



BENDIGO | MELBOURNE | GIPPSLAND | WANGARATTA

Yoorrook Justice Commission

Introduction and important matters of background

1. **Basic structure of the Anglican Church:** The Anglican Church of Australia (the **ACA**) is a member of the worldwide Anglican Communion. It consists of Provinces across Australia. Within each Province, there are a number of Dioceses. There are a total of 23 Dioceses across all of the Provinces in Australia. Each Diocese is led by a Diocesan Bishop, who is supported by a team of clergy and lay people. Within each Diocese, there are a number of parishes. Each parish comprises one or more churches. Prayer and worship happens in parishes, and these range from large metropolitan congregations to small remote communities who come together to live the faith.
2. The relevant Province for the purposes of the Yoorrook Justice Commission (the **Commission**) is the Province of Victoria. There are 5 autonomous Dioceses in the Province of Victoria (collectively, the **Victorian Dioceses**). They are as follows:
 - a. the Diocese of Melbourne – founded 1847;
 - b. the Diocese of Ballarat – founded 1875;
 - c. the Diocese of Bendigo – founded 1902;
 - d. the Diocese of Wangaratta – founded 1902; and
 - e. the Diocese of Gippsland – founded 1902.
3. In terms of governance, each of these Dioceses operates an assembly of largely elected representatives. In each case, this Diocesan assembly is known as “the Synod”. At the national level, the ACA operates a General Synod. The Province of Victoria operates a Provincial Council.
4. **NATSIAC:** Each of the Dioceses across Australia supports the National Aboriginal and Torres Strait Islander Anglican Council (**NATSIAC**). This body represents the interests of Aboriginal and Torres Strait Islander members of the ACA nationally. The NATSIAC assists individuals and communities by providing pastoral care, and it also assists, encourages and resources Aboriginal and Torres Strait Islander ministries which exist in many dioceses.
5. The NATSIAC is affiliated internationally with the Anglican Indigenous Network, which has a seat on the United Nations.
6. Bishop Chris McLeod is the National Aboriginal Bishop for the ACA. He was appointed after consultation with each of the Archbishops of the ACA. Bishop McLeod is based in South Australia. He is descended from the Gurindji people, and has been involved in ministry among and beside Aboriginal people in Anglican orders for more than 20 years.
7. The NATSIAC has provided leadership to the ACA in consideration of issues associated with constitutional recognition and the Voice to Parliament. The ACA first confirmed its support

for constitutional recognition for First Nations people and the Voice to the Commonwealth Parliament in 2017.

8. **The Request for Information (RFI):** By letter dated 13 March 2024, the solicitors assisting the Commission invited the Province of Victoria to provide written responses to the questions set out in Annexure A of that letter.
9. **Response:** By this document (including its annexures), the Dioceses of Melbourne, Bendigo, Wangaratta and Gippsland respond to the RFI (**MBWG Dioceses**). Each of these Dioceses has contributed to the preparation of this document. Such contributions were required because, for the purpose of organisation and management, each Victorian Diocese manages its own affairs. Where relevant, in this document, we have identified the particular Victorian Diocese(s) from which information was sourced.
10. The Diocese of Ballarat has also contributed to the preparation of this document. It supplied information to the MBWG Dioceses; and the MBWG Dioceses used such information in the preparation of this document. However, the Diocese of Ballarat prepared a separate document responding to the RFI. It shall provide that document to the Commission.
11. The MBWG Dioceses have made significant inquiries and provided as much information as has been possible in the time available. Where the response is representative of a collection of documents, is a summary of information, or has not been able to be sourced in the time available, this has been expressly noted. Where such an acknowledgement is made, it is not intended to be and/or to express an unwillingness to provide reasonable assistance to the Commission: it represents the best efforts of the MBWG Dioceses in the time available.
12. Further, if requested, the MBWG Dioceses will make further inquiries to assist the Commission.
13. **Structure of this response:** This response to the RFI has three parts as follows:
 - (a) this Letter;
 - (b) fifteen annexures, each of which addresses one of the topics identified in the annexure to the Commission's RFI;
 - (c) a paginated bundle of documents relevant to the responses provided by the MBWG Dioceses – in this document, and in the annexures to this document, a reference to "[B xx]" is a reference to a particular page in this paginated bundle.
14. **Acknowledgements:** We acknowledge the unceded sovereignty of First Nations and Traditional Owners Victoria, and we pay our respect to Elders past and present. Since time immemorial, First People have upheld their laws, practised their customs and lore, and cared for Country. We acknowledge their enduring spiritual, cultural, familial, material and economic connections to land and waters. We are committed to work and pray towards a more just settlement for all Indigenous people.
15. Further, in relation to St Paul's Cathedral (the main place of worship, prayer, and gathering for Anglicans in Melbourne and throughout the Province of Victoria), we acknowledge that it

stands on the sovereign Country of the Wurundjeri people of the Kulin Nation – land that was taken, not ceded. We give thanks for their ancestors, and acknowledge the ongoing right and responsibility of their Elders to care for this Country.

16. The dispossession of Country by the ongoing colonisation of Victoria has had adverse impacts on the health of First Peoples and the health of Country. Such adverse impacts continue to cause harm to First Peoples and Country.
17. In writing the responses, the MBWG Dioceses have not attempted to speak for any First Peoples organisations or individuals. We acknowledge that Traditional Owners hold the cultural authority, expertise, and obligation to speak for Country.
18. **Further information/requests for clarification:** In relation to the contents of this document and the annexures, if the Commission seeks further information, it should contact the Registrar of the Diocese of Melbourne: mtadgell@melbourneanglican.org.au. Where necessary, the Registrar will consult with the Registrars of the Dioceses of Bendigo, Wangaratta, and Gippsland.
19. **Participation in planned hearings and roundtables:** The MBWG Dioceses are willing to participate in such hearings and roundtables. Each of the following are willing to attend: The Most Reverend Dr Philip Freier, Archbishop of Melbourne, The Right Reverend Matt Brain, Bishop of Bendigo, The Right Reverend Clarence Bester, Bishop of Wangaratta, The Right Reverend Dr Richard Treloar, Bishop of Gippsland, and Reverend Glenn Loughrey. In this regard, the Registrar of the Melbourne Diocese is the initial contact person.



The Most Reverend Dr Philip Freier, Archbishop of Melbourne



The Right Reverend Clarence Bester, Bishop of Wangaratta



The Right Reverend Matt Brain, Bishop of Bendigo



The Right Reverend Dr Richard Treloar, Bishop of Gippsland

Response to Request No. 1

1(a)	<p>The Melbourne Diocese was established in 1847.</p> <p>For further details, we refer to section 2 of the paper titled "<i>An Overview of the Church Law of the Anglican Church of Australia</i>" (Overview Paper) [B 10–16].</p>
1(b)	<p>As to the development of the Anglican Church in Victoria, we refer to the following documents: (1) the Overview Paper; and (2) the timeline set out on this page of the website of the Diocese of Melbourne.</p> <p>As to the current organisational structure of the Anglican Church in Victoria, we refer to the Diocese and Parishes of the ACA as set out on this page, and the links to each of the Victorian Dioceses available on that page and set out below:</p> <ul style="list-style-type: none"> • the Diocese of Melbourne; • the Diocese of Ballarat; • the Diocese of Bendigo; • the Diocese of Wangaratta; and • the Diocese of Gippsland.
1(c)	<p>As to the establishment and operations of NATSIAC, we refer to the web page titled Indigenous Ministry on the Anglican Church of Australia’s website here.</p>

Response to Request No. 2

2	<p>The involvement of the Anglican Church can broadly be summarised as including:</p> <ul style="list-style-type: none"> • missionary work, building churches, preaching, Church services, baptisms, marriage ceremonies, and funerals; • schooling, including reading; and • housing, including building houses, gardening and farming. <p>The summary referable generally and to each of the Missions below is sourced in part from:</p> <ul style="list-style-type: none"> • Chapter 12 of the book <u>Settler Colonial Governance in Nineteenth-Century Victoria</u>, edited by Leigh Boucher and Lynette Russell (ANU Press and Aboriginal History Inc.; 2015): [B 21–31]. • Extracts from the book <u>Aboriginal Reserves & Missions in Victoria</u>, DB Caldere & DJ Goff (DSE, 1991): [B 32–36]. <p>Between 1869 and 1886, there were six missions operating in Victoria:</p> <ul style="list-style-type: none"> • Ebenezer (Lake Hindmarsh), Ramahyuck and Lake Tyers were Church-funded missions; • Coranderrk, Framlingham and Lake Condah were government-operated reserves. <p>While the mission stations were managed by missionaries whose wages were paid by the Churches or mission societies, government-appointed managers ran the reserves; the sole exception was Lake Condah which operated under a mix of government and Church funding and control.</p>
2(a)	The Anglican Yelta Mission was established in 1855, and closed in 1861.
2(b)	Lake Condah Mission was at Condah and was run by a partnership between the government and the Anglican Church. It was closed in 1913, and the associated reserve was closed in 1918.
2(c)	Framlingham Mission began as an Anglican mission in 1861, but had reverted to direct control by the Board for the Protection of Aborigines in 1866. The mission formally ceased in 1890.
2(d)	Lake Tyers was founded by the Anglican Church in 1861. The Government took responsibility for the temporal management in 1908 but appointed an Anglican chaplain. A timeline of significant events related to the mission has been prepared by the Diocese of Gippsland: [B 39].

Response to Request No. 3

3	<p>Whilst the MBWG Dioceses have not acknowledged harms in relation to the specific institutions referred to in Request No. 2 above, there has historically been and continues to be a deep sense of penitence and responsibility for the Church's role in historical harms.</p> <p>The MBWG Dioceses have – noting their respective beginnings, separately and together – acknowledged that injustices, racism, and oppression have occurred historically and continue to occur and affect Victorian First Nations Peoples. In the time available, the Victorian Dioceses have collated examples of relevant historical and current Synod motions:</p> <ul style="list-style-type: none"> • Archbishop Synod Address Extracts [B 44–49]; • General Synod Resolution Extracts [B 50–112]; • Melbourne Synod Motions – 1970s and 1980s [B 113–130]; • Melbourne Synod Motions – 2010 to 2023 [B 131–134]; • Wangaratta Synod Motions and Reports [B 137–139]; • Bendigo Synod [B 142–143]; • Gippsland – 2009 Commitment and Affirmation of Faith and Justice – P Muston [B 146–147]. <p>These motions and reports illustrate the open way in which each MBWG Diocese has:</p> <ul style="list-style-type: none"> • acknowledged the harms caused harm to First Nations People; • the Church's role in causing those harms; • the approach adopted by each of the MBWG Dioceses to provide support to First Nations People.
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Response to Request No. 4

4	<p>Each of the MBWG Dioceses was established at a different time.</p> <p>As set out above, each Diocese comprises a number of parishes, and each parish includes one or more churches and associated land holdings. As the population in both Melbourne and Victoria grew and expanded, the parishes grew accordingly and expanded to better provide ministry to the community.</p> <p>The number of churches and associated land holdings is difficult to summarise at specific points in time. This is because the parishes changed over time, and thus their churches and associated land holdings changed over time.</p> <p>Parishes</p> <p>Each of the MBWG Dioceses has extracted the relevant pages from Bishop James Grant's <u>Episcopally Led and Synodically Governed: Anglicans in Victoria 1803-1997</u>, which sets out the founding dates of parishes in each MBWG Diocese up until 1997:</p> <ul style="list-style-type: none"> • Melbourne [B 152–155]; • Wangaratta [B 180–182]; • Bendigo [B 182–188]; • Gippsland [B 191–192]. <p>Churches</p> <p>To assist the Commission, an Anglican historian has utilised several sources to collate the summary of the churches in each parish in each Diocese detailed below.</p> <p>Historical land holdings</p> <p>In the time available, the MBWG Dioceses have not had an opportunity to review all archival resources to assist the Commission with this question.</p> <p>In the time available, the MBWG Dioceses have located two archival resources relating to historical land holdings:</p> <ol style="list-style-type: none"> 1. A listing of land grants made to the Church of England (a) before 1 July 1851, when Victoria became a Colony and (b) after 1 July 1851, up until grants ended in 1875 under <i>the State Aid to Religion Abolition Act 1871</i> (Vic). Unfortunately, the MBWG Dioceses do not have the details of the provenance of this document. [B 229 – 236] 2. Listings of land held by the Diocese of Melbourne in (a) 1887 and (b) 1898. These documents identify land that was (a) subject to Crown Grants (b) purchased (c) gifted by individuals. [B 156–177]
4a	<p>By way of summary:</p> <ul style="list-style-type: none"> • Diocese of Melbourne: 208 parishes, 277 churches; • Diocese of Bendigo: 32 parishes, 62 churches; • Diocese of Wangaratta: 22 parishes, 60 churches; • Diocese of Gippsland: 30 parishes, 68 churches.
4b and 4c	<p>In the time available, the MBWG Dioceses have not been able to set out a summary per decade for each of the 19th and 20th centuries, but can make those inquiries. As noted above, Bishop Grant's book details when each parish was established up until 1997.</p>

Response to Request No. 5

5a	<p>Present</p> <p>In the time available, each of the MBWG Dioceses has sourced – to the best of its ability – information regarding the present total size and financial value of land holdings. These are summarised as follows:</p> <ul style="list-style-type: none"> • Diocese of Melbourne: 160 hectares, financial value of approximately \$1.38 billion. This includes the land holdings held by a number of trusts [B 197]. • Diocese of Bendigo: 30 hectares, financial site value of approximately \$35.6 million [B 206–207]. • Diocese of Wangaratta: 30.65 hectares, financial site value of approximately \$30 million [B 200–203]. • Diocese of Gippsland: 39.4 hectares, financial value of approximately \$45 million [B 210].
5b	<p>Historical</p> <p>As set out in the response to Request No. 4 above, parishes in each of the MBWG Dioceses changed over time, and thus their churches and associated land holdings changed over time. Separate parishes started and merged, others remained in their original iterations, and many have divested land over time. Records for historical rates or values have also been difficult to locate.</p> <p>The MBWG Dioceses can undertake further investigations if required.</p>

Response to Request No. 6

6	<p>The relevant information for each of the MBWG Dioceses is set out in the bundle as follows:</p> <ul style="list-style-type: none">• Diocese of Melbourne: The relevant information is set out in document [B 215].• Diocese of Bendigo: The relevant information is set out in document [B 221].• Diocese of Wangaratta: The relevant information is set out in document [B 218].• Diocese of Gippsland: The relevant information is set out in document [B 224].
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Response to Request No. 7

7	As matters presently stand, for each of the MBWG Dioceses there is no policy to notify and/or consult with Traditional Owners in respect of sales of church / parish land.
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Response to Request No. 8

8(a)	<p>Each of the MBWG Dioceses acknowledges the traditional ownership of the land on which churches and parishes are located.</p> <p>As matters presently stand, for each of the MBWG Dioceses there is no program to return surplus church/parish land to Traditional Owners.</p>
8(b)	<p>Each MBWG Diocese provides money to the national church, which then funds the operations of NATSIAC. These funds are sourced through various programs within each MBWG Diocese, and are not exclusively sourced through land sales.</p> <p>Each MBWG Diocese has programs that support and fund its Victorian First Peoples Ministries, and that support and fund other programs to support Victorian First Peoples. Further details on these Ministries and programs can be provided on request.</p>

Response to Request No. 9

9	<p>The MBWG Dioceses understand that the purpose of the <i>State Aid to Religion Abolition Act 1871</i> (Vic) included ensuring no [further] money was set aside by the Victorian Government for the advancement of the Christian religion under the Constitution Act, and all lands that had been granted to denominations by the Crown may be disposed of. The Act provided a mechanism by which to dispose of the land.</p> <p>If that understanding is correct, any land grants relevant to this Request would likely have pre-dated the Act, and the disposal may be captured by the process set out in the Act (including, but not limited to, Government Gazetting).</p> <p>Please let us know if we have misunderstood the purpose or mechanism set out in the Act.</p>
9a	<p>Further to the above, the MBWG Dioceses understand that no land was granted under the <i>State Aid to Religion Abolition Act 1871</i> (Vic).</p>
9b	<p>In the time available, the MBWG Dioceses have not been able to establish a complete listing of their land grants.</p> <p>The MBWG Dioceses have sourced some archive documents, and have attached them as examples of the material identified in the time available.</p> <p>As noted in response to Request No. 4, [B 229–236] lists land grants made to the Church of England (a) before 1 July 1851, when Victoria became a Colony and (b) after 1 July 1851, up until grants ended in 1875 following the introduction of <i>the State Aid to Religion Abolition Act 1871</i> (Vic). Unfortunately, the MBWG Dioceses do not have the details of the provenance of this document. [B 237–240] is an example of one such land grant.</p> <p>Further information on land grants in the Diocese of Melbourne is also set out in the two archival resources relating to historical land holdings produced in the response to Request No. 4: [B 156–177].</p>

Response to Request No. 10

10	<p>As to applications made under the Act, in the time available, the MBWG Dioceses have not been able to identify every application made under the Act. Examples of some material sourced from archives and Victoria Government Gazettes are set out at [B 245–255].</p> <p>As to the use of the proceeds for the purposes of the church, the relevant information is set out at [B 256–267].</p>
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Response to Request No. 11

11	<p>Please refer to the response set out to Request No. 3 above, and the documents referred to in that response.</p> <p>Further, please refer to the statements on each of the following webpages:</p> <ul style="list-style-type: none">• the Diocese of Melbourne, see bottom of home page;• the Diocese of Bendigo;• the Diocese of Gippsland.
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Response to Request No. 12

12	<p>The MBWG Dioceses acknowledge that systemic racism has historically occurred and continues to occur toward First Peoples in Victoria.</p> <p>The MBWG Dioceses recognise that they each play a role in ensuring systemic racism does not continue to occur toward First Peoples in Victoria.</p> <p>Please refer to the background to NATSIAC, and the response set out to Request No. 3 above and the documents referred to in that response.</p> <p>In the time available, the MBWG Dioceses have not been able to identify every public position or announcement. By way of example, the ACA's submissions to the National Inquiry into the separation of Aboriginal and Torres Strait Islander Children from their Families is attached at [B 272–345].</p> <p>The MBWG Dioceses have also supported various public positions and debates in favour of Victoria's First Peoples. An example of a letter sent to parishioners during the Voice Referendum is at [B 348].</p>
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Response to Request No. 13

13	<p>The MBWG Dioceses support Truth, Treaty and reconciliation with First Peoples, and are committed to supporting that work in line with the aspirations of First Peoples through respectful and collaborative partnerships.</p> <p>This is evidenced by, for example, the Cathedral Chapter Motions for St Paul's Cathedral at [B 353].</p> <p>Please refer to the response set out to Requests No. 3 and 12 above, and the documents referred to in those responses.</p>
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Response to Request No. 14

14

The Province of Victoria has established an Indigenous Ministry Victorian Pilot Project to establish a Provincial Aboriginal and Torres Strait Islander Council. This project takes place under the auspice of the Diocese of Bendigo.

The Indigenous Ministry Victorian Pilot Project intends to establish a Provincial Aboriginal and Torres Strait Islander Council to address the matters in the statement. **[B 358-368]**

Response to Request No. 15

15	<p>Each Victorian Diocese has undertaken such initiatives. In the time available, however, it has not been possible to compile a complete list of all initiatives.</p> <p>By way of example only, we refer to the following initiatives:</p> <ul style="list-style-type: none">• Ongoing financial and other support for NATSIAC and Indigenous Ministries, noting that NATSAIC is discussed in paragraphs 4 to 7 of the Letter. This support includes employment roles;• A Reconciliation Action Plan, including a careful review of the initial proposed plan: [B 373-402].• Grants and funding for reconciliation projects. <p>Please refer to the response set out to Request No. 3 and 12 above, and the documents referred to in that response.</p>
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