

## Royal Commission into Institutional Responses to Child Sexual Abuse

## Case Study 42: Anglican Diocese of Newcastle

**Witness Statement**

Name	Peter William Mitchell
Address	REDACTED
Date	19 July 2016

1. I have prepared this statement in answer to a request received from the Royal Commission into Institutional Responses to Child Sexual Abuse by letter dated 29 June 2016 ('the request'). The request asked that I address matters identified in 'Schedule 1' to the request and I have set out in this statement my recollection of those matters to the best of my knowledge and belief.
2. This statement has been prepared on the basis that the Royal Commission will issue a notice under the Royal Commissions Act 1902 (Cth) seeking the production of signed copy of the statement and that it will be tendered and received in evidence pursuant to the Commonwealth or State legislation applicable to this Royal Commission.
3. I have not held any role at a national level in the Anglican Church since 2002 when I resigned my position as Registrar. I resigned my position as a result of being confronted with allegations of misconduct involving taking money from the Church.
4. I have spent the past 15 years trying to suppress, block out and manage my feelings about my involvement with the Diocese and my financial misconduct. I find any contact with the Diocese or discussing my time at the Diocese deeply distressing. I do not have access to any Diocesan documents and records other than those produced to me by the Royal Commission. Given the effluxion of time, the lack of access to Diocesan records and my own distress, I have only an imperfect



recollection of many of the matters upon which the Commission has asked me to address.

**5. Association with the Anglican Church (1 (a)-(d) of Schedule 1)**

6. I worship at the Church of the Good Shepherd, Kotara South. I have worshipped at the Church of the Good Shepherd for the past 20 years. I am on various rosters including welcoming, reading, serving and administering the chalice. Previously, I worshipped in the Mayfield Parish and for a period was a member of Mayfield Parish Council. I do not recall the dates, but my best guess is that I became a member of Mayfield Parish Council shortly after I started worshipping there (perhaps 1980). I think I may have resigned from Parish Council in 1993.
7. I worked as the account's clerk at the Newcastle Diocesan Office from 1979 -1982. I was the accounting officer at the Newcastle Diocesan Office from 1982 – 1992.
8. In 1993, I was appointed as the Registrar of Newcastle Diocese. I held the position of Registrar from January 1993 to January 2002.
9. The Registrar's role was to provide financial and administrative support to the Bishop, a number of Boards and Committees, to the clergy and office-bearers in the 65 parishes within the Diocesan boundaries. This included:
  - a. Oversight and management of funds invested on behalf of the Diocese and parishes including a significant proportion invested directly in registered first mortgages.
  - b. Oversight and management of the Diocesan insurance program, negotiating and placing cover for more than twelve classes of insurance.
  - c. Production of annual diocesan budget papers; presentation of budgets to Diocesan Council, to area meetings of clergy and office holders and to the Synod.
  - d. Production of regular financial reporting to the Trustees of Church Property, Diocesan Council, Anglican Savings & Development Fund and others.



e. Care and custody of Diocesan records.

10. As the Registrar, I was an *ex officio* member of Synod, an *ex officio* member of Diocesan Council and the *ex officio* Secretary to the Trustees of Church Property.
11. At some point, I was elected by the Diocesan Synod to be a member of the General Synod. I do not now recall the dates. From memory, the term of membership of the General Synod is 3 years and I was part-way through my second term when I resigned in January 2002. At some time I was elected by the General Synod to the Standing Committee of the General Synod. I do not now recall the period during which I was on the Standing Committee. I resigned from both the General Synod and the Standing Committee of General Synod when I resigned from the Diocese in January 2002. I do not now recall any involvement focussing on the issue of child sexual abuse whilst involved with either the General Synod or the Standing Committee.
12. In or about 2003 or 2004, I was asked to be a member of Kotara South Parish Council. I was not particularly eager to be a member of Parish Council, but I accepted the invitation. I attended one meeting and then resigned.
13. I do not recall being a member of any Committee Against Sexual Misconduct. I recall a Committee of that nature had been formed early in Bishop Herft's tenure. From the documents provided to me by the Royal Commission, I believe the committee's title was 'Diocesan Committee to Consider Allegations of Sexual Misconduct, Harassment and Abuse'. I may have been called on to offer administrative advice from time to time, but I have only one specific recollection of any involvement in the Committee. I have set out that experience later in this Statement.
14. The Professional Standards Committee did not exist during my employment. The Professional Standards Board did not exist during my employment.



15. Other than the 'Diocesan Committee to Consider Allegations of Sexual Misconduct, Harassment and Abuse' I do not recall any other specific working groups formed in relation to professional standards matters. My memory is that some work may have been done on those issues, brochures printed and advertisements placed in the Diocesan newspaper, but I do not recall my involvement in that work, if any. I did not have any specific responsibility for professional standards matters within the Church.
16. I have been asked about any involvement with the Board of Enquiry and the Panel of Triers. With the effluxion of time I do not now accurately recall the relationship between the Panel of Triers and the Board of Enquiry and the difference between each. I believe I may have had some involvement with the Panel of Triers. I recall that on one occasion a woman did cause a complaint against a priest of the Diocese to be heard using church legislation and I believe the legislation involved the Panel of Triers. The allegation did not involve child sexual abuse but an allegation involving a sexual relationship between adults. The legislation had been enacted in the late 1920s and had never previously been used as far as I was aware. The Registrar's role in relation to the legislation was to attend to the administrative matters necessary to conduct the court case.
17. As Registrar, I was *ex officio* Treasurer of St John's College, Morpeth.
18. As Registrar, I believe I was *ex officio* a member of the Samaritans Foundation, although I rarely attended meetings. In relation to St Alban's Boys' Home, my memory is that the Home was in the process of being wound up when I started to work for the Diocese. It operated as a small Group Home for a few years and the Diocesan office prepared its financial statements. I had no other role or responsibilities involving the Home.
19. The Diocese leased the Newcastle Grammar School to an independent Board. The only involvement I had was to administer the terms of the lease. As Registrar, I was invited to the School's annual event and I tried to attend the event every alternate



year. Otherwise, I had no particular involvement in or responsibilities involving the Newcastle Grammar School.

20. Other than as explained above, I do not recall the circumstances and reasons for commencement of past roles in the Anglican Church. I resigned from all national roles in the Church in 2002 after the Bishop and Diocesan Auditor asked me to explain certain irregular financial transactions. I immediately admitted to improperly taking Church money, although I did not agree with the amounts suggested. I then resigned. I was charged and pleaded guilty at the first opportunity and fully co-operated with the Diocesan Auditor and the Police investigation. I immediately arranged to "cash-out" my personal superannuation contributions and we sold our family home so I could use my half share to repay all funds back to the Diocese. I served time in prison for my crime and was released from prison at the end of May 2003. I have had no contact with the Diocese or the national Church since January 2002, with the exception of a meeting with the Diocese's Director of Professional Standards in July 2012. I discuss that meeting later in this Statement.

**21. Role in Policy Development in the Anglican Diocese of Newcastle**

22. I do not recall having any specific responsibility for or involvement in developing and/or implementing professional standards and child protection policies, procedures and practices in the Diocese. Early in his episcopate, Bishop Herft asked about such guidelines, and finding none existed, used resources from his previous Diocese in New Zealand to start developing guidelines to be used throughout the Diocese of Newcastle. I provided support to him in that action.
23. From memory, Bishop Herft involved a number of lay counsellors in establishing the first guidelines and I think my involvement would have been limited to providing administrative support to those tasked with setting up the guidelines.
24. I have a memory that at one stage I had a discussion with the Chair of the Committee set up to assist the Bishop about an aspect of the proposed guidelines. The context



of the discussion was that as the Chair was the one person who received reports from individual counsellors dealing with complaints about priests, it might be useful to include in the process a mechanism for the Chair to review the reports of the individual counsellors to see whether or not any particular priest's name was coming up more than once. Other than this, I do not believe nor do I now recall that I had any particular involvement or responsibility for the development of the policies, procedures and practices and this would have been undertaken by the Bishop, the Chair and the Committee. From memory, the proposed guidelines involved the use of professional counsellors or social workers to offer support to victims of abuse. I can recall that after the protocols were put in place, brochures were printed advising people that protocols now existed and that support was available. I believe that an advertisement may have been placed in every issue of the Anglican Encounter.

25. I see from documents produced by the Royal Commission that in the Minutes of the Diocesan Council meeting of 3 December 1998 there is a reference to 'Discipline of Licensed Persons Ordinance' being discussed at this meeting. It appears from that document that I attended this meeting. I do not have any recollection of this meeting or the background to or specific purpose of the ordinance.

26. Response to Specific Allegations of Child Sexual Abuse and Knowledge of the Response of the Anglican Church to Allegations of Child Sexual Abuse made against CKC and <sup>CKN</sup>

27. I had some involvement in the Diocese's response to complaints of child sexual abuse against CKC and <sup>CKN</sup>

28. I believe these were the only complaints alleging child sexual abuse about which I became aware during my employment with the Church. I do not recall there were sufficient instances that came to my attention to develop a "usual practice" to respond to complaints of child sexual abuse.

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**29. Allegations against CKC**

30. The Diocese became aware of allegations of abuse against CKC at or about the time that CKC was charged with offences against CKA. I cannot now recall the precise circumstances of becoming aware of the complaints. I do not know when CKC was charged.

31. The Royal Commission has provided two file notes ANG.0050.003.9058 (undated) and ANG.0050.003.9059 (dated 9 February 2000). They appear to relate to telephone calls to the Dean's office and to the Diocesan office respectively about CKC.

32. In relation to file note ANG.0050.003.9059, I received this file note on 14 February 2000 and I recorded the date of receipt together with my signature on the document. I would have given this file note to the Bishop. In relation to file note ANG.0050.003.9058, I believe the Dean forwarded this to me on or about 15 February 2000 [ANG.0050.003.9057]. The file notes record the Police were making investigations about CKC about sexual abuse. I believe but cannot now be certain that it was not until some time later that both the Diocese and I came to understand that the complaints concerned allegations of child sexual abuse against CKC. My recollection is that I only came to know this at or about the time that CKC was charged with offences against CKA.

33. At the time, CKC and I were close friends. I had known CKC since 1979 when I commenced working for the Diocese and CKC would visit the Diocesan office from time to time to provide pastoral support for the administrative staff. My family had worshipped at [REDACTED] Parish and in 1985 CKC was appointed the Rector of the Parish. That appointment led to a strong friendship developing between CKC and myself. CKC became our daughter's godfather in 1987. Until he left Newcastle, CKC would spend Christmas at our home (or that of my parents-in-law and later, brother-in-law's family). Professionally, I had acted as his Warden on Parish Council until I

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resigned when I became Registrar (probably 1993). At some point while at [REDACTED] CKC was elected to Diocesan Council. Up until the time of the charges, I saw CKC very frequently.

34. I am asked to comment on my personal experience of CKC's influence on decision-making in the Diocese. At the time of the charges, CKC was a priest in the Ballarat Diocese not the Newcastle Diocese. My belief though is that CKC would have been respected throughout the Newcastle Diocese. CKC had been a member of the Diocesan Council for a period of time and my memory is that he resigned in late 1995 or 1996. I cannot speculate on his influence on decision-making during his time on the Diocesan Council. I do not recall if CKC made any specific contribution to matters of professional standards whilst he was on Diocesan Council.
35. After becoming aware of the charges made against CKC, I minimised contact with CKC. I tried to keep some distance from him during the period from when I first became aware of the allegations until the hearing concluded. I stopped telephoning CKC sometime early in the process. If he called me, I would try and keep the call brief. Fortunately, I believe he felt the same as I did. We did not discuss the legal situation or the charges and the contact between us dwindled.
36. Mr Keith Allen, Solicitor, represented CKC in the proceedings. I knew Keith Allen as a member of the Diocesan Council and the Trustees of Church Property. He was also a member of Synod and I think for much if not all that time would have been the Chairman of Committees of the Synod.
37. During the criminal proceedings, the Diocese responded to requests for information from both the DPP and Keith Allen. As the Registrar, I had responsibility to provide information requested or required under Court process.
38. I recall sending a letter (ANG.0037.001.0305) dated 17 February 2000 to Mr Keith Allen responding to an enquiry from Mr Allen that the Diocese confirm the dates that CKC was in various parishes between 1970 and 1980. The letter dated 17

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February 2000 (ANG.0037.0305) was the Diocese's response to that request for information.

39. During the court case, Mr Allen asked me if I would provide a statement for CKC about my knowledge of and personal friendship with him. ANG.050.003.9051 statement dated 5 July 2001 in which I provide a statement about my personal friendship and other matters for CKC. I recall being uncertain and reluctant to get involved in the matter and the situation was awkward. However, CKC was my friend and given his plea of not guilty and the presumption of innocence and the request, I agreed to make a statement for CKC. I do not now recall but believe it is likely that I discussed providing a statement with the Bishop but I honestly don't remember. Until the Royal Commission provided a copy of the Statement to me, I didn't even remember that I had made the statement.

40. I make comment on the following documents produced by the Royal Commission:

- a. ANG.0037.001.0907 dated 2 August 2001 is a letter from DPP requesting information regarding Servers' Guild Meetings. ANG.0037.001.0311 is a letter dated 3 August 2001 to DPP answering the DPP's request.
- b. ANG.0037.001.0038 is a request from the DPP dated 23 August 2001 for access to Diocesan Yearbooks. I believe we responded to this letter either in writing or by phone advising that the DPP could inspect the Yearbooks.
- c. ANG.0050.003.904 letter dated 14 September 2001 to Keith Allen. After the Crown withdrew all charges the Bishop and others in the Diocese were concerned about the effect of material that had been published by the press leading up to the trial and that there was some concern and confusion in the community about what had happened. There were also reports of a lack of co-operation from the Dean's office and the Diocesan office. I recall that Bishop Herft and I discussed the best way to communicate about the hearing and those matters to the Diocese generally. I cannot now recall all of the persons with whom the article was discussed but I believe it probable the article was discussed with both the Bishop and with the Diocesan Solicitor. As I had not been involved in the legal process, I felt that Mr Allen was the



one best placed to comment on the draft article that was to be published in the Anglican Encounter and to others.

- d. ANG.0050.002.2954 dated 17 September 2001 from Keith Allen. Mr Allen recorded thanks for assistance. The only assistance provided was in relation to specific requests and/or subpoenas to produce. Mr Allen advised that expenses incurred might be recoverable.
- e. ANG.0207.001.0487 dated 20 September 2001 to Mr Allen. In responding to the letter above, it appears that I would have attached an estimate of costs spent in producing documents. The letter concludes with reference to the way the DPP conducted the matter and advice that the Diocese would write directly to the DPP.
- f. ANG.0050.002.2767 dated 28 September 2001 from Keith Allen. Mr Allen makes suggested changes to the draft Anglican Encounter article. From the copy of the Article, it appears that most of Mr Allen's suggestions were not taken up.
- g. ANG.0050.002.2994 article from October 2001 Anglican Encounter. This appears to be the article published following the withdrawal of the charges against CKC. The article sought to provide assurance that the office had co-operated and responded to requests for information and also emphasised the role of the Diocese's Sexual Misconduct Principles and the processes available to complainants
- h. ANG.0050.002.2533 dated 3 October 2011 to the DPP. The letter raises concerns regarding the process. I do not now recall precise details of the concerns that led to the creation of this letter, but it seems that the nature and timing of the allegations changed during the pre-trial hearings and that the date eventually used in the trial could have been checked earlier. Further, apart from the publicity being damaging to all parties, the DPP was quoted in a television report saying that "the Dean's office was unwilling to assist." Bishop Herft and I discussed the matter and felt that we had provided information as requested and in a timely manner. Bishop Herft discussed with me how best to refute the suggestion that there had been a lack of co-operation from the Dean's office.



- i. ANG.0050.002.2527 memo dated 3 October 2001 from Bishop Herft asking that I respond to a letter from CKA. The documents produced to me do not include a copy of CKA's letter to the Bishop except that the other documents suggest that one of the matters raised by CKA was a concern that the Church had conveyed 'confidential conversations' to CKC's legal advisors.
- j. ANG.0050.003.9084 dated 16 October 2001 from Rankin & Nathan (Diocesan Solicitors). Rankin & Nathan were retained by the Church to advise on responding to and provided a draft response to CKA. Whilst I cannot now be certain, it is likely that the document STAT.0221.001.0033 is either the draft letter prepared by Rankin & Nathan or is in similar terms to that drafted by the Church's solicitors. I believe the document at STAT.0221.001.0033 or one in similar terms was sent to CKA.
- k. ANG.0037.001.0425 dated 29 November 2001 from the DPP. The DPP responded that rather than saying "unwilling" that the DPP found the Dean's office "unable" to assist. The letter goes on to say the Diocesan office were "very co-operative." The DPP explained how it had gone about obtaining certain information.

41. I do not recall the Diocese providing any support to CKA or anyone in CKA's family. My recollection is that whilst the legal proceedings were ongoing the Diocese thought the complaint was a matter of legal process and that it should not discuss the matter that was before the Courts. So far as I can now recall, I do not think the Diocese had any contact from CKA until CKA must have written to the Bishop in early October 2001 (and after the proceedings) as set out above. The Church responded to CKA by letter and that letter is either STAT.0221.001.0033 (or a letter in terms similar to STAT.0221.001.0033 was sent) in which the Church advised CKA of the support and counselling available under Church protocol.

42. As far as I can recall, CKC was serving in the Diocese of Ballarat at the time the allegations were made and he was charged and I would think that the Diocese of Ballarat would have information about any steps taken in response to the charging of CKC. I would not have been involved in any discussion between the Bishop and



the Newcastle Diocese about a Diocesan response to CKC. I believe that any action to be taken upon the complaints being made would have been the responsibility of the Diocese where CKC served, that is, the Ballarat Diocese.

43. Whilst I was Registrar I was not aware of any disciplinary action and I would not have expected to know about it unless CKC had been licensed in Newcastle. I had no involvement in discussions of risk management involving CKC. My understanding of Church process leads me to believe that issues of risk involving CKC would have been the responsibility of the Ballarat Diocese. I would not have expected the Diocese to discuss those matters with the Registrar of the Newcastle Diocese. I would not have expected the Bishop, if he was involved, to have discussed those issues with the Registrar. I understand that at some point in time the Diocese of Ballarat revoked CKC's licence, but I do not know the circumstances of the revocation or the date upon which the licence was revoked.

44. I have never been involved in the selection process for ordination for CKC or any other candidate. I was never involved in the provision or authorisation of any legal fees for CKC or any other priest charged with child sexual abuse offences.

45. I note in document ANG.0050.001.2602 I mention the Archdeacon of the Central Coast should be approached to pay counselling fees in relation to Mr <sup>CKM</sup>. Other than that, I do not recall any instances where I was involved in the provision or authorisation of any counselling, ex gratia payments, legal fees, or any other forms of assistance or redress.

46. Allegations against <sup>CKN</sup>

47. The Royal Commission has produced documents ANG.0050.001.2568, ANG.0050.001.2572 and ANG.0050.001.2602. The first two items of correspondence are dated July 1995 and the third is dated September 1995.

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48. I did not recall this matter until provided with the documents. My limited recollection prompted by the documents was that Mr Keith Allen was concerned that Mr <sup>CKN</sup> may still have some association, if not with the Diocese, then with the CEBS organisation nationally. I undertook to make confidential inquiries of CEBS to ascertain whether Mr <sup>CKN</sup> was still associated with CEBS. Had he been so, then CEBS would have had to be notified of the allegations. I note the larger part of my letter to Mr Allen raises the Diocesan principles and procedures. I note also that the letter says they had been adopted by the Synod and had been distributed to all members of Synod and to Parish Councils.

49. I have no other knowledge of Mr <sup>CKN</sup> or the nature of the complaint against him. The handwritten notes on ANG.0050.001.2602 are not mine and I do not know about the matters to which they refer.

50. Stephen Hatley Gray

51. The name Stephen Hatley Gray is not familiar to me. His name does not appear in any documents provided to me by the Royal Commission. I have no memory of anyone of that name serving in the Diocese so can make no comment about their resignation.

52. Contact from Professional Standards in 2012

53. In 2012, I was contacted by a person who introduced himself as Michael Elliot of Professional Standards who asked to meet me to discuss various matters in relation to child sexual abuse within the Church. I met with Mr Elliot on or about 25 July 2012.

54. In the documents produced by the Royal Commission is an email and letter [ANG.0050.001.3859 -.3862] sent by me to Mr Elliot following our meeting. In the letter at ANG.0050.001.3860 -.3862 I outline what I recall about the call from Mr

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Elliot introducing himself to request a meeting and set out the issues discussed at that meeting.

55. I recall the Director of Professional Standards contacted me because he said that in the course of his enquiries "my name kept coming up" and that I may be able to assist in his enquiries into child sexual abuse within the Church. I recall saying that my name would come up as I was the Registrar at the time but he conveyed to me that there some issues that he wanted to explore.
56. During the meeting he mentioned a number of priests in connection with allegations of child sexual abuse and most of it I had not heard before that meeting. During the meeting, he seemed to refer to some people suggesting that he should speak to me but the information was very generalised and he never told what they suggested he speak to me about.
57. At one point he said "they" had dumped me in it when I left the Diocese and it was now my turn "to get back at them." He didn't say who 'they' were, what they had said, or the effect of it and therefore I had no opportunity to discuss whatever it was, if anything that was said. I understood his reference to 'being dumped in it' to mean being referred to the Police for my financial misconduct.
58. During that meeting, I kept telling the Director I had little knowledge of the matters he was raising and people he was talking about and that I felt I could offer little that was new. I felt that his reference to my financial misconduct and the way in which the Director raised the vague and ill defined information was quite bullying and intimidatory and I formed the view that he was suggesting that somehow I had been involved in covering up child sexual abuse. I told the Director that I was not involved in any cover up and neither was I aware of any cover up by others.
59. I had undergone extensive counselling in the year after I resigned from the Diocese to deal with my feelings about my financial misconduct and to seek to understand why it was I had offended and his tactics re-awoke the trauma I had been through. I

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was severely depressed for several days after our meeting. I then resolved to write to the Director in the terms set out in the letter.

**60. Conflicts of Interest**

61. I have not worked for the Diocese for almost 15 years and I have no idea what policies about conflicts of interest in responding to complaints of child sexual abuse, if any, are in place now. As far as I can recall, I do not believe the Diocese had any policy addressing the issue of conflicts of interest in responding to complaints of child sexual abuse whilst I was working for the Diocese.

62. In relation to the matter of CKC, I was concerned about the charges against him as he was my friend, and also concerned about difficulties and potential conflicts of interest on several levels. While CKC was a personal friend, I tried to keep some distance from him and from Keith Allen during the period from when I first became aware of the allegations until the hearing concluded. I stopped telephoning CKC sometime early in the process, or if he called me, would try and keep the call brief. As I said earlier, I believe he felt the same as I did and we had minimal contact and did not discuss the legal situation. As I set out earlier, whether it was the allegations made against CKC or my criminality, our relationship for many years has been distant such that we now have only limited contact. We exchange Christmas cards and I try to telephone him around his birthday and/or Christmas.

63. When I was approached by Keith Allen to write a statement for CKC and as set out earlier in my statement, I recall struggling with the question of whether or not I should get involved. I believe I agreed to provide a statement because I understood that there was a presumption of innocence and that it was therefore okay to provide a statement about my friendship with and knowledge of CKC.

64. In relation to Keith Allen representing CKC I was mindful to try to make sure that information was only provided to Mr Allen formally and in writing. It was a little difficult not to see Keith Allen as we often met at various meetings. Sometimes Keith



Allen would stay after the meeting to have a chat. I know he occasionally mentioned CKC but it was of a general nature only and neither he nor I discussed the allegations against CKC. I do recall trying to change the subject on occasion just because I felt uncomfortable. I know that the Bishop and the Dean were aware that Keith Allen was representing CKC.

Signature: 

Name: Peter William Mitchell

Date: 19 July 2016

Witness:   
Danielle Renee Sangster

Date: 19 July 2016