hutchison, Case Study 36, 2 February 2016 at 15400:30–33.
 220 Exhibit 36-0037, 'Statement of Catherine Hutchison', Case Study 36, STAT.0852.001.0001 at [12];
 Transcript of C Hutchison, Case Study 36, 2 February 2016 at 15401:6, 15409:34–38.
 221 Exhibit 36-0037, 'Statement of Catherine Hutchison', Case Study 36, STAT.0852.001.0001 at [11].
 222 Transcript of CM Hutchison, Case Study 36, 2 February 2016 at 15401:18–27, 15410:18–20.
 223 Transcript of CM Hutchison, Case Study 36, 2 February 2016 at 15401:26–44.
 224 Exhibit 36-0028, 'Statement of Merle Newell', Case Study 36, STAT.0854.001.0001 at [7]–[9];
 Exhibit 36-0053, 'Statement of Dr Michael Newell', Case Study 36, STAT.0847.001.0001 at [6]–[7];
 Exhibit 36-0054, 'Statement of John Newell', Case Study 36, STAT.0848.001.0001 at [6]–[7].
 225 Submissions on behalf of the Anglican Diocese of Tasmania and Bishops Phillip Newell and J Harrower,
 Case Study 36, SUBM.1036.004.0005 at [15]; Transcript of CM Hutchison, Case Study 36,
 2 February 2016 at 15403:32–45.
 226 Transcript of CM Hutchison, Case Study 36, 2 February 2016 at 15407:46–15408:6.
 227 Exhibit 36-0029, 'Statement of P Francis', Case Study 36, STAT.0846.001.0001_R.
 228 Exhibit 36-0029, 'Statement of Peter Francis', Case Study 36, STAT.0846.001.0001_R at 0002_R;
 Exhibit 36-0005, Case Study 36, TAS.0001.008.0127_R.
 229 Exhibit 36-0029, 'Statement of Peter Francis', Case Study 36, STAT.0846.001.0001_R at 0002_R.
 230 Exhibit 36-0029, 'Statement of Peter Francis', Case Study 36, STAT.0846.001.0001_R.
 231 Exhibit 36-0029, 'Statement of Peter Francis', Case Study 36, STAT.0846.001.0001_R at 0002_R.
 232 Exhibit 36-0029, 'Statement of Peter Francis', Case Study 36, STAT.0846.001.0001_R at 0002_R.
 233 Exhibit 36-0014, 'Statement of Sue Clayton', Case Study 36, STAT.0841.001.0001_R at [23].
 234 Transcript of S Clayton, Case Study 36, 29 January 2016 at 15208:41–46.
 235 Exhibit 36-0029, 'Statement of Peter Francis', Case Study 36, STAT.0846.001.0001_R at 0002_R.
 236 Exhibit 36-0010, 'Statement of BYG', Case Study 36, STAT.0845.001.0001_R at [20]; Exhibit 36-0005,
 'Handwritten Statement of BYM', Case Study 36, ANG.0038.001.0566_R; Exhibit 36-0005, 'Handwritten
 Statement of BYG', Case Study 36, ANG.0038.001.0141.
 237 Exhibit 36-0005, Case Study 36, TAS.0001.008.0127_R at 0128_R; Exhibit 36-0029, 'Statement of Peter
 Francis', Case Study 36, STAT.0846.001.0001_R at 0003_R.
 238 Exhibit 36-0029, 'Statement of Peter Francis', Case Study 36, STAT.0846.001.0001_R at 0002_R.
 239 Exhibit 36-0010, 'Statement of BYG', Case Study 36, STAT.0845.001.0001_R at [17].
 240 Transcript of S Clayton, Case Study 36, 29 January 2016 at 15210:22–45.
 241 Exhibit 36-0005, Case Study 36, TAS.0001.008.0127_R at 0128_R.
 242 Transcript of P Newell, Case Study 36, 1 February 2016 at 15334:5–16.
 243 Exhibit 36-0026, 'Statement of Bishop Phillip Newell', Case Study 36, STAT.0804.002.0001_R at [38(i)];
 Transcript of P Newell, Case Study 36, 1 February 2016 at 15333:6–9;
 Exhibit 36-0005, Case Study 36, ANG.0038.001.0149_R at 0149_R;
 Exhibit 36-0005, Case Study 36, STAT.0804.001.0018_R at 0019_R.
 244 Exhibit 36-0005, Case Study 36, ANG.0038.001.0149_R.
 245 Exhibit 36-0010, 'Statement of BYG', Case Study 36, STAT.0845.001.0001_R at [17].
 246 Exhibit 36-0010, 'Statement of BYG', Case Study 36, STAT.0845.001.0001_R at [22].
 247 Exhibit 36-0010, 'Statement of BYG', Case Study 36, STAT.0845.001.0001_R at [22].
 248 Exhibit 36-0010, 'Statement of BYG', Case Study 36, STAT.0845.001.0001_R at [22].
 249 Exhibit 36-0029, 'Statement of Peter Francis', Case Study 36, STAT.0846.001.0001_R at 0002_R, 0003_R.
 250 Exhibit 36-0029, 'Statement of Peter Francis', Case Study 36, STAT.0846.001.0001_R at 0003_R;
 Exhibit 36-0010, 'Statement of BYG', Case Study 36, STAT.0845.001.0001_R at [18].
 251 Exhibit 36-0014, 'Statement of Sue Clayton', Case Study 36, STAT.0841.001.0001_R at [36];
 Transcript of S Clayton, Case Study 36, 29 January 2016 at 15212:25–35.

252 Exhibit 36-0014, 'Statement of Sue Clayton', Case Study 36, STAT.0841.001.0001_R at [36];
 Transcript of S Clayton, Case Study 36, 29 January 2016 at 15212:25–35.

253 Exhibit 36-0014, 'Statement of Sue Clayton', Case Study 36, STAT.0841.001.0001_R at [32].

254 Exhibit 36-0026, 'Statement of Bishop Phillip Newell', Case Study 36, STAT.0804.002.0001_R at [38(i)].

255 Transcript of P Newell, Case Study 36, 1 February 2016 at 15342:12–14.

256 Transcript of P Newell, Case Study 36, 1 February 2016 at 15342:16–18.

257 Transcript of P Newell, Case Study 36, 1 February 2016 at 15354:15–22.

258 Transcript of P Newell, Case Study 36, 1 February 2016 at 15354:24–26.

259 Exhibit 36-0005, Case Study 36, ANG.0038.001.0149_R.

260 Transcript of P Newell, Case Study 36, 1 February 2016 at 15390:19–47, 15931:1–5.

261 Exhibit 36-0014, 'Statement of Sue Clayton', Case Study 36, STAT.0841.001.0001_R at [32].

262 Exhibit 36-0029, 'Statement of Peter Francis', Case Study 36, STAT.0846.001.0001_R at 0003_R.

263 Exhibit 36-0010, 'Statement of BYG', Case Study 36, STAT.0845.001.0001_R at [21];
 Exhibit 36-0005, Case Study 36, ANG.0038.001.0139.

264 Exhibit 36-0010, 'Statement of BYG', Case Study 36, STAT.0845.001.0001_R at [21].

265 Exhibit 36-0010, 'Statement of BYG', Case Study 36, STAT.0845.001.0001_R at [21].

266 Exhibit 36-0005, Case Study 36, STAT.0804.001.0018_R at 0019_R.

267 Exhibit 36-0005, Case Study 36, STAT.0804.001.0018_R at 0019_R.

268 Exhibit 36-0005, Case Study 36, ANG.0038.001.0149_R at 0150_R.

269 Exhibit 36-0005, Case Study 36, ANG.0038.001.0149_R at 0150_R–0151_R.

270 Exhibit 36-0006, Case Study 36, STAT.0802.001.0152 at [7].

271 Transcript of P Newell, Case Study 36, 1 February 2016 at 15308:23–37.

272 For example, the 13 February 1988 minutes of the state council of CEBS Tasmania record Daniels as being a
 CEBS leader and as presenting the chairman's report. The minutes record Bishop Newell as being present at
 that meeting: Exhibit 36-0005, Case Study 36, ANG.0163.001.0165_R.

273 Transcript of P Newell, Case Study 36, 1 February 2016 at 15350:1–3.

274 Exhibit 36-0005, Case Study 36, ANG.0163.001.0165_R at 0168_R.

275 Transcript of P Newell, Case Study 36, 1 February 2016 at 15346:16–26, 15352:28–34; Exhibit 36-0026,
 'Statement of Bishop Phillip Newell', Case Study 36, STAT.0804.002.0001_R at [43].

276 Exhibit 36-0005, Case Study 36, ANG.0038.001.0195.

277 Transcript of L Daniels, Case Study 36, 28 January 2016 at 15063:13–15.

278 Exhibit 36-0026, 'Statement of Bishop Phillip Newell', Case Study 36, STAT.0804.002.0001_R at [43].

279 Exhibit 36-0029, 'Statement of Peter Francis', Case Study 36, STAT.0846.001.0001_R at 0003_R.

280 Exhibit 36-0005, Case Study 36, ANG.0038.001.0642_R at 0643_R.

281 Exhibit 36-0005, Case Study 36, ANG.0164.001.0001 at 0003.

282 Transcript of P Newell, Case Study 36, 1 February 2016 at 15355:29–33.

283 Exhibit 36-0005, Case Study 36, ANG.0171.001.0159_R.

284 Exhibit 36-0014, 'Statement of Sue Clayton', Case Study 36, STAT.0841.001.0001_R at [61]–[63].

285 Exhibit 36-0014, 'Statement of Sue Clayton', Case Study 36, STAT.0841.001.0001_R at [61]–[62].

286 Transcript of S Clayton, Case Study 36, 28 January 2016 at 15218:1–11.

287 Exhibit 36-0067, 'Supplementary Statement of Archbishop P Aspinall',
 Case Study 36, STAT.0078.007.0001_R at [71].

288 Transcript of P Aspinall, Case Study 36, 4 February 2016 at 15752:40–15753:7.

289 Exhibit 36-0067, 'Supplementary Statement of Archbishop P Aspinall',
 Case Study 36, STAT.0078.007.0001_R at [72].

290 Transcript of S Clayton, Case Study 36, 29 January 2016 at 15218:28–37.

291 Transcript of S Clayton, Case Study 36, 29 January 2016 at 15218:28–37.

292 Exhibit 36-0014, 'Statement of Sue Clayton', Case Study 36, STAT.0841.001.0001_R at [63].

293 Exhibit 36-0014, 'Statement of Sue Clayton', Case Study 36, STAT.0841.001.0001_R at [63].

294 Exhibit 36-0014, 'Statement of Sue Clayton', Case Study 36, STAT.0841.001.0001_R at [63];
 Transcript of S Clayton, Case Study 36, 29 January 2016 at 15219:27–28.

295 Exhibit 36-0014, 'Statement of Sue Clayton', Case Study 36, STAT.0841.001.0001_R at [64].

296 Exhibit 36-0014, 'Statement of Sue Clayton', Case Study 36, STAT.0841.001.0001_R at [64].
 297 Exhibit 36-0067, 'Supplementary Statement of Archbishop P Aspinall',
 Case Study 36, STAT.0078.007.0001_R at [72]; Transcript of P Aspinall,
 Case Study 36, 4 February 2016 at 15753:9–27.
 298 Transcript of P Aspinall, Case Study 36, 4 February 2016 at 15753:24–47.
 299 Transcript of P Aspinall, Case Study 36, 4 February 2016 at 15754:20–44.
 300 Exhibit 36-0067, 'Supplementary Statement of Archbishop P Aspinall',
 Case Study 36, STAT.0078.007.0001_R at [73].
 301 Exhibit 36-0067, 'Supplementary Statement of Archbishop P Aspinall',
 Case Study 36, STAT.0078.007.0001_R at [73].
 302 Transcript of P Aspinall, Case Study 36, 4 February 2016 at 15754:46–15755:11.
 303 Exhibit 36-0067, 'Supplementary Statement of Archbishop P Aspinall',
 Case Study 36, STAT.0078.007.0001_R at [73]; Transcript of P Aspinall,
 Case Study 36, 4 February 2016 at 15756:14–16.
 304 Exhibit 36-0016, Case Study 36, ASQ.504.003.0026.
 305 Transcript of S Clayton, Case Study 36, 29 January 2016 at 15236:34–35.
 306 Transcript of S Clayton, Case Study 36, 29 January 2016 at 15237:20–24, 15237:26–31.
 307 Exhibit 36-0016, Case Study 36, ASQ.504.003.0026.
 308 Transcript of S Clayton, Case Study 36, 29 January 2016 at 15234:10–15238:24.
 309 Exhibit 36-0005, Case Study 36, ANG.0184.001.0003_R at 0006_R.
 310 Exhibit 36-0005, Case Study 36, ANG.0189.001.0001.
 311 Exhibit 36-0067, 'Supplementary Statement of Archbishop P Aspinall',
 Case Study 36, STAT.0078.007.0001_R at [63].
 312 Exhibit 36-0067, 'Supplementary Statement of Archbishop P Aspinall',
 Case Study 36, STAT.0078.007.0001_R at [63].
 313 Transcript of P Aspinall, Case Study 36, 4 February 2016 at 15758:21–37.
 314 Exhibit 36-0010, 'Statement of BYG', Case Study 36, STAT.0845.001.0001_R at [25].
 315 Exhibit 36-0020, 'Statement of Bishop Ronald Stone', Case Study 36, STAT.0832.001.0001_R at [3].
 316 Exhibit 36-0020, 'Statement of Bishop Ronald Stone', Case Study 36, STAT.0832.001.0001_R at [6].
 317 Exhibit 36-0005, Case Study 36, ANG.0038.001.0644_R.
 318 Transcript of R Stone, Case Study 36, 29 January 2016 at 15254:11–13.
 319 Exhibit 36-0020, 'Statement of Bishop Ronald Stone', Case Study 36, STAT.0832.001.0001_R at [7].
 320 Transcript of R Stone, Case Study 36, 29 January 2016 at 15254:37–15255:16.
 321 Exhibit 36-0005, Case Study 36, ANG.0038.001.0644_R; Transcript of R Stone,
 Case Study 36, 29 January 2016 at 15255:18–25.
 322 Exhibit 36-0010, 'Statement of BYG', Case Study 36, STAT.0845.001.0001_R at [26];
 Transcript of R Stone, Case Study 36, 29 January 2016 at 15255:29–38.
 323 Exhibit 36-0005, Case Study 36, ANG.0038.001.0642_R; Transcript of R Stone,
 Case Study 36, 29 January 2016 at 15258:10–39.
 324 Transcript of R Stone, Case Study 36, 29 January 2016 at 15256:3–31.
 325 Exhibit 36-0020, 'Statement of Bishop Ronald Stone', Case Study 36, STAT.0832.001.0001_R at [8], [10].
 326 Exhibit 36-0020, 'Statement of Bishop Ronald Stone', Case Study 36, STAT.0832.001.0001_R at [9].
 327 Exhibit 36-0010, 'Statement of BYG', Case Study 36, STAT.0845.001.0001_R at [27].
 328 Exhibit 36-0010, 'Statement of BYG', Case Study 36, STAT.0845.001.0001_R at [27].
 329 Exhibit 36-0010, 'Statement of BYG', Case Study 36, STAT.0845.001.0001_R at [27].
 330 Transcript of R Stone, Case Study 36, 29 January 2016 at 15256:3–31.
 331 Transcript of R Stone, Case Study 36, 29 January 2016 at 15256:3–31.
 332 Exhibit 36-0020, 'Statement of Bishop Ronald Stone', Case Study 36, STAT.0832.001.0001_R at [11]–[12].
 333 Transcript of P Newell, Case Study 36, 1 February 2016 at 15357:30–35.
 334 Transcript of P Newell, Case Study 36, 1 February 2016 at 15358:12–25.
 335 Exhibit 36-0020, 'Statement of Bishop Ronald Stone', Case Study 36, STAT.0832.001.0001_R at [11].
 336 Exhibit 36-0020, 'Statement of Bishop Ronald Stone', Case Study 36, STAT.0832.001.0001_R at [13].

337 Exhibit 36-0020, 'Statement of Bishop Ronald Stone', Case Study 36, STAT.0832.001.0001_R at [13].
 338 Exhibit 36-0020, 'Statement of Bishop Ronald Stone', Case Study 36, STAT.0832.001.0001_R at [13];
 Transcript of R Stone, Case Study 36, 29 January 2016 at 15263:23–27.
 339 Transcript of R Stone, Case Study 36, 29 January 2016 at 15260:38–47.
 340 Exhibit 36-0020, 'Statement of Bishop Ronald Stone', Case Study 36, STAT.0832.001.0001_R at [14].
 341 Exhibit 36-0020, 'Statement of Bishop Ronald Stone', Case Study 36, STAT.0832.001.0001_R at [15];
 Exhibit 36-0005, Case Study 36, ANG.0038.001.0644.
 342 Exhibit 36-0020, 'Statement of Bishop Ronald Stone', Case Study 36, STAT.0832.001.0001_R at [16].
 343 Transcript of R Stone, Case Study 36, 29 January 2016 at 15261:21–28.
 344 Transcript of R Stone, Case Study 36, 29 January 2016 at 15261:21–28.
 345 Transcript of R Stone, Case Study 36, 29 January 2016 at 15265:3–11.
 346 Transcript of P Newell, Case Study 36, 1 February 2016 at 15358:6–10.
 347 Transcript of P Newell, Case Study 36, 1 February 2016 at 15358:12–25.
 348 Transcript of P Newell, Case Study 36, 1 February 2016 at 15359:46–15360:9.
 349 Transcript of R Stone, Case Study 36, 29 January 2016 at 15262:24–47.
 350 Transcript of R Stone, Case Study 36, 29 January 2016 at 15262:24–47.
 351 Transcript of P Newell, Case Study 36, 1 February 2016 at 15366:31–40.
 352 Transcript of P Newell, Case Study 36, 1 February 2016 at 15360:11–18.
 353 Transcript of P Newell, Case Study 36, 1 February 2016 at 15360:20–28.
 354 Submissions on behalf of the Anglican Diocese of Tasmania and Bishops Phillip Newell and John Harrower,
 Case Study 36, SUBM.1036.004.0001 at [25]–[26].
 355 Further submissions on behalf of the Anglican Diocese of Tasmania and Bishops Phillip Newell and
 John Harrower, Case Study 36, SUBM.1036.023.0001 at [29]–[30].
 356 Exhibit 36-0020, 'Statement of Bishop Ronald Stone', Case Study 36, STAT.0832.001.0001_R at [17];
 Transcript of R Stone, Case Study 36, 29 January 2016 at 15262:24–47; Transcript of P Newell,
 Case Study 36, 1 February 2016 at 15358:43–47.
 357 Transcript of P Newell, Case Study 36, 1 February 2016 at 15358:43–47.
 358 Transcript of R Stone, Case Study 36, 29 January 2016 at 15268:36–40.
 359 Transcript of R Stone, Case Study 36, 29 January 2016 at 15265:40–44.
 360 Transcript of R Stone, Case Study 36, 29 January 2016 at 15266:25–26; Transcript of P Newell,
 Case Study 36, 1 February 2016 at 15359:20–22.
 361 Transcript of P Newell, Case Study 36, 1 February 2016 at 15359:28–31.
 362 Transcript of R Stone, Case Study 36, 29 January 2016 at 15266:31–46.
 363 Transcript of R Stone, Case Study 36, 29 January 2016 at 15266:31–46.
 364 Exhibit 36-0031, 'Statement of Bishop Keith Rayner', Case Study 36, STAT.0806.001.0001_R at [13]–[15];
 Exhibit 36-0070, 'Supplementary Statement of Bishop Keith Rayner',
 Case Study 36, STAT.0806.002.0001 at [3]–[6].
 365 Transcript of P Newell, Case Study 36, 1 February 2016 at 15359:37–44.
 366 Exhibit 36-0005, Case Study 36, ANG.0038.001.0168_R; Exhibit 36-0005,
 Case Study 36, ANG.0038.001.0170_R; Transcript of P Newell,
 Case Study 36, 1 February 2016 at 15362:6–13.
 367 Exhibit 36-0005, Case Study 36, ANG.0038.001.0170_R.
 368 Exhibit 36-0005, Case Study 36, ANG.0038.001.0170_R.
 369 Exhibit 36-0010, 'Statement of BYG', Case Study 36, STAT.0845.001.0001_R at [28]–[29].
 370 Exhibit 36-0010, 'Statement of BYG', Case Study 36, STAT.0845.001.0001_R at [28]–[29];
 Exhibit 36-0005, Case Study 36, ANG.0038.001.0013_R.
 371 Transcript of P Newell, Case Study 36, 1 February 2016 at 15359:9–18.
 372 Exhibit 36-0010, 'Statement of BYG', Case Study 36, STAT.0845.001.0001_R at [28].
 373 Exhibit 36-0005, Case Study 36, ANG.0038.001.0013_R.
 374 Exhibit 36-0005, Case Study 36, ANG.0171.001.0126 at 0139.
 375 Transcript of P Newell, Case Study 36, 1 February 2016 at 15370:4–8.
 376 Transcript of P Newell, Case Study 36, 1 February 2016 at 15362:29–43.

377 Transcript of P Newell, Case Study 36, 1 February 2016 at 15362:29–43.
 378 Transcript of P Newell, Case Study 36, 1 February 2016 at 15362:45–15363:4.
 379 Transcript of P Newell, Case Study 36, 1 February 2016 at 15363:6–14.
 380 Transcript of P Newell, Case Study 36, 1 February 2016 at 15363:46–15364:2.
 381 Transcript of P Newell, Case Study 36, 1 February 2016 at 15364:4–10.
 382 Transcript of P Newell, Case Study 36, 1 February 2016 at 15365:20–29.
 383 Transcript of P Newell, Case Study 36, 1 February 2016 at 15370:14–18.
 384 Exhibit 36-0005, Case Study 36, ANG.0038.001.0145_R.
 385 Transcript of P Newell, Case Study 36, 1 February 2016 at 15370:20–28.
 386 Transcript of P Newell, Case Study 36, 1 February 2016 at 15371:2–4.
 387 Exhibit 36-0020, ‘Statement of Bishop Ronald Stone’, Case Study 36, STAT.0832.001.0001_R at [27].
 388 Transcript of P Newell, Case Study 36, 1 February 2016 at 15372:18–27.
 389 Transcript of P Newell, Case Study 36, 1 February 2016 at 15371:18–27.
 390 Transcript of P Newell, Case Study 36, 1 February 2016 at 15370:40–15371:4.
 391 Transcript of P Newell, Case Study 36, 1 February 2016 at 15371:6–17.
 392 Exhibit 36-0005, Case Study 36, IND.0349.001.0005_R; Exhibit 36-0005,
 Case Study 36, TAS.0001.016.0164_R.
 393 Exhibit 36-0005, Case Study 36, ANG.0142.001.0310.
 394 Exhibit 36-0005, Case Study 36, ANG.0038.001.0190.
 395 Exhibit 36-0005, Case Study 36, STAT.0804.001.0066.
 396 Transcript of P Newell, Case Study 36, 1 February 2016 at 15374:2–7.
 397 Submissions on behalf of the Anglican Diocese of Tasmania and Bishops P Newell and J Harrower,
 Case Study 36, SUBM.1036.004.0001 at [29].
 398 Exhibit 36-0031, ‘Supplementary Statement of Bishop Keith Rayner’,
 Case Study 36, STAT.0806.002.0001 at [7].
 399 Exhibit 36-0005, Case Study 36, STAT.0804.001.0066.
 400 Transcript of L Daniels, Case Study 36, 28 January 2016 at 15107:42–15108:43; Exhibit 36-0005,
 Case Study 36, IND.0349.001.0005_R at 0006_R.
 401 Transcript of I George, Case Study 36, 3 February 2016 at 15639:4–10.
 402 Transcript of P Hollingworth, Case Study 36, 3 February 2016 at 15574:4–7.
 403 Exhibit 35-0037, ‘Statement of Bishop George Browning’, Case Study 36, STAT.0828.001.0001_R at [8].
 404 Exhibit 35-0037, ‘Statement of Bishop George Browning’, Case Study 36, STAT.0828.001.0001_R at [7].
 405 Transcript of P Newell, Case Study 36, 1 February 2016 at 15374:9–18.
 406 Transcript of P Newell, Case Study 36, 1 February 2016 at 15375:10–16.
 407 Exhibit 36-0005, Case Study 36, ANG.0164.001.0010 at 0013.
 408 Transcript of P Newell, Case Study 36, 1 February 2016 at 15376:16–21.
 409 Submissions on behalf of the Anglican Diocese of Tasmania and Bishops Phillip Newell and John Harrower,
 Case Study 36, SUBM.1036.004.0001 at [31].
 410 Exhibit 36-0005, Case Study 36, ACT.0014.001.0066_R; Exhibit 36-0005,
 Case Study 36, ACT.0014.001.0054_R.
 411 Exhibit 36-0005, Case Study 36, ACT.0014.001.0014_R.
 412 Exhibit 36-0012, ‘Statement of D Gould’, Case Study 36, STAT.0823.001.0001_R at [36].
 413 Exhibit 36-0012, ‘Statement of D Gould’, Case Study 36, STAT.0823.001.0001_R at [37].
 414 Exhibit 36-0012, ‘Statement of D Gould’, Case Study 36, STAT.0823.001.0001_R at [39].
 415 Exhibit 36-0012, ‘Statement of D Gould’, Case Study 36, STAT.0823.001.0001_R at [40].
 416 Exhibit 36-0012, ‘Statement of D Gould’, Case Study 36, STAT.0823.001.0001_R at [43].
 417 Exhibit 36-0012, ‘Statement of D Gould’, Case Study 36, STAT.0823.001.0001_R at [43].
 418 Exhibit 36-0012, ‘Statement of D Gould’, Case Study 36, STAT.0823.001.0001_R at [45].
 419 Exhibit 36-0012, ‘Statement of D Gould’, Case Study 36, STAT.0823.001.0001_R at [45]; Exhibit 36-0005,
 Case Study 36, ANG.0038.001.0988_R at 0991_R.
 420 Exhibit 36-0005, Case Study 36, ANG.0038.001.0988_R at 0991_R.
 421 Transcript of P Newell, Case Study 36, 1 February 2016 at 15385:35–41.

422 Exhibit 36-0005, Case Study 36, ACT.0014.001.0119_R; Exhibit 36-0005, Case Study 36, ANG.0140.001.0006.
 423 Exhibit 36-0005, Case Study 36, ACT.0014.001.0011_R.
 424 Exhibit 35-0037, 'Statement of Bishop George Browning', Case Study 36, STAT.0828.001.0001_R at [8].
 425 Exhibit 36-0005, Case Study 36, ANG.0170.001.0001; Exhibit 36-0012, 'Statement of D Gould',
 Case Study 36, STAT.0823.001.0001_R at [46].
 426 Exhibit 36-0012, 'Statement of D Gould', Case Study 36, STAT.0823.001.0001_R at [48].
 427 Exhibit 36-0005, Case Study 36, STAT.0804.001.0076.
 428 Exhibit 36-0059, 'Supplementary Statement of Archbishop P Aspinall',
 Case Study 36, STAT.0078.007.0001_R at [51]; Exhibit 36-0038, 'Statement of Bishop Peter Stuart',
 Case Study 36, STAT.0808.001.0001 at [30].
 429 Exhibit 36-0059, 'Supplementary Statement of Archbishop P Aspinall',
 Case Study 36, STAT.0078.007.0001_R at [9].
 430 Exhibit 36-0005, Case Study 36, ANG.0038.003.0009.
 431 Exhibit 36-0005, Case Study 36, ANG.0038.003.0009 at 0032.
 432 Exhibit 36-0005, Case Study 36, ANG.0038.003.0201_R.
 433 Exhibit 36-0026, 'Statement of Bishop P Newell', Case Study 36, STAT.0804.002.0001_R at [62].
 434 Exhibit 36-0012, 'Statement of D Gould', Case Study 36, STAT.0823.001.0001_R at [49].
 435 Exhibit 36-0030, 'Statement of Bishop J Harrower', Case Study 36, STAT.0805.002.0001_R at [33]–[34].
 436 Exhibit 36-0030, 'Statement of Bishop J Harrower', Case Study 36, STAT.0805.002.0001_R at [39]–[43].
 437 Exhibit 36-0005, Case Study 36, TAS.0001.008.0127_R.
 438 Exhibit 36-0005, Case Study 36, TAS.0001.008.0127_R.
 439 Exhibit 36-0005, Case Study 36, ANG.0038.001.1060_R.
 440 Exhibit 36-0038, 'Statement of Bishop Peter Stuart', Case Study 36, STAT.0808.001.0001_R at [44].
 441 Exhibit 36-0005, Case Study 36, ANG.0038.001.0123 at 0124.
 442 Exhibit 36-0005, Case Study 36, ANG.0038.001.0123 at 0128.
 443 Exhibit 36-0037, Case Study 36, ASQ.510.001.0055.
 444 Exhibit 36-0037, Case Study 36, ASQ.510.001.0057_R.
 445 Transcript of P Aspinall, Case Study 36, 4 February 2016 at 15768:28–30.
 446 Transcript of P Aspinall, Case Study 36, 4 February 2016 at 15768:32–34.
 447 Transcript of P Aspinall, Case Study 36, 4 February 2016 at 15768:32–15769:14.
 448 Transcript of P Aspinall, Case Study 36, 4 February 2016 at 15769:6–14.
 449 Exhibit 36-0034, 'Statement of Bishop Phillip Newell', Case Study 36, STAT.0804.002.0001 at [5].
 450 Exhibit 36-0012, 'Statement of D Gould', Case Study 36, STAT.0823.001.0001_R at [58]; Exhibit 36-0013,
 'Statement of Bishop J Harrower', STAT.0805.002.0001_R at [25].
 451 Exhibit 36-0012, 'Statement of D Gould', Case Study 36, STAT.0823.001.0001_R at [59].
 452 Exhibit 36-0012, 'Statement of D Gould', Case Study 36, STAT.0823.001.0001_R at [60]–[62].
 453 Exhibit 36-0012, 'Statement of D Gould', Case Study 36, STAT.0823.001.0001_R at [62].
 454 Exhibit 36-0012, 'Statement of D Gould', Case Study 36, STAT.0823.001.0001_R at [63];
 Exhibit 36-0005, Case Study 36, ANG.0038.001.0926_R.
 455 Exhibit 36-0012, 'Statement of D Gould', Case Study 36, STAT.0823.001.0001_R at [64].
 456 Exhibit 36-0011, 'Statement of BYF', Case Study 36, STAT.0820.001.0001_R at [34];
 Exhibit 36-0005, Case Study 36, ASQ.504.003.0009_R.
 457 Exhibit 36-0005, Case Study 36, ASQ.504.003.0009_R.
 458 Exhibit 36-0011, 'Statement of BYF', Case Study 36, STAT.0820.001.0001_R at [34];
 Exhibit 36-0005, Case Study 36, ANG.0038.001.0456_R.
 459 Exhibit 36-0011, 'Statement of BYF', Case Study 36, STAT.0820.001.0001_R at [33].
 460 Exhibit 36-0059, 'Supplementary Statement of Archbishop P Aspinall',
 Case Study 36, STAT.0078.007.0001_R at [101]; Exhibit 36-0067,
 Case Study 36, ASQ.504.003.0012_R.
 461 Exhibit 36-0067, Case Study 36, ASQ.504.003.0132_R at 0133_R.
 462 Exhibit 36-0011, 'Statement of BYF', Case Study 36, STAT.0820.001.0001_R at [36];
 Exhibit 36-0005, Case Study 36, ANG.0038.001.0457_R.

463 Exhibit 36-0005, Case Study 36, ANG.0038.001.0457_R.
 464 Exhibit 36-0011, 'Statement of BYF', Case Study 36, STAT.0820.001.0001_R at [37].
 465 Exhibit 36-0030, 'Statement of Bishop J Harrower', Case Study 36, STAT.0805.002.0001_R at [17].
 466 Exhibit 36-0005, Case Study 36, ANG.0140.001.0025_R.
 467 Exhibit 36-0005, Case Study 36, ANG.0140.001.0025_R;
 Exhibit 36-0005, Case Study 36, ANG.0140.001.0038.
 468 Exhibit 36-0011, 'Statement of BYF', Case Study 36, STAT.0820.001.0001_R at [48];
 Exhibit 36-0005, Case Study 36, ANG.0140.001.0030_R.
 469 Exhibit 36-0005, Case Study 36, ANG.0140.001.0039.
 470 Exhibit 36-0030, 'Statement of Bishop J Harrower', Case Study 36, STAT.0805.002.0001_R at [19].
 471 Exhibit 36-0005, Case Study 36, ANG.0140.001.0044.
 472 Exhibit 36-0012, 'Statement of D Gould', Case Study 36, STAT.0823.001.0001_R at [42].
 473 Exhibit 36-0011, 'Statement of BYF', Case Study 36, STAT.0820.001.0001_R at [60].
 474 Exhibit 36-0005, Case Study 36, ANG.0038.001.0021.
 475 Exhibit 36-0005, Case Study 36, ANG.0038.001.0021 at 0023.
 476 Exhibit 36-0005, Case Study 36, ANG.0038.001.0021 at 0021.
 477 Exhibit 36-0005, Case Study 36, ANG.0038.001.0021 at 0021.
 478 Exhibit 36-0005, Case Study 36, ANG.0038.001.0021.
 479 Transcript of L Daniels, Case Study 36, 28 January 2016 at 15085:18–27.
 480 Exhibit 36-0032, 'Statement of Bishop Stuart Robinson', Case Study 36, STAT.0842.001.0001_R at [3].
 481 Exhibit 36-0032, 'Statement of Bishop Stuart Robinson', Case Study 36, STAT.0842.001.0001_R at [3].
 482 Exhibit 36-0032, 'Statement of Bishop Stuart Robinson', Case Study 36, STAT.0842.001.0001_R at [6];
 Exhibit 36-0005, Case Study 36, ANG.0140.001.0126_R.
 483 Exhibit 36-0032, 'Statement of Bishop Stuart Robinson', Case Study 36, STAT.0842.001.0001_R at [6].
 484 Exhibit 36-0032, 'Statement of Bishop Stuart Robinson', Case Study 36, STAT.0842.001.0001_R at [6].
 485 Exhibit 36-0005, Case Study 36, ANG.0140.001.0216.
 486 Exhibit 36-0005, Case Study 36, ANG.0140.001.0216.
 487 Exhibit 36-0032, Case Study 36, STAT.0842.001.0001_R at [6].
 488 Exhibit 36-0008, Case Study 36, STAT.0822.001.0001_R at [24].
 489 Exhibit 36-0005, Case Study 36, ANG.0038.001.2402_R.
 490 Exhibit 36-0011, 'Statement of S Fisher', Case Study 36, STAT.0822.001.0001_R at [36].
 491 Exhibit 36-0030, 'Statement of Bishop J Harrower', Case Study 36, STAT.0805.002.0001_R at [11].
 492 Exhibit 36-0035, 'Statement of Canon Eric Cave', Case Study 36, STAT.0827.001.0001 at [47].
 493 Exhibit 36-0035, 'Statement of Canon Eric Cave', Case Study 36, STAT.0827.001.0001 at [47].
 494 Exhibit 36-0005, Case Study 36, ANG.0038.001.0550.
 495 Exhibit 36-0008, 'Statement of S Fisher', Case Study 36, STAT.0822.001.0001_R at [37].
 496 Exhibit 36-0008, 'Statement of S Fisher', Case Study 36, STAT.0822.001.0001_R at [37].
 497 Exhibit 36-0008, 'Statement of S Fisher', Case Study 36, STAT.0822.001.0001_R at [37].
 498 Exhibit 36-0005, Case Study 36, ANG.0038.001.0547.
 499 Exhibit 36-0005, Case Study 36, ANG.0038.001.0547 at 0548.
 500 Transcript of J Harrower, Case Study 36, 2 February 2016 at 15426:15–30, 15426:43–15427:41.
 501 Exhibit 36-0005, Case Study 36, ANG.0038.001.0543_R.
 502 Exhibit 36-0008, 'Statement of S Fisher', Case Study 36, STAT.0822.001.0001_R at [38];
 Exhibit 36-0005, Case Study 36, ANG.0038.001.0543_R.
 503 Exhibit 36-0008, 'Statement of S Fisher', Case Study 36, STAT.0822.001.0001_R at [38];
 Exhibit 36-0005, Case Study 36, ANG.0038.001.0543_R.
 504 Exhibit 36-0005, Case Study 36, ANG.0038.001.0507_R.
 505 Exhibit 36-0008, 'Statement of S Fisher', Case Study 36, STAT.0822.001.0001_R at [40];
 Exhibit 36-0005, Case Study 36, ANG.0038.001.0530.
 506 Exhibit 36-0008, 'Statement of S Fisher', Case Study 36, STAT.0822.001.0001_R at [40].
 507 Exhibit 36-0008, 'Statement of S Fisher', Case Study 36, STAT.0822.001.0001_R at [41].
 508 Exhibit 36-0011, 'Statement of BYF', Case Study 36, STAT.0820.001.0001_R at [36];
 Exhibit 36-0005, Case Study 36, ANG.0038.001.0456_R.

509 Exhibit 36-0005, Case Study 36, ANG.0038.001.0432_R.
 510 Exhibit 36-0030, 'Statement of Bishop J Harrower', Case Study 36, STAT.0805.002.0001_R at 0006_R.
 511 Exhibit 36-0005, Case Study 36, ANG.0038.001.0472_R.
 512 Exhibit 36-0011, 'Statement of BYF', Case Study 36, STAT.0820.001.0001_R at [40];
 Exhibit 36-0005, Case Study 36, ANG.0142.001.0121_R.
 513 Exhibit 36-0005, Case Study 36, ANG.0038.001.0425_R;
 Exhibit 36-0005, Case Study 36, ANG.0038.001.2027_R at 2028_R.
 514 Exhibit 36-0005, Case Study 36, ANG.0142.001.0121_R.
 515 Exhibit 36-0008, 'Statement of S Fisher', Case Study 36, STAT.0822.001.0001_R at [42].
 516 Exhibit 36-0008, 'Statement of S Fisher', Case Study 36, STAT.0822.001.0001_R at [42];
 Exhibit 36-0005, Case Study 36, ANG.0038.001.0355_R.
 517 Exhibit 36-0005, Case Study 36, ANG.0038.001.0355_R;
 Exhibit 36-0005, Case Study 36, ANG.0038.001.2027_R.
 518 Exhibit 36-0005, Case Study 36, ANG.0038.001.2027_R at 2032_R.
 519 Exhibit 36-0030, 'Statement of Bishop J Harrower',
 Case Study 36, STAT.0805.002.0001_R at 0006_R–0007_R.
 520 Exhibit 36-0008, 'Statement of S Fisher', Case Study 36, STAT.0822.001.0001_R at [42];
 Exhibit 36-0005, Case Study 36, ANG.0038.001.0333.
 521 Exhibit 36-0011, 'Statement of BYF', Case Study 36, STAT.0820.001.0001_R at [45].
 522 Exhibit 36-0005, Case Study 36, ANG.0038.001.0333;
 Exhibit 36-0005, Case Study 36, ANG.0038.001.0330;
 Exhibit 36-0005, Case Study 36, ANG.0038.001.0332_R.
 523 Exhibit 36-0005, Case Study 36, ANG.0038.001.0333.
 524 Exhibit 36-0011, 'Statement of BYF', Case Study 36, STAT.0820.001.0001_R at [45].
 525 Exhibit 36-0011, 'Statement of BYF', Case Study 36, STAT.0820.001.0001_R at [38].
 526 Exhibit 36-0011, 'Statement of BYF', Case Study 36, STAT.0820.001.0001_R at [38].
 527 Exhibit 36-0011, 'Statement of BYF', Case Study 36, STAT.0820.001.0001_R at [38].
 528 Exhibit 36-0011, 'Statement of BYF', Case Study 36, STAT.0820.001.0001_R at [42].
 529 Exhibit 36-0011, 'Statement of BYF', Case Study 36, STAT.0820.001.0001_R at [42].
 530 Exhibit 36-0011, 'Statement of BYF', Case Study 36, STAT.0820.001.0001_R at [42].
 531 Transcript of J Harrower, Case Study 36, 2 February 2016 at 15429:30–15430:23.
 532 Transcript of J Harrower, Case Study 36, 2 February 2016 at 15430:1–12.
 533 Transcript of J Harrower, Case Study 36, 2 February 2016 at 15430:12–23.
 534 Transcript of J Harrower, Case Study 36, 2 February 2016 at 15430:24–30.
 535 Exhibit 36-0009, 'Statement of BYH', Case Study 36, STAT.0821.001.001_R at [48].
 536 Exhibit 36-0008, 'Statement of S Fisher', Case Study 36, STAT.0822.001.0001_R at [48].
 537 Exhibit 36-0009, 'Statement of BYH', Case Study 36, STAT.0821.001.0001_R at [50].
 538 Exhibit 36-0009, 'Statement of BYH', Case Study 36, STAT.0821.001.0001_R at [50].
 539 Exhibit 36-0005, Case Study 36, TAS.0001.019.0087;
 Exhibit 36-0008, 'Statement of S Fisher', Case Study 36, STAT.0822.001.0001_R at [48]–[49].
 540 Exhibit 36-0030, 'Statement of Bishop J Harrower', Case Study 36, STAT.0805.002.0001_R at 0008_R.
 541 Exhibit 36-0005, Case Study 36, ANG.0038.001.0021 at 0023.
 542 Exhibit 36-0034, 'Supplementary Statement of Administrator Dr C Jones',
 Case Study 36, STAT.0802.002.0001_R at [43].
 543 Exhibit 36-0034, 'Supplementary Statement of Administrator Dr C Jones',
 Case Study 36, STAT.0802.002.0001_R at [43].
 544 Exhibit 36-0034, 'Supplementary Statement of Administrator Dr C Jones',
 Case Study 36, STAT.0802.002.0001_R at [43].
 545 Exhibit 36-0030, 'Statement of Bishop J Harrower', Case Study 36, STAT.0805.002.0001_R at 0014_R.
 546 Exhibit 36-0067, Case Study 36, ASQ.504.003.0146_R; Exhibit 36-0005,
 Case Study 36, ANG.0038.001.0248_R.
 547 Exhibit 36-0005, Case Study 36, ANG.0038.001.1954_R.

548 Exhibit 26-0005, Case Study 36, ANG.0038.001.0080_R.
 549 Exhibit 36-0030, 'Statement of Bishop J Harrower', Case Study 36, STAT.0805.002.0001_R at [17].
 550 Exhibit 36-0030, 'Statement of Bishop J Harrower', Case Study 36, STAT.0805.002.0001_R at [17].
 551 Exhibit 36-0011, 'Statement of BYF', Case Study 36, STAT.0802.001.0001_R at [53].
 552 Transcript of J Harrower, Case Study 36, 2 February 2016, 15432:11–23.
 553 Exhibit 36-0008, 'Statement of S Fisher', Case Study 36, STAT.0822.001.0001_R at [44].
 554 Exhibit 36-0008, 'Statement of S Fisher', Case Study 36, STAT.0822.001.0001_R at [45],
 Exhibit 36-0005, Case Study 36, ANG.0038.001.1866.
 555 Exhibit 36-0008, 'Statement of S Fisher', Case Study 36, STAT.0822.001.0001_R at [45],
 Exhibit 36-0005, Case Study 36, ANG.0038.001.1866.
 556 Exhibit 36-0008, 'Statement of S Fisher', Case Study 36, STAT.0822.001.0001_R at [46].
 557 Exhibit 36-0008, 'Statement of S Fisher', Case Study 36, STAT.0822.001.0001_R at [46].
 558 Exhibit 36-0008, 'Statement of S Fisher', Case Study 36, STAT.0822.001.0001_R at [51].
 559 Exhibit 36-0008, 'Statement of S Fisher', Case Study 36, STAT.0822.001.0001_R at [51].
 560 Exhibit 36-0009, 'Statement of BYH', Case Study 36, STAT.0821.001.0001_R at [46].
 561 Exhibit 36-0009, 'Statement of BYH', Case Study 36, STAT.0821.001.0001_R at [48].
 562 Exhibit 36-0009, 'Statement of BYH', Case Study 36, STAT.0821.001.0001_R at [47].
 563 Exhibit 36-0009, 'Statement of BYH', Case Study 36, STAT.0821.001.0001_R at [55].
 564 Exhibit 36-0009, 'Statement of BYH', Case Study 36, STAT.0821.001.0001_R at [56];
 Exhibit 36-0030, 'Statement of Bishop J Harrower', Case Study 36, STAT.0805.002.0001_R at [27].
 565 Exhibit 36-0009, 'Statement of BYH', Case Study 36, STAT.0821.001.0001_R at [57].
 566 Exhibit 36-0009, 'Statement of BYH', Case Study 36, STAT.0821.001.0001_R at [57].
 567 Exhibit 36-0009, 'Statement of BYH', Case Study 36, STAT.0821.001.0001_R at [58].
 568 Exhibit 36-0009, 'Statement of BYH', Case Study 36, STAT.0821.001.0001_R at [58].
 569 Exhibit 36-0009, 'Statement of BYH', Case Study 36, STAT.0821.001.0001_R at [58].
 570 Exhibit 36-0030, 'Statement of Bishop J Harrower', Case Study 36, STAT.0805.002.0001_R at [27].
 571 Exhibit 36-0009, 'Statement of BYH', Case Study 36, STAT.0821.001.0001_R at [59].
 572 Exhibit 36-0009, 'Statement of BYH', Case Study 36, STAT.0821.001.0001_R at [59].
 573 Exhibit 36-0009, 'Statement of BYH', Case Study 36, STAT.0821.001.0001_R at [59].
 574 Exhibit 36-0005, Case Study 36, ANG.0038.001.2397; Exhibit 36-0030, 'Statement of Bishop J Harrower',
 Case Study 36, STAT.0805.002.0001_R at [27].
 575 Exhibit 36-0009, 'Statement of BYH', Case Study 36, STAT.0821.001.0001_R at [60].
 576 Exhibit 36-0009, 'Statement of BYH', Case Study 36, STAT.0821.001.0001_R at [62].
 577 Exhibit 36-0009, 'Statement of BYH', Case Study 36, STAT.0821.001.0001_R at [64].
 578 Exhibit 36-0009, 'Statement of BYH', Case Study 36, STAT.0821.001.0001_R at [57].
 579 Transcript of DB Gould, Case Study 36, 28 January 2016 at 15139:46–15140:8.
 580 Exhibit 36-0009, 'Statement of BYH', Case Study 36, STAT.0821.001.0001_R at [65].
 581 Exhibit 36-0009, 'Statement of BYH', Case Study 36, STAT.0821.001.0001_R at [65].
 582 Exhibit 36-0009, 'Statement of BYH', Case Study 36, STAT.0821.001.0001_R at [66];
 Exhibit 36-0005, Case Study 36, ANG.0038.001.2224.
 583 Exhibit 36-0009, 'Statement of BYH', Case Study 36, STAT.0821.001.0001_R at [66].
 584 Exhibit 36-0012, 'Statement of D Gould', Case Study 36, STAT.0823.001.0001_R at [67].
 585 Exhibit 36-0012, 'Statement of D Gould', Case Study 36, STAT.0823.001.0001_R at [68].
 586 Exhibit 36-0012, 'Statement of D Gould', Case Study 36, STAT.0823.001.0001_R at [69].
 587 Exhibit 36-0012, 'Statement of D Gould', Case Study 36, STAT.0823.001.0001_R at [68]–[69].
 588 Exhibit 36-0012, 'Statement of D Gould', Case Study 36, STAT.0823.001.0001_R at [69].
 589 Exhibit 36-0012, 'Statement of D Gould', Case Study 36, STAT.0823.001.0001_R at [70].
 590 Exhibit 36-0012, 'Statement of D Gould', Case Study 36, STAT.0823.001.0001_R at [70].
 591 Exhibit 36-0033, 'Statement of Administrator Dr C Jones', Case Study 36, STAT.0815.001.0001_R.
 592 Exhibit 36-0033, 'Statement of Administrator Dr C Jones', Case Study 36, STAT.0815.001.0001_R at [5(b)].
 593 Exhibit 36-0033, 'Statement of Administrator Dr C Jones', Case Study 36, STAT.0815.001.0001_R at [6].
 594 Exhibit 36-0005, Case Study 36, ANG.0044.001.0068 at 0115.

595 Exhibit 36-0005, Case Study 36, ANG.0044.001.0068 at 0115.
 596 Exhibit 36-0005, Case Study 36, ANG.0044.001.0068 at 0115.
 597 Exhibit 36-0005, Case Study 36, ANG.0044.001.0068 at 0116.
 598 Transcript of I George, Case Study 36, 3 February 2016 at 15603:41–15604:3, 15714:4–7.
 599 Transcript of I George, Case Study 36, 3 February 2016 at 15603:41–15604:3.
 600 Exhibit 36-0005, Case Study 36, ANG.0044.001.0068 at 0124.
 601 Exhibit 36-0045, Case Study 36, SA.0061.004.0074_R at 076.
 602 Exhibit 36-0005, Case Study 36, ANG.0044.001.0068 at 0105;
 Exhibit 36-0005, Case Study 36, SA.0062.001.0955_R at 0956_R.
 603 Transcript of I George, Case Study 36, 3 February 2016 at 15603:11–13;
 Exhibit 36-0050, ‘Statement of I George’, Case Study 36, STAT.0816.001.0001_R at [1];
 Exhibit 36-0050, Case Study 36, STAT.0816.001.0008_R at 0008_R, 0010_R.
 604 Transcript of I George, Case Study 36, 3 February 2016 at 15605:32–42.
 605 Transcript of I George, Case Study 36, 3 February 2016 at 15607:14–15.
 606 Exhibit 36-0042, ‘Statement of BYA’, Case Study 36, STAT.0814.001.0001_R at [7], [11].
 607 Exhibit 36-0042, ‘Statement of BYA’, Case Study 36, STAT.0814.001.0001_R at [11].
 608 Exhibit 36-0042, ‘Statement of BYA’, Case Study 36, STAT.0814.001.0001_R at [20].
 609 Exhibit 36-0042, ‘Statement of BYA’, Case Study 36, STAT.0814.001.0001_R at [21].
 610 Exhibit 36-0042, ‘Statement of BYA’, Case Study 36, STAT.0814.001.0001_R at [21]–[22].
 611 Exhibit 36-0042, ‘Statement of BYA’, Case Study 36, STAT.0814.001.0001_R at [16]–[28].
 612 Transcript of BYA, Case Study 36, 2 February 2016 at 15477:44–15478:6.
 613 Transcript of BYA, Case Study 36, 2 February 2016 at 15479:43.
 614 Exhibit 36-0042, ‘Statement of BYA’, Case Study 36, STAT.0814.001.0001_R at [28].
 615 Exhibit 36-0042, ‘Statement of BYA’, Case Study 36, STAT.0814.001.0001_R at [15], [17].
 616 Exhibit 36-0042, ‘Statement of BYA’, Case Study 36, STAT.0814.001.0001_R at [15]–[16].
 617 Exhibit 36-0042, ‘Statement of BYA’, Case Study 36, STAT.0814.001.0001_R at [19].
 618 Exhibit 36-0042, ‘Statement of BYA’, Case Study 36, STAT.0814.001.0001_R at [25].
 619 Exhibit 36-0042, ‘Statement of BYA’, Case Study 36, STAT.0814.001.0001_R at [23]–[24].
 620 Transcript of BYA, Case Study 36, 2 February 2016 at 15479:39–41.
 621 Transcript of BYA, Case Study 36, 2 February 2016 at 15479:46–15480:1.
 622 Transcript of BYA, Case Study 36, 2 February 2016 at 15480:3–8.
 623 Exhibit 36-0042, ‘Statement of BYA’, Case Study 36, STAT.0814.001.0001_R at [25].
 624 Exhibit 36-0042, ‘Statement of BYA’, Case Study 36, STAT.0814.001.0001_R at [13]–[14].
 625 Transcript of BYA, Case Study 36, 2 February 2016 at 15478:24–27.
 626 Transcript of BYA, Case Study 36, 2 February 2016 at 15478:29–32.
 627 Exhibit 36-0042, ‘Statement of BYA’, Case Study 36, STAT.0814.001.0001_R at [45].
 628 Exhibit 36-0042, ‘Statement of BYA’, Case Study 36, STAT.0814.001.0001_R at [46].
 629 Exhibit 36-0043, ‘Statement of M King’, Case Study 36, STAT.0813.001.0001 at [7], [10].
 630 Exhibit 36-0043, ‘Statement of M King’, Case Study 36, STAT.0813.001.0001 at [10].
 631 Exhibit 36-0043, ‘Statement of M King’, Case Study 36, STAT.0813.001.0001 at [10], [11].
 632 Exhibit 36-0043, ‘Statement of M King’, Case Study 36, STAT.0813.001.0001 at [12].
 633 Exhibit 36-0043, ‘Statement of M King’, Case Study 36, STAT.0813.001.0001 at [12].
 634 Exhibit 36-0043, ‘Statement of M King’, Case Study 36, STAT.0813.001.0001 at [15], [16].
 635 Exhibit 36-0043, ‘Statement of M King’, Case Study 36, STAT.0813.001.0001 at [18].
 636 Exhibit 36-0043, ‘Statement of M King’, Case Study 36, STAT.0813.001.0001 at [25].
 637 Exhibit 36-0043, ‘Statement of M King’, Case Study 36, STAT.0813.001.0001 at [25].
 638 Exhibit 36-0043, ‘Statement of M King’, Case Study 36, STAT.0813.001.0001 at [28].
 639 Exhibit 36-0043, ‘Statement of M King’, Case Study 36, STAT.0813.001.0001 at [30]–[42].
 640 Exhibit 36-0043, ‘Statement of M King’, Case Study 36, STAT.0813.001.0001 at [62].
 641 Transcript, Case Study 36, 27 January 2016 at 15002:42–15005:12.
 642 Transcript, Case Study 36, 27 January 2016 at 15006:8–11.
 643 Exhibit 36-0007, Case Study 36, ANG.0179.001.0009_R.

644 Exhibit 36-0007, Case Study 36, ANG.0179.001.0009_R at 0025_R;
 Exhibit 36-0005, Case Study 36, ANG.9620.01037.0019_R.
 645 Exhibit 36-0005, Case Study 36, ANG.0131.003.0345_R;
 Exhibit 36-0005, Case Study 36, ANG.0131.003.0349_R.
 646 Exhibit 36-0007, Case Study 36, ANG.0179.001.0009_R at 0025_R.
 647 Exhibit 36-0005, Case Study 36, ANG.9620.01037.0019_R.
 648 Exhibit 36-0005, Case Study 36, ANG.0131.003.0345_R.
 649 Exhibit 36-0005, Case Study 36, ANG.0131.003.0349_R at 0349_R.
 650 Exhibit 36-0005, Case Study 36, ANG.0131.003.0349_R at 0349_R.
 651 Exhibit 36-0005, Case Study 36, ANG.0131.003.0349_R at 0350_R.
 652 Exhibit 36-0005, Case Study 36, ANG.0131.003.0349_R at 0350_R.
 653 Exhibit 36-0005, Case Study 36, ANG.0131.003.0349_R at 0350_R.
 654 Exhibit 36-0005, Case Study 36, ANG.0131.003.0349_R at 0350_R.
 655 Exhibit 36-0007, Case Study 36, ANG.0179.001.0009_R at 0025_R.
 656 Exhibit 36-0007, Case Study 36, ANG.0179.001.0009_R at 0026_R.
 657 Exhibit 36-0007, Case Study 36, ANG.0179.001.0009_R at 0026_R–0027_R.
 658 Exhibit 36-0007, Case Study 36, ANG.0179.001.0009_R at 0027_R, 0028_R.
 659 Exhibit 36-0005, Case Study 36, ANG.9620.01037.0019_R at 0021_R.
 660 Exhibit 36-0007, Case Study 36, ANG.0179.001.0009_R at 0024_R.
 661 Exhibit 36-0007, Case Study 36, ANG.0179.001.0009_R at 0024_R, 0029_R.
 662 Transcript of I George, Case Study 36, 3 February 2016 at 15608:19–29.
 663 Transcript of I George, Case Study 36, 3 February 2016 at 15608:21–28.
 664 Transcript of I George, Case Study 36, 3 February 2016 at 15608:31–33.
 665 Transcript of I George, Case Study 36, 3 February 2016 at 15608:43–45.
 666 Exhibit 36-0043, ‘Statement of M King’, Case Study 36, STAT.0813.001.0001 at [17].
 667 Exhibit 36-0043, ‘Statement of M King’, Case Study 36, STAT.0813.001.0001 at [17].
 668 Exhibit 36-0005, Case Study 36, ANG.0131.001.0094_R;
 Exhibit 36-0043, ‘Statement of M King’, Case Study 36, STAT.0813.001.0001 at [18].
 669 Exhibit 36-0043, ‘Statement of M King’, Case Study 36, STAT.0813.001.0001 at [18].
 670 Exhibit 36-0043, ‘Statement of M King’, Case Study 36, STAT.0813.001.0001 at [19].
 671 Exhibit 36-0043, ‘Statement of M King’, Case Study 36, STAT.0813.001.0001 at [19]–[20].
 672 Exhibit 36-0043, ‘Statement of M King’, Case Study 36, STAT.0813.001.0001 at [19].
 673 Exhibit 36-0043, ‘Statement of M King’, Case Study 36, STAT.0813.001.0001 at [19].
 674 Exhibit 36-0043, ‘Statement of M King’, Case Study 36, STAT.0813.001.0001 at [21].
 675 Exhibit 36-0043, ‘Statement of M King’, Case Study 36, STAT.0813.001.0001 at [21].
 676 Exhibit 36-0043, ‘Statement of M King’, Case Study 36, STAT.0813.001.0001 at [21].
 677 Exhibit 36-0043, ‘Statement of M King’, Case Study 36, STAT.0813.001.0001 at [23].
 678 Exhibit 36-0043, ‘Statement of M King’, Case Study 36, STAT.0813.001.0001 at [23].
 679 Exhibit 36-0007, Case Study 36, ANG.0179.001.0009_R at 0031_R;
 Exhibit 36-0005, Case Study 36, ANG.0044.001.0068 at 0125.
 680 Exhibit 36-0007, Case Study 36, ANG.0179.001.0009_R at 0033_R–0034_R.
 681 Exhibit 36-0007, Case Study 36, ANG.0179.001.0009_R at 0032_R.
 682 Exhibit 36-0007, Case Study 36, ANG.0179.001.0009_R at 0034_R–0035_R.
 683 Exhibit 36-0005, Case Study 36, ANG.0044.001.0068 at 0118.
 684 Exhibit 36-0005, Case Study 36, ANG.0131.001.0108_R.
 685 Transcript of D King, Case Study 36, 2 February 2016 at 15484:17–42.
 686 Transcript of I George, Case Study 36, 3 February 2016 at 15611:21–24.
 687 Transcript of I George, Case Study 36, 3 February 2016 at 15610:29–43.
 688 Transcript of I George, Case Study 36, 3 February 2016 at 15609:8–27.
 689 Transcript of I George, Case Study 36, 3 February 2016 at 15609:34–15610:8.
 690 Exhibit 36-0043, ‘Statement of M King’, Case Study 36, STAT.0813.001.0001 at [23].
 691 Transcript of D King, Case Study 36, 2 February 2016 at 15497:16–35;
 Exhibit 36-0043, ‘Statement of M King’, Case Study 36, STAT.0813.001.0001 at [18]–[24].

692 Exhibit 36-0005, Case Study 36, ANG.0131.004.0003_R at 0006;
 Exhibit 36-0005, Case Study 36, ANG.9610.01003.0132;
 Transcript of I George, Case Study 36, 3 February 2016 at 15611:31–44.
 693 Transcript of I George, Case Study 36, 3 February 2016 at 15612:30–39.
 694 Transcript of I George, Case Study 36, 3 February 2016 at 15615:15–40.
 695 Exhibit 36-0050, ‘Statement of I George’, Case Study 36, STAT.0816.001.0001_R at [10];
 Transcript of I George, Case Study 36, 3 February 2016 at 15612:35–46.
 696 Transcript of I George, Case Study 36, 3 February 2016 at 15615:42–15616:13.
 697 Transcript of I George, Case Study 36, 3 February 2016 at 15616:3–13.
 698 Transcript of I George, Case Study 36, 3 February 2016 at 15624:39–41.
 699 Transcript of I George, Case Study 36, 3 February 2016 at 15603:44–15604:3.
 700 Transcript of I George, Case Study 36, 3 February 2016 at 15603:44–15604:3.
 701 Transcript of I George, Case Study 36, 3 February 2016 at 15604:13–15.
 702 Transcript of G Menses, Case Study 36, 4 February 2016 at 15701:4–27.
 703 Transcript of G Menses, Case Study 36, 4 February 2016 at 15701:4–27.
 704 Transcript of G Menses, Case Study 36, 4 February 2016 at 15701:4–27.
 705 Transcript of G Menses, Case Study 36, 4 February 2016 at 15701:4–27.
 706 Transcript of G Menses, Case Study 36, 4 February 2016 at 15701:4–27.
 707 Exhibit 36-0005, Case Study 36, ANG.9610.01003.0132.
 708 Transcript of G Menses, Case Study 36, 4 February 2016 at 15702:46–15703:2.
 709 Transcript of G Menses, Case Study 36, 4 February 2016 at 15703:17–27.
 710 Transcript of G Menses, Case Study 36, 4 February 2016 at 15703:17–27.
 711 Transcript of G Menses, Case Study 36, 4 February 2016 at 15703:29–36.
 712 Transcript of G Menses, Case Study 36, 4 February 2016 at 15703:43–15704:3.
 713 Transcript of G Menses, Case Study 36, 4 February 2016 at 15703:43–15704:3, 15704:10–16.
 714 Transcript of G Menses, Case Study 36, 4 February 2016 at 15707:38–47.
 715 Transcript of G Menses, Case Study 36, 4 February 2016 at 15707:38–15708:16.
 716 Transcript of I George, Case Study 36, 3 February 2016 at 15613:5–9.
 717 Transcript of I George, Case Study 36, 3 February 2016 at 15613:5–9.
 718 Transcript of I George, Case Study 36, 3 February 2016 at 15613:22–35.
 719 Transcript of I George, Case Study 36, 3 February 2016 at 15613:22–35.
 720 Transcript of I George, Case Study 36, 3 February 2016 at 15613:10–15.
 721 Transcript of I George, Case Study 36, 3 February 2016 at 15613:23–27.
 722 Transcript of G Menses, Case Study 36, 4 February 2016 at 15707:22–27.
 723 Exhibit 36-0005, Case Study 36, ANG.9610.01003.0136; Exhibit 36-0005,
 Case Study 36, ANG.9610.01003.0138.
 724 Exhibit 36-0005, Case Study 36, ANG.9610.01003.0138.
 725 Exhibit 36-0005, Case Study 36, ANG.9610.01003.0138.
 726 Exhibit 36-0005, Case Study 36, ANG.0044.001.0068 at 0118.
 727 Exhibit 36-0005, Case Study 36, ANG.0044.001.0068 at 0119.
 728 Exhibit 36-0005, Case Study 36, ANG.0044.001.0068 at 0119.
 729 Transcript of G Menses, Case Study 36, 4 February 2016 at 15714:29–41.
 730 Exhibit 36-0056, ‘Supplementary Statement of G Menses’, Case Study 36, STAT.0803.003.0001_R at [4]–[39].
 731 Exhibit 36-0056, ‘Supplementary Statement of G Menses’, Case Study 36, STAT.0803.003.0001_R at [4]–[39].
 732 Exhibit 36-0005, Case Study 36, ANG.0131.005.0103 at 0104;
 Exhibit 36-0005, Case Study 36, ANG.0131.005.0084 at 0089–0090.
 733 Exhibit 36-0057, Case Study 36, ANG.0190.001.0001 at 0013.
 734 Exhibit 36-0005, Case Study 36, ANG.9610.01003.0142.
 735 Exhibit 36-0005, Case Study 36, ANG.9610.01003.0142;
 Exhibit 36-0005, Case Study 36, ANG.9610.01003.0146.
 736 Transcript of G Menses, Case Study 36, 4 February 2016 at 15716:13–16.
 737 Transcript of G Menses, Case Study 36, 4 February 2016 at 15716:23–43.

738 Transcript of G Menses, Case Study 36, 4 February 2016 at 15714:43–46, 15715:30–37.
 739 Transcript of G Menses, Case Study 36, 4 February 2016 at 15716:45–15717:1.
 740 Transcript of G Menses, Case Study 36, 4 February 2016 at 15715:19–28.
 741 Transcript of G Menses, Case Study 36, 4 February 2016 at 15716:45–15717:5.
 742 Transcript of G Menses, Case Study 36, 4 February 2016 at 15717:31–34.
 743 Exhibit 36-0005, Case Study 36, ANG.0156.001.0027 at 0028.
 744 Transcript of G Menses, Case Study 36, 4 February 2016 at 15717:26–34.
 745 Exhibit 36-0005, Case Study 36, ANG.9610.01003.0149_R at 0149_R.
 746 Exhibit 36-0005, Case Study 36, ANG.0156.001.0027 at 0031.
 747 Exhibit 36-0005, Case Study 36, ANG.9610.01003.0149_R at 0151_R–0152_R.
 748 Transcript of G Menses, Case Study 36, 4 February 2016 at 15721:34–36.
 749 Transcript of G Menses, Case Study 36, 4 February 2016 at 15719:9–17722:4.
 750 Transcript of G Menses, Case Study 36, 4 February 2016 at 15719:16–28.
 751 Transcript of G Menses, Case Study 36, 4 February 2016 at 15719:46–15720:1.
 752 Transcript of I George, Case Study 36, 3 February 2016, 15616:30–43.
 753 Transcript of G Menses, Case Study 36, 4 February 2016, 15724:26–36.
 754 Exhibit 36-0005, Case Study 36, ANG.0038.001.1104.
 755 Exhibit 36-0005, Case Study 36, ANG.0038.001.1104.
 756 Exhibit 36-0005, Case Study 36, ANG.0038.001.1105.
 757 Exhibit 36-0005, Case Study 36, ANG.0038.001.1105.
 758 Transcript of P Newell, Case Study 36, 1 February 2016 at 15388:5–16.
 759 Transcript of P Newell, Case Study 36, 1 February 2016 at 15387:42–45.
 760 Transcript of I George, Case Study 36, 3 February 2016 at 15620:20–30.
 761 Transcript of I George, Case Study 36, 3 February 2016 at 5619:16–18.
 762 Exhibit 36-0050, ‘Statement of I George’, Case Study 36, STAT.0816.001.0001_R at 0004.
 763 Exhibit 36-0005, Case Study 36, ANG.0044.001.0068 at 0124;
 Transcript of I George, Case Study 36, 4 February 2016 at 15726:27–40.
 764 Exhibit 36-0005, Case Study 36, ANG.0044.001.0068 at 0124;
 Transcript of I George, Case Study 36, 4 February 2016 at 15726:27–40.
 765 Transcript of P Newell, Case Study 36, 1 February 2016 at 51389:45–15390:8.
 766 Transcript of G Menses, Case Study 36, 4 February 2016 at 15726:42–44.
 767 Transcript of G Menses, Case Study 36, 4 February 2016 at 15728:41–47.
 768 Exhibit 36-0005, Case Study 36, ANG.0044.001.0068 at 0124;
 Transcript of I George, Case Study 36, 4 February 2016 at 15726:27–40.
 769 Exhibit 36-0005, Case Study 36, ANG.0044.001.0068 at 0124.
 770 Transcript of I George, Case Study 36, 3 February 2016 at 15622:24–47.
 771 Exhibit 36-0005, Case Study 36, ANG.0044.001.0068 at 0124.
 772 Transcript of D Owers, Case Study 36, 2 February 2016 at 15501:14–17.
 773 Transcript of D Owers, Case Study 36, 2 February 2016 at 15501:45–15501:12.
 774 Transcript of D Owers, Case Study 36, 2 February 2016 at 15501:14–21.
 775 Transcript of D Owers, Case Study 36, 2 February 2016 at 15501:46–15502:1.
 776 Transcript of I George, Case Study 36, 3 February 2016 at 15625:1–11.
 777 Transcript of D Owers, Case Study 36, 2 February 2016 at 15502:7–16.
 778 Transcript of D Owers, Case Study 36, 2 February 2016 at 15503:11–18.
 779 Transcript of D Owers, Case Study 36, 2 February 2016 at 15502:40–15503:9.
 780 Transcript of I George, Case Study 36, 3 February 2016 at 15625:19–31.
 781 Exhibit 36-0005, Case Study 36, SA.0061.005.1188_R.
 782 Exhibit 36-0045, Case Study 36, SA.0061.004.0074_R.
 783 Exhibit 36-0005, Case Study 36, SA.0062.001.0955_R.
 784 Exhibit 36-0005, Case Study 36, ANG.0131.003.0356.
 785 Exhibit 36-0050, ‘Statement of I George’, Case Study 36, STAT.0816.001.0001_R at 0004_R.
 786 Transcript of I George, Case Study 36, 3 February 2016 at 15626:21–23.

787 Exhibit 36-0052, Case Study 36, ANG.9610.01003.0198.
 788 Exhibit 36-0052, Case Study 36, ANG.9610.01003.0199.
 789 Transcript of I George, Case Study 36, 3 February 2016 at 15627:12–19.
 790 Exhibit 36-0052, Case Study 36, ANG.9610.01003.0199.
 791 Transcript of I George, Case Study 36, 3 February 2016 at 15627:35–39.
 792 Transcript of D Owers, Case Study 36, 2 February 2016 at 15503:33–38.
 793 Exhibit 36-0044, ‘Statement of D Owers’, Case Study 36, STAT.0824.001.0001 at [19];
 Transcript of P Aspinall, Case Study 36, 4 February 2016 at 15770:9–11.
 794 Exhibit 36-0005, Case Study 36, IND.0348.001.0004.
 795 Transcript of D Owers, Case Study 36, 2 February 2016 at 15504:8–16.
 796 Transcript of D Owers, Case Study 36, 2 February 2016 at 15504:24–28.
 797 Transcript of D Owers, Case Study 36, 2 February 2016 at 15504:30–32.
 798 Transcript of D Owers, Case Study 36, 2 February 2016 at 15504:34–37.
 799 Exhibit 36-0005, Case Study 36, ANG.9610.01003.0170.
 800 Exhibit 36-0044, ‘Statement of D Owers’, Case Study 36, STAT.0824.001.0001 at [25].
 801 Transcript of D Owers, Case Study 36, 2 February 2016 at 15505:15–21;
 Exhibit 36-0044, ‘Statement of D Owers’, Case Study 36, STAT.0824.001.0001 at [25].
 802 Exhibit 36-0044, ‘Statement of D Owers’, Case Study 36, STAT.0824.001.0001 at [27].
 803 Exhibit 36-0044, ‘Statement of D Owers’, Case Study 36, STAT.0824.001.0001 at [27].
 804 Exhibit 36-0044, ‘Statement of D Owers’, Case Study 36, STAT.0824.001.0001 at [28];
 Exhibit 36-0005, Case Study 36, ANG.0131.005.0212_R.
 805 Transcript of D Owers, Case Study 36, 2 February 2016 at 15506:13–18;
 Exhibit 36-0044, ‘Statement of D Owers’, Case Study 36, STAT.0824.001.0001 at [28].
 806 Exhibit 36-0044, ‘Statement of D Owers’, Case Study 36, STAT.0824.001.0001 at [28];
 Exhibit 36-0005, Case Study 36, ANG.0131.005.0206.
 807 Transcript of D Owers, Case Study 36, 2 February 2016 at 15506:24–26;
 Exhibit 36-0044, ‘Statement of D Owers’, Case Study 36, STAT.0824.001.0001 at [29].
 808 Transcript of D Owers, Case Study 36, 2 February 2016 at 15506:28–39;
 Exhibit 36-0044, ‘Statement of D Owers’, Case Study 36, STAT.0824.001.0001 at [29].
 809 Transcript of I George, Case Study 36, 3 February 2016 at 15625:38–45.
 810 Transcript of I George, Case Study 36, 3 February 2016 at 15626:8–11.
 811 Exhibit 36-0005, Case Study 36, ANG.0131.005.0201_R.
 812 Transcript of P Aspinall, Case Study 36, 4 February 2016 at 15774:7–21.
 813 Transcript of P Aspinall, Case Study 36, 4 February 2016 at 15774:7–21.
 814 Transcript of P Aspinall, Case Study 36, 4 February 2016 at 15774:7–21.
 815 Transcript of P Aspinall, Case Study 36, 4 February 2016 at 15774:7–21.
 816 Exhibit 36-0005, Case Study 36, ANG.0131.001.0144.
 817 Transcript of I George, Case Study 36, 3 February 2016 at 15632:38–46.
 818 Transcript of D Owers, Case Study 36, 2 February 2016 at 15506:46–15507:32;
 Exhibit 36-0044, ‘Statement of D Owers’, Case Study 36, STAT.0824.001.0001 at [34].
 819 Transcript of D Owers, Case Study 36, 2 February 2016 at 15507:39–41;
 Exhibit 36-0044, ‘Statement of D Owers’, Case Study 36, STAT.0824.001.0001 at [34].
 820 Transcript of D Owers, Case Study 36, 2 February 2016 at 15507:43–47.
 821 Transcript of D Owers, Case Study 36, 2 February 2016 at 15508:2–8;
 Exhibit 36-0044, ‘Statement of D Owers’, Case Study 36, STAT.0824.001.0001 at [34].
 822 Transcript of D Owers, Case Study 36, 2 February 2016 at 15508:34–40;
 Exhibit 36-0005 Case Study 36, ANG.0131.005.0194.
 823 Exhibit 36-0044, ‘Statement of D Owers’, Case Study 36, STAT.0824.001.0001 at [37].
 824 Exhibit 36-0005, Case Study 36, ANG.0131.001.0139.
 825 Transcript of I George, Case Study 36, 3 February 2016 at 15628:7–8.
 826 Transcript of I George, Case Study 36, 3 February 2016 at 15628:10–32.
 827 Transcript of I George, Case Study 36, 3 February 2016 at 15628:34–37.

828 Transcript of I George, Case Study 36, 3 February 2016 at 15629:1–28.
 829 Transcript of I George, Case Study 36, 3 February 2016 at 15629:1–32.
 830 Transcript of I George, Case Study 36, 3 February 2016 at 15629:34–36.
 831 Transcript of P Aspinall, Case Study 36, 4 February 2016 at 15770:30–33.
 832 Transcript of P Aspinall, Case Study 36, 4 February 2016 at 15770:23–33.
 833 Transcript of P Aspinall, Case Study 36, 4 February 2016 at 15773:18–31.
 834 Transcript of P Aspinall, Case Study 36, 4 February 2016 at 15773:2–6.
 835 Transcript of P Aspinall, Case Study 36, 4 February 2016 at 15773:18–31.
 836 Transcript of I George, Case Study 36, 3 February 2016 at 15634:39–47;
 Transcript of P Aspinall, Case Study 36, 4 February 2016 at 15772:26–33.
 837 Transcript of I George, Case Study 36, 3 February 2016 at 15634:39–46.
 838 Transcript of I George, Case Study 36, 3 February 2016 at 15635:1–3.
 839 Transcript of I George, Case Study 36, 3 February 2016 at 15635:1–6.
 840 Transcript of D Owers, Case Study 36, 2 February 2016 at 15509:33–43;
 Exhibit 36-0044, ‘Statement of D Owers’, Case Study 36, STAT.0824.001.0001 at [45];
 Exhibit 36-0005, Case Study 36, ANG.9610.01003.0108;
 Exhibit 36-0005, Case Study 36, ANG.0131.005.0190.
 841 Transcript of D Owers, Case Study 36, 2 February 2016 at 15509:27–43;
 Exhibit 36-0044, ‘Statement of D Owers’, Case Study 36, STAT.0824.001.0001 at [40], [43].
 842 Transcript of D Owers, Case Study 36, 2 February 2016 at 15509:45–15510:4.
 843 Exhibit 36-0044, ‘Statement of D Owers’, Case Study 36, STAT.0824.001.0001 at [46].
 844 Exhibit 36-0044, ‘Statement of D Owers’, Case Study 36, STAT.0824.001.0001 at [47];
 Transcript of I George, Case Study 36, 3 February 2016 at 15655:23–47.
 845 Transcript of DW Owers, Case Study 36, 2 February 2016, 15510:6–13;
 Exhibit 36-0044, ‘Statement of D Owers’, Case Study 36, STAT.0824.001.0001 at [50]–[51].
 846 Exhibit 36-0005, Case Study 36, ANG.0131.001.0108_R;
 Exhibit 36-0005, Case Study 36, ANG.0131.001.0094_R;
 Exhibit 36-0043, ‘Statement of M King’, Case Study 36, STAT.0813.001.0001 at [34].
 847 Exhibit 36-0043, ‘Statement of M King’, Case Study 36, STAT.0813.001.0001 at [35];
 Exhibit 36-0044, ‘Statement of D Owers’, Case Study 36, STAT.0824.001.0001 at [52].
 848 Exhibit 36-0043, ‘Statement of Mark King’, Case Study 36, STAT.0813.001.0001 at [35].
 849 Exhibit 36-0005, Case Study 36, ANG.0131.001.0034.
 850 Exhibit 36-0005, Case Study 36, ANG.0131.003.0389_R.
 851 Exhibit 36-0005, Case Study 36, ANG.0131.003.0389_R.
 852 Transcript of I George, Case Study 36, 3 February 2016 at 15631:8–21, 15632:16–21.
 853 Transcript of I George, Case Study 36, 3 February 2016 at 15631:8–25.
 854 Transcript of P Aspinall, Case Study 36, 4 February 2016 at 15774:44–15775:14.
 855 Transcript of D Owers, Case Study 36, 2 February 2016 at 15511:28–44.
 856 Transcript of I George, Case Study 36, 3 February 2016 at 15632:33–46.
 857 Transcript of I George, Case Study 36, 3 February 2016 at 15633:5–10.
 858 Submissions on behalf of Bishop Ian George, Case Study 36, SUBM.1036.012.0001 at [4].
 859 Transcript of I George, Case Study 36, 3 February 2016 at 15629:1–28.
 860 Exhibit 36-0005, Case Study 36, ANG.0131.001.0030.
 861 Exhibit 36-0005, Case Study 36, ANG.0131.004.0245.
 862 Exhibit 36-0005, Case Study 36, ANG.0131.004.0245.
 863 Exhibit 36-0005, Case Study 36, ANG.0131.001.0022_R.
 864 Exhibit 36-0005, Case Study 36, ANG.0131.001.0022_R;
 Exhibit 36-0005, Case Study 36, ANG.0131.004.0246_R.
 865 Exhibit 36-0005, Case Study 36, ANG.0131.001.0022_R.
 866 Transcript of I George, Case Study 36, 3 February 2016 at 15636:18–41.
 867 Exhibit 36-0005, Case Study 36, ANG.0131.001.0021.
 868 Exhibit 36-0050, ‘Statement of I George’, Case Study 36, STAT.0816.001.0001_R at [38].

869 Transcript of I George, Case Study 36, 3 February 2016 at 15638:4–18.
 870 Transcript of I George, Case Study 36, 3 February 2016 at 15602:27–15603:4.
 871 Exhibit 36-0043, ‘Statement of M King’, Case Study 36, STAT.0813.001.0001 at [43].
 872 Transcript of P Aspinall, Case Study 36, 4 February 2016 at 15773:47–15774:5.
 873 Transcript of P Aspinall, Case Study 36, 4 February 2016 at 15773:47–15774:5.
 874 Exhibit 36-0005, Case Study 36, ANG.0044.001.0068 at 0085.
 875 Exhibit 36-0005, Case Study 36, ANG.0044.001.0068 at 0087.
 876 Exhibit 36-0005, Case Study 36, ANG.0044.001.0068 at 0087.
 877 Exhibit 36-0005, Case Study 36, ANG.0044.001.0068.
 878 Exhibit 36-0005, Case Study 36, ANG.0044.001.0068 at 0074, 0076, 0133.
 879 Exhibit 36-0005, Case Study 36, ANG.0044.001.0068 at 0074.
 880 Exhibit 36-0005, Case Study 36, ANG.0044.001.0068 at 0074.
 881 Exhibit 36-0005, Case Study 36, ANG.0044.001.0068 at 0133.
 882 Exhibit 36-0005, Case Study 36, ANG.0044.001.0068 at 0133.
 883 Exhibit 36-0005, Case Study 36, ANG.0044.001.0068 at 0133.
 884 Exhibit 36-0005, Case Study 36, ANG.0044.001.0068 at 0139.
 885 Exhibit 36-0043, ‘Statement of M King’, Case Study 36, STAT.0813.001.0001 at [49].
 886 Transcript of D King, Case Study 36, 2 February 2016 at 15493:11–13.
 887 Exhibit 36-0043, ‘Statement of M King’, Case Study 36, STAT.0813.001.0001 at [52].
 888 Exhibit 36-0043, ‘Statement of M King’, Case Study 36, STAT.0813.001.0001 at [52].
 889 Exhibit 36-0041, ‘Supplementary Statement of J Driver’, Case Study 36, STAT.0840.002.0001.
 890 Exhibit 36-0041, ‘Supplementary Statement of J Driver’, Case Study 36, STAT.0840.002.0001 at [4].
 891 Exhibit 36-0041, ‘Supplementary Statement of J Driver’, Case Study 36, STAT.0840.002.0001 at [8]–[14].
 892 Exhibit 36-0041, ‘Supplementary Statement of J Driver’, Case Study 36, STAT.0840.002.0001 at [6]–[7].
 893 Exhibit 36-0041, ‘Supplementary Statement of J Driver’, Case Study 36, STAT.0840.002.0001 at [18].
 894 Exhibit 36-0041, ‘Supplementary Statement of J Driver’, Case Study 36, STAT.0840.002.0001 at [18].
 895 Exhibit 36-0041, ‘Supplementary Statement of J Driver’, Case Study 36, STAT.0840.002.0001 at [14].
 896 Exhibit 36-0041, ‘Supplementary Statement of J Driver’, Case Study 36, STAT.0840.002.0001 at [14].
 897 Exhibit 36-0041, ‘Supplementary Statement of J Driver’, Case Study 36, STAT.0840.002.0001 at [15].
 898 Transcript of D King, Case Study 36, 2 February 2016 at 15493:1–5.
 899 Transcript of D King, Case Study 36, 2 February 2016 at 15493:14–17.
 900 Transcript of D King, Case Study 36, 2 February 2016 at 15494:38–15494:10;
 Exhibit 36-0041, Case Study 36, ANG.9620.01076.0009.
 901 Exhibit 36-0043, ‘Statement of M King’, Case Study 36, STAT.0813.001.0001 at [55].
 902 Exhibit 36-0043, ‘Statement of M King’, Case Study 36, STAT.0813.001.0001 at [62].
 903 Transcript of D King, Case Study 36, 2 February 2016 at 15497:37–15498:19.
 904 Exhibit 36-0042, ‘Statement of BYA’, Case Study 36, STAT.0814.001.0001_R at [37].
 905 Exhibit 36-0042, ‘Statement of BYA’, Case Study 36, STAT.0814.001.0001_R at [38].
 906 Exhibit 36-0042, ‘Statement of BYA’, Case Study 36, STAT.0814.001.0001_R at [39].
 907 Exhibit 36-0042, ‘Statement of BYA’, Case Study 36, STAT.0814.001.0001_R at [40].
 908 Exhibit 36-0042, ‘Statement of BYA’, Case Study 36, STAT.0814.001.0001_R at [42]–[43].
 909 Exhibit 36-0042, ‘Statement of BYA’, Case Study 36, STAT.0814.001.0001_R at [44].
 910 Exhibit 36-0075, ‘Statement of J Driver’, Case Study 36, STAT.0840.001.0001_R at [356].
 911 Exhibit 36-0005, Case Study 36, ANG.0129.001.0103_R;
 Exhibit 36-0039, ‘Statement of Dr J Slaughter’, Case Study 36, STAT.0829.001.0001_R at [33].
 912 Exhibit 36-0039, ‘Statement of Dr J Slaughter’, Case Study 36, STAT.0829.001.0001_R at [33], [35].
 913 Exhibit 36-0005, Case Study 36, TAS.0001.016.0318_R at [3].
 914 Exhibit 36-0005, Case Study 36, CEBS.0001.001.0001_R at 0050_R–0051_R.
 915 Exhibit 36-0005, Case Study 36, TAS.0001.016.0318_R at [4].
 916 Exhibit 36-0005, Case Study 36, CEBS.0001.001.0001_R at 0025_R;
 Transcript of L Daniels, Case Study 36, 28 January 2016 at 15081:45–15082:8.
 917 Exhibit 36-0005, Case Study 36, CEBS.0001.001.0001_R at 0017_R, 0025_R.

918 Exhibit 36-0039, 'Statement of Dr J Slaughter', Case Study 36, STAT.0829.001.0001_R at [37].
 919 Exhibit 36-0039, 'Statement of Dr J Slaughter', Case Study 36, STAT.0829.001.0001_R at [37].
 920 Exhibit 36-0005, Case Study 36, CEBS.0001.001.0001_R.
 921 Exhibit 36-0005, Case Study 36, CEBS.0001.001.0001_R at 0017_R, 0025_R.
 922 Exhibit 36-0039, 'Statement of Dr J Slaughter', Case Study 36, STAT.0829.001.0001_R at [38].
 923 Exhibit 36-0005, Case Study 36, CEBS.0001.001.0001_R at 0025_R;
 Exhibit 36-0039, 'Statement of Dr J Slaughter', Case Study 36, STAT.0829.001.0001_R at [38].
 924 Exhibit 36-0039, 'Statement of Dr J Slaughter', Case Study 36, STAT.0829.001.0001_R at [38].
 925 Exhibit 36-0039, 'Statement of Dr J Slaughter', Case Study 36, STAT.0829.001.0001_R at [38].
 926 Transcript of L Daniels, Case Study 36, 28 January 2016 at 15082:10–12;
 Exhibit 36-0005, Case Study 36, TAS.0001.016.0318_R at [2].
 927 Exhibit 36-0005, Case Study 36, TAS.0001.016.0318_R at [7];
 Exhibit 36-0005, Case Study 36, CEBS.0001.001.0001_R at 0030_R.
 928 Exhibit 36-0005, Case Study 36, TAS.0001.016.0318_R at [7];
 Exhibit 36-0005, Case Study 36, STAT.0825.001.0001_R at [8].
 929 Exhibit 36-0005, Case Study 36, ANG.0044.001.0753 at 1134;
 Exhibit 36-0039, 'Statement of Dr J Slaughter', Case Study 36, STAT.0829.001.0001_R at [40].
 930 Exhibit 36-0005, Case Study 36, ANG.0044.001.0753 at 0798–0799.
 931 Exhibit 36-0039, 'Statement of Dr J Slaughter', Case Study 36, STAT.0829.001.0001_R at [40].
 932 Exhibit 36-0005, Case Study 36, ASQ.501.010.0065.
 933 Exhibit 36-0005, Case Study 36, ASQ.242.008.0241_R.
 934 Exhibit 36-0005, Case Study 36, ASQ.501.010.0010;
 Exhibit 36-0005, Case Study 36, ASQ.502.018.0129;
 Exhibit 36-0005, Case Study 36, ANG.0129.001.0103_R.
 935 Exhibit 36-0005, Case Study 36, ASQ.501.013.0007_R.
 936 Exhibit 36-0071, 'Statement of Bishop J Noble', Case Study 36, STAT.0807.002.0001_R at [63].
 937 Exhibit 36-0005, Case Study 36, QLD.0107.001.0008 at 0009, 0013.
 938 Exhibit 36-0005, Case Study 36, QLD.0129.001.0001_R at 0002_R, 0003_R.
 939 Exhibit 36-0005, Case Study 36, QLD.0129.001.0001_R at 0002_R–0003_R;
 Exhibit 36-0005, Case Study 36, ANG.0044.001.0753 at 0799.
 940 Exhibit 36-0046, 'Statement of BYB', Case Study 36, STAT.0825.001.0001_R at [8].
 941 Exhibit 36-0046, 'Statement of BYB', Case Study 36, STAT.0825.001.0001_R at [9].
 942 Exhibit 36-0046, 'Statement of BYB', Case Study 36, STAT.0825.001.0001_R at [10].
 943 Exhibit 36-0046, 'Statement of BYB', Case Study 36, STAT.0825.001.0001_R at [11].
 944 Exhibit 36-0046, 'Statement of BYB', Case Study 36, STAT.0825.001.0001_R at [11].
 945 Exhibit 36-0046, 'Statement of BYB', Case Study 36, STAT.0825.001.0001_R at [29].
 946 Exhibit 36-0046, 'Statement of BYB', Case Study 36, STAT.0825.001.0001_R at [14].
 947 Exhibit 36-0005, Case Study 36, ASQ.501.002.0012_R.
 948 Exhibit 36-0071, 'Statement of Bishop J Noble', Case Study 36, STAT.0807.002.0001_R at [46];
 Exhibit 36-0046, 'Statement of BYB', Case Study 36, STAT.0825.001.0001_R at [14];
 Exhibit 36-0005, Case Study 36, ANG.0044.001.0753_R at 1133_R.
 949 Exhibit 36-0071, 'Statement of Bishop J Noble', Case Study 36, STAT.0807.002.0001_R at [17].
 950 Exhibit 36-0071, 'Statement of Bishop J Noble', Case Study 36, STAT.0807.002.0001_R at [81];
 Exhibit 36-0005, Case Study 36, ANG.0044.001.0753_R at 1133_R–1134_R.
 951 Exhibit 36-0071, 'Statement of Bishop J Noble', Case Study 36, STAT.0807.002.0001_R at [81].
 952 Exhibit 36-0071, 'Statement of Bishop J Noble', Case Study 36, STAT.0807.002.0001_R at [47]–[48].
 953 Transcript of P Hollingworth, Case Study 36, 3 February 2016 at 15534:11–14;
 Exhibit 36-0005, Case Study 36, ANG.0044.001.0753 at 1134_R.
 954 Transcript of P Hollingworth, Case Study 36, 3 February 2016 at 15532:45–47.
 955 Transcript of P Hollingworth, Case Study 36, 3 February 2016 at 15534:16–20;
 Exhibit 36-0071, 'Statement of Bishop J Noble', Case Study 36, STAT.0807.002.0001_R at [77], [80];
 Exhibit 36-0005, Case Study 36, ASQ.501.002.0001_R at 0002_R.
 956 Exhibit 36-0005, Case Study 36, ASQ.501.002.0001_R at 0003_R.

957 Transcript of P Hollingworth, Case Study 36, 3 February 2016 at 15534:38–40.
 958 Exhibit 36-0005, Case Study 36, ANG.0044.001.0753_R at 1134_R.
 959 Exhibit 36-0071, 'Statement of Bishop J Noble', Case Study 36, STAT.0807.002.0001_R at [82].
 960 Transcript of P Hollingworth, Case Study 36, 3 February 2016 at 15534:42–46.
 961 Exhibit 36-0005, Case Study 36, ANG.0044.001.0753_R at 1134_R.
 962 Transcript of P Hollingworth, Case Study 36, 3 February 2016 at 15535:6–11.
 963 Transcript of P Hollingworth, Case Study 36, 3 February 2016 at 15535:13–19.
 964 Transcript of P Hollingworth, Case Study 36, 3 February 2016, 15548:8–29.
 965 Exhibit 36-0005, Case Study 36, ANG.0044.001.0753_R at 1134_R.
 966 Transcript of P Hollingworth, Case Study 36, 3 February 2016 at 15535:21–27.
 967 Transcript of P Hollingworth, Case Study 36, 3 February 2016 at 15548:12–25.
 968 Submissions on behalf of Peter Hollingworth, Case Study 36, SUBM.1036.008.0001 at [2].
 969 Exhibit 36-0005, Case Study 36, ANG.0044.001.0753_R at 1134_R–1135_R.
 970 Exhibit 36-0005, Case Study 36, ANG.0044.001.0753_R at 1134_R–1135_R.
 971 Exhibit 36-0046, 'Statement of BYB', Case Study 36, STAT.0825.001.0001_R at [17];
 Transcript of P Hollingworth, Case Study 36, 3 February 2016 at 15535:45–47.
 972 Transcript of BYB, Case Study 36, 3 February 2016 at 15528:25–36.
 973 Transcript of BYB, Case Study 36, 3 February 2016 at 15524:11–16.
 974 Transcript of BYB, Case Study 36, 3 February 2016 at 15528:13–23.
 975 Exhibit 36-0005, Case Study 36, ANG.0044.001.0753_R at 1136_R.
 976 Exhibit 36-0005, Case Study 36, ANG.0044.001.0753_R at 1136_R.
 977 Transcript of P Hollingworth, Case Study 36, 3 February 2016 at 15537:34–15538:1.
 978 Transcript of P Hollingworth, Case Study 36, 3 February 2016 at 15541:12–41.
 979 Transcript of P Hollingworth, Case Study 36, 3 February 2016 at 15542:17–37.
 980 Transcript of P Hollingworth, Case Study 36, 3 February 2016 at 15543:14–27, 15546:15–22.
 981 Transcript of P Hollingworth, Case Study 36, 3 February 2016 at 15546:28–33.
 982 Transcript of P Hollingworth, Case Study 36, 3 February 2016 at 15536:28–33.
 983 Transcript of P Hollingworth, Case Study 36, 3 February 2016 at 15547:29–15548:2.
 984 Transcript of P Hollingworth, Case Study 36, 3 February 2016 at 15547:38–45.
 985 Submissions on behalf of Peter Hollingworth, Case Study 36, SUBM.1036.008.0001 at [3].
 986 Exhibit 36-0047, Case Study 36, STAT.0811.001.0001_R at [16].
 987 Exhibit 36-0046, 'Statement of BYB', Case Study 36, STAT.0825.001.0001_R at [18].
 988 Exhibit 36-0046, 'Statement of BYB', Case Study 36, STAT.0825.001.0001_R at [18].
 989 Exhibit 36-0046, 'Statement of BYB', Case Study 36, STAT.0825.001.0001_R at [18].
 990 Transcript of J Slaughter, Case Study 36, 2 February 2016 at 15438:17–32;
 Exhibit 36-0039, 'Statement of Dr Slaughter', Case Study 36, STAT.0829.001.0001_R at [16]–[17].
 991 Exhibit 36-0039, 'Statement of Dr J Slaughter', Case Study 36, STAT.0829.001.0001_R at [19].
 992 Transcript of P Hollingworth, Case Study 36, 3 February 2016 at 15551:39–44.
 993 Transcript of J Slaughter, Case Study 36, 2 February 2016 at 15439:18–27;
 Transcript of P Hollingworth, Case Study 36, 3 February 2016 at 15549:15–30.
 994 Transcript of J Slaughter, Case Study 36, 2 February 2016 at 15440:11–18.
 995 Exhibit 36-0039, 'Statement of Dr J Slaughter', Case Study 36, STAT.0829.001.0001_R at [22]–[23].
 996 Transcript of J Slaughter, Case Study 36, 2 February 2016 at 15443:31–34.
 997 Exhibit 36-0039, 'Statement of Dr J Slaughter', Case Study 36, STAT.0829.001.0001_R at [32].
 998 Transcript of J Slaughter, Case Study 36, 2 February 2016 at 15441:42–47.
 999 Transcript of J Slaughter, Case Study 36, 2 February 2016 at 15443:4–13.
 1000 Transcript of J Slaughter, Case Study 36, 2 February 2016 at 15443:27–34.
 1001 Transcript of J Slaughter, Case Study 36, 2 February 2016 at 15444:32–42.
 1002 Exhibit 36-0039, 'Statement of Dr J Slaughter', Case Study 36, STAT.0829.001.0001_R at [56];
 Exhibit 36-0005, Case Study 36, ANG.0044.001.0753_R at 1138_R.
 1003 Transcript of P Hollingworth, Case Study 36, 3 February 2016 at 15579:34–39.
 1004 Transcript of J Slaughter, Case Study 36, 2 February 2016 at 15447:1–6, 15462:5–15.

1005	Transcript of J Slaughter, Case Study 36, 2 February 2016 at 15445:13–29.
1006	Transcript of J Slaughter, Case Study 36, 2 February 2016 at 15445:31–36.
1007	Transcript of J Slaughter, Case Study 36, 2 February 2016 at 15445:38–15446:19.
1008	Transcript of J Slaughter, Case Study 36, 2 February 2016 at 15446:21–39.
1009	Transcript of P Hollingworth, Case Study 36, 3 February 2016 at 15549:46–15551:7.
1010	Exhibit-36-0005, Case Study 36, ANG.0155.001.0013_R.
1011	Transcript of P Hollingworth, Case Study 36, 3 February 2016 at 15554:10–17.
1012	Transcript of P Hollingworth, Case Study 36, 3 February 2016 at 15555:14–29.
1013	Transcript of P Hollingworth, Case Study 36, 3 February 2016 at 15556:8–15557:16.
1014	Transcript of J Slaughter, Case Study 36, 2 February 2016 at 15455:35–40.
1015	Exhibit-36-0005, Case Study 36, ANG.0155.001.0009.
1016	Transcript of J Slaughter, Case Study 36, 2 February 2016 at 15449:37–15450:16.
1017	Transcript of J Slaughter, Case Study 36, 2 February 2016 at 15450:1–11.
1018	Transcript of P Hollingworth, Case Study 36, 3 February 2016 at 15554:45–15555:10.
1019	Transcript of J Slaughter, Case Study 36, 2 February 2016 at 15446:21–28; Exhibit 36-0039, ‘Statement of Dr J Slaughter’, Case Study 36, STAT.0829.001.0001_R at [56]; Transcript of P Hollingworth, Case Study 36, 3 February 2016 at 15555:14–29.
1020	Exhibit 36-0047, ‘Statement of Dr P Hollingworth’, Case Study 36, STAT.0811.001.0001_R at [5(d)]; Transcript of P Hollingworth, Case Study 36, 3 February 2016 at 15562:18–15563:11.
1021	Exhibit 36-0047, ‘Statement of Dr P Hollingworth’, Case Study 36, STAT.0811.001.0001_R at [5(d)]; Transcript of P Hollingworth, Case Study 36, 3 February 2016 at 15562:18–15563:11.
1022	Transcript of P Hollingworth, Case Study 36, 3 February 2016 at 15563:13–21.
1023	Exhibit 36-0071, ‘Statement of Bishop J Noble’, Case Study 36, STAT.0807.002.0001_R at [49]–[50].
1024	Exhibit 36-0073, ‘Statement of Bishop Clyde Wood’, Case Study 36, STAT.0834.001.0001_R at [19]–[20].
1025	Exhibit 36-0073, ‘Statement of Bishop Clyde Wood’, Case Study 36, STAT.0834.001.0001_R at [21].
1026	Exhibit 36-0073, ‘Statement of Bishop Clyde Wood’, Case Study 36, STAT.0034.001.0001_R at [22].
1027	Transcript of P Hollingworth, Case Study 36, 3 February 2016 at 15564:27–35.
1028	Exhibit 36-0005, Case Study 36, ASQ.242.008.0241_R.
1029	Exhibit-36-0005, Case Study 36, ASQ.242.008.0241_R.
1030	Transcript of P Hollingworth, Case Study 36, 3 February 2016 at 15560:20–41.
1031	Exhibit 36-0005, Case Study 36, ANG.0044.001.0753_R at 1142_R.
1032	Exhibit 36-0005, Case Study 36, ANG.0044.001.0753_R at 1155_R.
1033	Transcript of P Hollingworth, Case Study 36, 3 February 2016 at 15545:19–27.
1034	Transcript of P Hollingworth, Case Study 36, 3 February 2016 at 15536:19–37.
1035	Transcript of P Hollingworth, Case Study 36, 3 February 2016 at 15544:11–16.
1036	Transcript of P Hollingworth, Case Study 36, 3 February 2016 at 15544:41–44; Exhibit 36-0005, Case Study 36, ANG.0044.001.0753_R at 0800_R–0801_R.
1037	Transcript of P Hollingworth, Case Study 36, 3 February 2016 at 15558:44–15559:23.
1038	Transcript of P Hollingworth, Case Study 36, 3 February 2016 at 15559:4–7.
1039	Transcript of P Hollingworth, Case Study 36, 3 February 2016 at 15560:43–15561:47.
1040	Transcript of BYB, Case Study 36, 3 February 2016 at 15524:34–45.
1041	Exhibit-36-0005, Case Study 36, ASQ.205.002.0182_R.
1042	Exhibit 36-0049, Case Study 36, ASQ.242.008.0245_R.
1043	Transcript of P Hollingworth, Case Study 36, 3 February 2016 at 15569:15–21.
1044	Transcript of P Hollingworth, Case Study 36, 3 February 2016 at 15584:37–15585:1.
1045	Exhibit 36-0005, Case Study 36, ASQ.501.014.0012_R.
1046	Exhibit 36-0005, Case Study 36, ASQ.501.010.0010.
1047	Exhibit 36-0005, Case Study 36, ASQ.205.003.0016.
1048	Transcript of P Hollingworth, Case Study 36, 3 February 2016, 15571:21–47.
1049	Transcript of P Hollingworth, Case Study 36, 3 February 2016 at 15570:40–15571:7.
1050	Transcript of P Hollingworth, Case Study 36, 3 February 2016 at 15572:2–16.
1051	Exhibit 36-0005, Case Study 36, ASQ.205.003.0016.

1052	Exhibit 36-0005, Case Study 36, ASQ.205.003.0016.
1053	Exhibit 36-0046, 'Statement of BYB', Case Study 36, STAT.0825.001.0001_R at [21]–[22].
1054	Exhibit 36-0046, 'Statement of BYB', Case Study 36, STAT.0825.001.0001_R at [22].
1055	Exhibit-36-0005, Case Study 36, ASQ.205.002.0198_R.
1056	Exhibit-36-0071, 'Statement of Bishop J Noble', Case Study 36, STAT.0807.002.0001_R at [57].
1057	Exhibit-36-0071, 'Statement of Bishop J Noble', Case Study 36, STAT.0807.002.0001_R at [58].
1058	Exhibit-36-0071, 'Statement of Bishop J Noble', Case Study 36, STAT.0807.002.0001_R at [59].
1059	Exhibit 36-0005, Case Study 36, ASQ.205.003.0040_R.
1060	Exhibit 36-0005, Case Study 36, ASQ.205.002.0198_R.
1061	Exhibit 36-0005, Case Study 36, QLD.0107.001.0008 at 0009.
1062	Exhibit 36-0005, Case Study 36, QLD.0107.001.0008 at 0009.
1063	Exhibit 36-0005, Case Study 36, QLD.0107.001.0008 at 0013.
1064	Exhibit 36-0005, Case Study 36, QLD.0129.001.0001_R at 0001_R.
1065	Exhibit 36-0005, Case Study 36, QLD.0129.001.0001_R at 0001_R.
1066	Exhibit 36-0005, Case Study 36, QLD.0129.001.0001_R at 0003_R.
1067	Exhibit 36-0067, 'Statement of Archbishop P Aspinall', Case Study 36, STAT.0078.001.0001_R at [3].
1068	Transcript of P Aspinall, Case Study 36, 4 February 2016 at 15775:35–41.
1069	Transcript of P Aspinall, Case Study 36, 4 February 2016 at 15775:20–29.
1070	Exhibit 36-0071, 'Statement of Bishop J Noble', Case Study 36, STAT.0807.002.0001_R at [65]–[66].
1071	Exhibit 36-0005, Case Study 36, ASQ.254.001.0004.
1072	Transcript of P Aspinall, Case Study 36, 4 February 2016 at 15776:30–32.
1073	Transcript of P Aspinall, Case Study 36, 4 February 2016 at 15776:30–15777:13.
1074	Exhibit 36-0056, 'Supplementary Statement of Archbishop P Aspinall', Case Study 36, STAT.0078.007.0001_R at [181].
1075	Exhibit 36-0005, Case Study 36, ANG.0044.001.0753.
1076	Exhibit 36-0005, Case Study 36, ANG.0044.001.0753 at 0801.
1077	Exhibit 36-0047, 'Statement of Dr P Hollingworth', Case Study 36, STAT.0811.001.0001_R at [16](a)].
1078	Exhibit 36-0058, 'Statement of Archbishop P Aspinall in Schedule A at p.60', Case Study 36, STAT.0844.001.0002 at 0061.
1079	Exhibit 36-0058, 'Statement of Archbishop P Aspinall in Schedule A at p.61', Case Study 36, STAT.0844.001.0002 at 0062.
1080	Exhibit 36-0046, 'Statement of BYB', Case Study 36, STAT.0825.001.0001_R at [25].
1081	Exhibit 36-0056, 'Supplementary Statement of Archbishop P Aspinall', Case Study 36, STAT.0078.007.0001_R at [189].
1082	Exhibit 36-0046, 'Statement of BYB', Case Study 36, STAT.0825.001.0001_R at [26].
1083	Submissions of the Diocese of Sydney, Anglican Church of Australia, Case Study 36, SUBM.1036.017.001 at [16]–[23], [28]–[29], [36]–[38].
1084	Submissions in reply of Counsel Assisting the Royal Commission, Case Study 36, SUBM.0036.002.0001 at [39]–[61].
1085	Exhibit 36-0005, Case Study 36, ANG.0129.001.0267_R.
1086	Exhibit 36-0005, Case Study 36, ANG.0129.001.0267_R.
1087	Exhibit 36-0005, Case Study 36, ANG.0133.002.0247_R.
1088	Exhibit 36-0060, 'Statement of BYC', Case Study 36, STAT.0809.001.0001_R at [30]–[33]; Exhibit 36-0005, 'Police Statement of BYC', Case Study 36, NSW.2062.001.0732_R.
1089	Exhibit 36-0060, 'Statement of BYC', Case Study 36, STAT.0809.001.0001_R at [30]–[33]; Exhibit 36-0005, Case Study 36, NPF.076.003.0110_R.
1090	Exhibit 36-0005, Case Study 36, ANG.0133.001.0024_R.
1091	Exhibit 36-0005, Case Study 36, ANG.0133.001.0024_R.
1092	Exhibit 36-0005, Case Study 36, ANG.0133.001.0024_R at 0035_R.
1093	Exhibit 36-0005, 'Police Statement of W Guthrie', Case Study 36, NSW.2062.001.0956_R.
1094	Exhibit 36-0005, 'Police Statement of W Guthrie', Case Study 36, NSW.2062.001.0956_R.
1095	Exhibit 36-0005, 'Police Statement of W Guthrie', Case Study 36, NSW.2062.001.0956_R at [9].

- 1096 Exhibit 36-0005, 'Police Statement of W Guthrie', Case Study 36, NSW.2062.001.0956_R at [11]–[19].
- 1097 Exhibit 36-0005, 'Police Statement of W Guthrie', Case Study 36, NSW.2062.001.0956_R at [30].
- 1098 Exhibit 36-0005, 'Police Statement of W Guthrie', Case Study 36, NSW.2062.001.0956_R at [22]–[26].
- 1099 Exhibit 36-0005, 'Police Statement of W Guthrie', Case Study 36, NSW.2062.001.0956_R at [22]–[26].
- 1100 Exhibit 36-0005, Case Study 36, ANG.0133.001.0024_R at [2]–[3].
- 1101 Exhibit 36-0060, 'Statement of BYC', Case Study 36, STAT.0809.001.0001_R at [7].
- 1102 Exhibit 36-0060, 'Statement of BYC', Case Study 36, STAT.0809.001.0001_R at [13].
- 1103 Exhibit 36-0060, 'Statement of BYC', Case Study 36, STAT.0809.001.0001_R at [14];
Exhibit 36-0061, 'Statement of BYD', Case Study 36, STAT.0810.001.0001_R at [11].
- 1104 Exhibit 36-0060, 'Statement of BYC', Case Study 36, STAT.0809.001.0001_R at [15].
- 1105 Exhibit 36-0060, 'Statement of BYC', Case Study 36, STAT.0809.001.0001_R at [17], [21].
- 1106 Exhibit 36-0060, 'Statement of BYC', Case Study 36, STAT.0809.001.0001_R at [18]–[19].
- 1107 Exhibit 36-0060, 'Statement of BYC', Case Study 36, STAT.0809.001.0001_R at [18]–[19].
- 1108 Exhibit 36-0060, 'Statement of BYC', Case Study 36, STAT.0809.001.0001_R at [20].
- 1109 Exhibit 36-0060, 'Statement of BYC', Case Study 36, STAT.0809.001.0001_R at [24].
- 1110 Exhibit 36-0061, 'Statement of BYD', Case Study 36, STAT.0810.001.0001_R at [28].
- 1111 Exhibit 36-0060, 'Statement of BYC', Case Study 36, STAT.0809.001.0001_R at [29].
- 1112 Exhibit 36-0060, 'Statement of BYC', Case Study 36, STAT.0809.001.0001_R at [30]–[33];
Exhibit 36-0005, 'Police Statement of BYC', Case Study 36, NSW.2062.001.0732_R.
- 1113 Exhibit 36-0060, 'Statement of BYC', Case Study 36, STAT.0809.001.0001_R at [30]–[33];
Exhibit 36-0005, Case Study 36, NPF.076.003.0110_R.
- 1114 Exhibit 36-0060, 'Statement of BYC', Case Study 36, STAT.0809.001.0001_R at [35].
- 1115 Exhibit 36-0005, Case Study 36, NSW.2062.001.0358_R;
Exhibit 36-0005, Case Study 36, ANG.0133.001.0024_R.
- 1116 Exhibit 36-0060, 'Statement of BYC', Case Study 36, STAT.0809.001.0001_R at [36]–[37];
Exhibit 36-0005, Case Study 36, ANG.0133.001.0024_R.
- 1117 Exhibit 36-0060, 'Statement of BYC', Case Study 36, STAT.0809.001.0001_R at [50]–[56].
- 1118 Exhibit 36-0060, 'Statement of BYC', Case Study 36, STAT.0809.001.0001_R at [54].
- 1119 Exhibit 36-0061, 'Statement of BYD', Case Study 36, STAT.0810.001.0001_R at [58]–[59].
- 1120 Exhibit 36-0061, 'Statement of BYD', Case Study 36, STAT.0810.001.0001_R at [60], [62].
- 1121 Exhibit 36-0064, 'Statement of R Kells', Case Study 36, STAT.0826.001.0001_R at [10]–[12].
- 1122 Exhibit 36-0064, 'Statement of R Kells', Case Study 36, STAT.0826.001.0001_R at [20].
- 1123 Exhibit 36-0064, 'Statement of R Kells', Case Study 36, STAT.0826.001.0001_R at [20].
- 1124 Exhibit 36-0064, 'Statement of R Kells', Case Study 36, STAT.0826.001.0001_R at [25].
- 1125 Exhibit 36-0064, 'Statement of R Kells', Case Study 36, STAT.0826.001.0001_R at [26]–[27].
- 1126 Exhibit 36-0064, 'Statement of R Kells', Case Study 36, STAT.0826.001.0001_R at [26]–[27].
- 1127 Exhibit 36-0064, 'Statement of R Kells', Case Study 36, STAT.0826.001.0001_R at [28].
- 1128 Exhibit 36-0064, 'Statement of R Kells', Case Study 36, STAT.0826.001.0001_R at [30]–[31].
- 1129 Exhibit 36-0064, 'Statement of R Kells', Case Study 36, STAT.0826.001.0001_R at [30]–[31].
- 1130 Exhibit 36-0064, 'Statement of R Kells', Case Study 36, STAT.0826.001.0001_R at [33]–[39].
- 1131 Exhibit 36-0064, 'Statement of R Kells', Case Study 36, STAT.0826.001.0001_R at [40].
- 1132 Exhibit 36-0064, 'Statement of R Kells', Case Study 36, STAT.0826.001.0001_R at [41].
- 1133 Exhibit 36-0064, 'Statement of R Kells', Case Study 36, STAT.0826.001.0001_R at [41].
- 1134 Transcript of P Jensen, Case Study 36, 5 February 2016 at 15839:2–5.
- 1135 Transcript of P Jensen, Case Study 36, 5 February 2016 at 15839:18–38.
- 1136 Exhibit 36-0064, 'Statement of R Kells', Case Study 36, STAT.0826.001.0001_R at [43].
- 1137 Exhibit 36-0064, 'Statement of R Kells', Case Study 36, STAT.0826.001.0001_R at [43].
- 1138 Exhibit 36-0064, 'Statement of R Kells', Case Study 36, STAT.0826.001.0001_R at [45].
- 1139 Exhibit 36-0064, 'Statement of R Kells', Case Study 36, STAT.0826.001.0001_R at [47], [51].
- 1140 Exhibit 36-0005, Case Study 36, ANG.0133.001.0126 at 0127.
- 1141 Exhibit 36-0060, 'Statement of BYC', Case Study 36, STAT.0809.001.0001_R at [29].
- 1142 Exhibit 36-0061, 'Statement of BYD', Case Study 36, STAT.0810.001.0001_R at [26].

1143	Exhibit 36-0061, 'Statement of BYD', Case Study 36, STAT.0810.001.001_R at [21].
1144	Exhibit 36-0005, Case Study 36, ANG.0133.001.0084_R.
1145	Exhibit 36-0062, 'Police Statement of Reverend B Jobbins', Case Study 36, NSW.2062.001.0406_R at [10].
1146	Exhibit 36-0062, 'Police Statement of Reverend B Jobbins', Case Study 36, NSW.2062.001.0406_R at [5].
1147	Exhibit 36-0062, 'Police Statement of Reverend B Jobbins', Case Study 36, NSW.2062.001.0406_R at [10].
1148	Exhibit 36-0061, 'Statement of BYD', Case Study 36, STAT.0810.001.0001_R at [32]–[33].
1149	Exhibit 36-0061, 'Statement of BYD', Case Study 36, STAT.0810.001.0001_R at [32]–[33]; Exhibit 36-0060, 'Statement of BYC', Case Study 36, STAT.0809.001.0001_R at [40].
1150	Exhibit 36-0061, 'Statement of BYD', Case Study 36, STAT.0810.001.001_R at [34].
1151	Exhibit 36-0061, 'Statement of BYD', Case Study 36, STAT.0810.001.001_R at [34].
1152	Exhibit 36-0061, 'Statement of BYD', Case Study 36, STAT.0810.001.001_R at [34]–[36].
1153	Exhibit 36-0061, 'Statement of BYD', Case Study 36, STAT.0810.001.001_R at [38]–[39]; Exhibit 36-0005, Case Study 36, ANG.0133.001.0198_R.
1154	Exhibit 36-0061, 'Statement of BYD', Case Study 36, STAT.0810.001.001_R at [40].
1155	Exhibit 36-0061, 'Statement of BYD', Case Study 36, STAT.0810.001.001_R at [40].
1156	Exhibit 36-0061, 'Statement of BYD', Case Study 36, STAT.0810.001.001_R at [40]–[41].
1157	Exhibit 36-0076, 'Supplementary Statement of P Gerber', Case Study 36, STAT.0837.002.0001_R at [9]–[13].
1158	Exhibit 36-0076, 'Supplementary Statement of P Gerber', Case Study 36, STAT.0837.002.0001_R at [23].
1159	Transcript of P Jensen, Case Study 36, 5 February 2016 at 15837:6–27, 15838:3–8.
1160	Exhibit 36-0061, 'Statement of BYD', Case Study 36, STAT.0810.001.001_R at [40]–[43].
1161	Exhibit 36-0076, 'Supplementary Statement of P Gerber', Case Study 36, STAT.0837.002.0001_R at [28].
1162	Exhibit 36-0076, 'Supplementary Statement of P Gerber', Case Study 36, STAT.0837.002.0001_R at [31].
1163	Exhibit 36-0005, Case Study 36, ANG.0133.001.0126 at 0127; Exhibit 36-0076, 'Supplementary Statement of P Gerber', Case Study 36, STAT.0837.002.0001_R at [27]–[29].
1164	Exhibit 36-0076, 'Supplementary Statement of P Gerber', Case Study 36, STAT.0837.002.0001_R at [27]–[29].
1165	Exhibit 36-0076, 'Supplementary Statement of P Gerber', Case Study 36, STAT.0837.002.0001_R at [30].
1166	Exhibit 36-0079, 'Statement of P Gerber', Case Study 36, STAT.0837.001.0001 at [40].
1167	Exhibit 36-0079, 'Statement of P Gerber', Case Study 36, STAT.0837.001.0001 at [41].
1168	Exhibit 36-0060, 'Statement of BYC', Case Study 36, STAT.0809.001.0001_R at [42].
1169	Exhibit 36-0079, 'Statement of P Gerber', Case Study 36, STAT.0837.001.0001 at [42].
1170	Exhibit 36-0079, 'Statement of P Gerber', Case Study 36, STAT.0837.001.0001 at [43].
1171	Exhibit 36-0060, 'Statement of BYC', Case Study 36, STAT.0809.001.0001_R at [42].
1172	Exhibit 36-0060, 'Statement of BYC', Case Study 36, STAT.0809.001.0001_R at [45]–[46].
1173	Exhibit 36-0076, 'Supplementary Statement of P Gerber', Case Study 36, STAT.0837.002.0001_R at [5].
1174	Exhibit 36-0078, 'Supplementary Statement of Archbishop G Davies', Case Study 36, STAT.0843.001.0001_R at [20].
1175	Exhibit 36-0078, 'Supplementary Statement of Archbishop G Davies', Case Study 36, STAT.0843.001.0001_R at [13].
1176	Exhibit 36-0077, 'Statement of Archbishop G Davies', Case Study 36, STAT.0819.002.0001_R at [97].
1177	Exhibit 36-0065, 'Statement of Dr P Jensen', Case Study 36, STAT.0830.001.0001_R at [29]–[30]; Exhibit 36-0078, 'Supplementary Statement of Archbishop G Davies', Case Study 36, STAT.0843.001.0001_R at [29].
1178	Exhibit 36-0068, 'Statement of C Oliver', Case Study 36, STAT.0831.001.0001_R at [23].
1179	Exhibit 36-0068, 'Statement of C Oliver', Case Study 36, STAT.0831.001.0001_R at [24].
1180	Exhibit 36-0068, 'Statement of C Oliver', Case Study 36, STAT.0831.001.0001_R at [37].
1181	Exhibit 36-0068, 'Statement of C Oliver', Case Study 36, STAT.0831.001.0001_R at [37].
1182	Exhibit 36-0005, Case Study 36, ASQ.205.002.0413_R.
1183	Exhibit 36-0005, Case Study 36, ANG.0131.003.0385_R.
1184	Exhibit 36-0066, Case Study 36, CEBS.0004.001.0692; Exhibit 36-0072, 'Statement of Dr Kenneth Pidgeon', Case Study 36, STAT.0818.001.0001 at [46].
1185	Exhibit 36-0066, Case Study 36, CEBS.0004.001.0692 at 0695.
1186	Exhibit 36-0066, Case Study 36, CEBS.0004.001.0692 at 0695.

- 1187 Exhibit 36-0072, 'Statement of Dr Kenneth Pidgeon', Case Study 36, STAT.0818.001.0001 at [47];
Exhibit 36-0066, Case Study 36, CEBS.0004.001.0207.
- 1188 Exhibit 36-0072, 'Statement of Dr Kenneth Pidgeon', Case Study 36, STAT.0818.001.0001 at [46]–[49].
- 1189 Exhibit 36-0066, Case Study 36, CEBS.0003.001.0079.
- 1190 Exhibit 36-0005, Case Study 36, ASQ.502.001.0787.
- 1191 Exhibit 36-0005, Case Study 36, ASQ.502.001.0787; Exhibit 36-0072, 'Statement of Dr Kenneth Pigeon',
Case Study 36, STAT.08018.001.0001 at [49]; Exhibit 36-0068, 'Statement of C Oliver',
Case Study 36, STAT.0831.001.0001_R at [40].
- 1192 Exhibit 36-0005, Case Study 36, ASQ.502.001.0787.
- 1193 Exhibit 36-0069, 'Supplementary Statement of C Oliver', Case Study 36, STAT.0831.002.0001 at [9.4].
- 1194 Exhibit 36-0068, 'Statement of C Oliver', Case Study 36, STAT.0831.001.0001_R at [29].
- 1195 Exhibit 36-0068, 'Statement of C Oliver', Case Study 36, STAT.0831.001.0001_R at [32].
- 1196 Exhibit 36-0072, 'Statement of Dr Kenneth Pidgeon', Case Study 36, STAT.0818.001.0001 at [30];
Exhibit 36-0068, 'Statement of C Oliver', Case Study 36, STAT.0831.001.0001_R at [24].
- 1197 Exhibit 36-0068, 'Statement of C Oliver', Case Study 36, STAT.0831.001.0001_R at [41];
Exhibit 36-0066, Case Study 36, CEBS.0003.001.0053 at 0056.
- 1198 Exhibit 36-0068, 'Statement of C Oliver', Case Study 36, STAT.0831.001.0001_R at [42].
- 1199 Exhibit 36-0068, 'Statement of C Oliver', Case Study 36, STAT.0831.001.0001_R at [44].
- 1200 Exhibit 36-0068, 'Statement of C Oliver', Case Study 36, STAT.0831.001.0001_R at [44].
- 1201 Transcript of L Daniels, Case Study 36, 28 January 2016 at 15065:23–36.
- 1202 Transcript of L Daniels, Case Study 36, 28 January 2016 at 15065:12–16.
- 1203 Transcript of L Daniels, Case Study 36, 28 January 2016 at 15065:23–28.
- 1204 Transcript of L Daniels, Case Study 36, 28 January 2016 at 15065:18–21, 15066:6–8.
- 1205 Transcript of L Daniels, Case Study 36, 28 January 2016 at 15065:38–43.
- 1206 Transcript of L Daniels, Case Study 36, 28 January 2016 at 15066:44–15067:1.
- 1207 Transcript of L Daniels, Case Study 36, 28 January 2016 at 15067:7–10.
- 1208 Transcript of L Daniels, Case Study 36, 28 January 2016 at 15066:19–28.
- 1209 Transcript of L Daniels, Case Study 36, 28 January 2016 at 15066:10–12.
- 1210 Transcript of L Daniels, Case Study 36, 28 January 2016 at 15067:12–16.
- 1211 Transcript of L Daniels, Case Study 36, 28 January 2016 at 15067:28–40.
- 1212 Transcript of L Daniels, Case Study 36, 28 January 2016 at 15068:21–26.
- 1213 Transcript of L Daniels, Case Study 36, 28 January 2016 at 15068:9–19.
- 1214 Transcript of L Daniels, Case Study 36, 28 January 2016 at 15068:21–26.
- 1215 Transcript of L Daniels, Case Study 36, 28 January 2016 at 15069:27–39.
- 1216 Transcript of L Daniels, Case Study 36, 28 January 2016 at 15068:46–15069:14.
- 1217 Transcript of L Daniels, Case Study 36, 28 January 2016 at 15069:27–47.
- 1218 Transcript of L Daniels, Case Study 36, 28 January 2016 at 15071:27–41.
- 1219 Transcript of L Daniels, Case Study 36, 28 January 2016 at 15072:25–44.
- 1220 Transcript of L Daniels, Case Study 36, 28 January 2016 at 15070:14–31.
- 1221 Transcript of L Daniels, Case Study 36, 28 January 2016 at 15073:20–24.
- 1222 Transcript of L Daniels, Case Study 36, 28 January 2016 at 15073:26–28.
- 1223 Transcript of L Daniels, Case Study 36, 28 January 2016 at 15073:26–33;
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- 1224 Transcript of L Daniels, Case Study 36, 28 January 2016 at 15074:10–17.
- 1225 Transcript of L Daniels, Case Study 36, 28 January 2016 at 15074:19–20.
- 1226 Transcript of G Hawkins (now R Goodfellow), Case Study 36, 28 January 2016 at 15153:46–15154:20.
- 1227 Transcript of L Daniels, Case Study 36, 28 January 2016 at 15074:38–44.
- 1228 Transcript of L Daniels, Case Study 36, 28 January 2016 at 15074:46–15075:1.
- 1229 Transcript of L Daniels, Case Study 36, 28 January 2016 at 15075:3–25, 15076:4–33.
- 1230 Transcript of L Daniels, Case Study 36, 28 January 2016 at 15075:27–38.
- 1231 Transcript of L Daniels, Case Study 36, 28 January 2016 at 15075:40–43.
- 1232 Transcript of L Daniels, Case Study 36, 28 January 2016 at 15077:6–9.

1233	Transcript of L Daniels, Case Study 36, 28 January 2016 at 15077:31–43.
1234	Transcript of L Daniels, Case Study 36, 28 January 2016 at 15078:2–9.
1235	Transcript of L Daniels, Case Study 36, 28 January 2016 at 15078:2–9.
1236	Transcript of L Daniels, Case Study 36, 28 January 2016 at 15078:11–15.
1237	Transcript of L Daniels, Case Study 36, 28 January 2016 at 15078:17–21.
1238	Transcript of L Daniels, Case Study 36, 28 January 2016 at 15078:43–46.
1239	Transcript of L Daniels, Case Study 36, 28 January 2016 at 15079:9–14.
1240	Transcript of L Daniels, Case Study 36, 28 January 2016 at 15079:26–32.
1241	Transcript of L Daniels, Case Study 36, 28 January 2016 at 15079:1–7.
1242	Transcript of L Daniels, Case Study 36, 28 January 2016 at 15079:34–36.
1243	Transcript of L Daniels, Case Study 36, 28 January 2016 at 15079:38–45.
1244	Transcript of L Daniels, Case Study 36, 28 January 2016 at 15080:4–5, 15081:32–34.
1245	Transcript of G Hawkins (now R Goodfellow), Case Study 36, 28 January 2016 at 15170:20–29.
1246	Transcript of G Hawkins (now R Goodfellow), Case Study 36, 28 January 2016 at 15156:34–43.
1247	Transcript of L Daniels, Case Study 36, 28 January 2016 at 15081:5–30.
1248	Exhibit 36-0005, Case Study 36, QLD.0107.001.0008; Exhibit 36-0005, Case Study 36, ANG.0038.001.0021.
1249	Transcript of L Daniels, Case Study 36, 28 January 2016 at 15082:10–12.
1250	Transcript of L Daniels, Case Study 36, 28 January 2016 at 15082:22–28.
1251	Exhibit 36-0005, Case Study 36, ANG.0038.001.0021.
1252	Transcript of L Daniels, Case Study 36, 28 January 2016 at 15086:19–22.
1253	Transcript of L Daniels, Case Study 36, 28 January 2016 at 15086:38–47.
1254	Exhibit 36-0012, ‘Statement of D Gould’, Case Study 36, STAT.0823.001.0001_R at [29]–[35].
1255	Exhibit 36-0012, ‘Statement of D Gould’, Case Study 36, STAT.0823.001.0001_R at [33].
1256	Exhibit 36-0042, ‘Statement of BYA’, Case Study 36, STAT.0814.001.0001_R at [16]–[28].
1257	Transcript of BYA, Case Study 36, 2 February 2016 at 15477:44–15478:6.
1258	Exhibit 36-0042, ‘Statement of BYA’, Case Study 36, STAT.0814.001.0001_R at [28].
1259	Exhibit 36-0043, ‘Statement of Mark King’, Case Study 36, STAT.0813.001.0001 at [11].
1260	Exhibit 36-0008, ‘Statement of S Fisher’, Case Study 36, STAT.0822.001.0001_R at [28].
1261	Exhibit 36-0012, ‘Statement of D Gould’, Case Study 36, STAT.0823.001.0001_R at [29].
1262	Exhibit 36-0042, ‘Statement of BYA’, Case Study 36, STAT.0814.001.0001_R at [23].
1263	Exhibit 36-0012, ‘Statement of D Gould’, Case Study 36, STAT.0823.001.0001_R at [14]–[16].
1264	Exhibit 36-0009, ‘Statement of BYH’, Case Study 36, STAT.0821.001.0001_R at [11].
1265	Exhibit 36-0012, ‘Statement of D Gould’, Case Study 36, STAT.0823.001.0001_R at [15].
1266	Exhibit 36-0010, ‘Statement of BYG’, Case Study 35, STAT.0845.001.0001_R at [11].
1267	Exhibit 36-0011, ‘Statement of BYF’, Case Study 36, STAT.08.001.0001_R at [16], [20].
1268	Exhibit 36-004, ‘Statement of R Kells’, Case Study 36, STAT.0826.001.0001_R at [22]–[23].
1269	Exhibit 36-0043, ‘Statement of Mark King’, Case Study 36, STAT.0813.001.0001 at [10], [11].
1270	Transcript of L Daniels, Case Study 36, 28 January 2016 at 15117:47–15118:11.
1271	Exhibit 36-0058, ‘Schedule A to Statement of Archbishop P Aspinall’, Case Study 36, STAT.0844.001.0002 at [21].
1272	Exhibit 36-0041, ‘Statement of Archbishop Jeffrey Driver’, Case Study 36, STAT.0840.001.0001_R at [314]; Exhibit 36-0034, ‘Supplementary Statement of Administrator Dr C Jones’, Case Study 36, STAT.0802.002.0001_R at [38].
1273	Exhibit 36-0034, ‘Supplementary Statement of Administrator Dr C Jones’, Case Study 36, STAT.0802.002.0001_R at [45].
1274	Exhibit 36-0034, ‘Supplementary Statement of Administrator Dr C Jones’, Case Study 36, STAT.0802.002.0001_R at [21], [49].
1275	Transcript of I George, Case Study 36, 3 February 2016 at 15636:22–37; Exhibit 36-0005, Case Study 36, ANG.0131.001.0022_R.
1276	Exhibit 36-0005, Case Study 36, ANG.0044.001.0068 at 0116.
1277	Exhibit 36-0005, Case Study 36, CEBS.0004.001.0020 at 0039.
1278	Transcript of P Aspinall, Case Study 36, 4 February 2016 at 15779:42–15781:24.



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