

6A. Raise a concern about a charity



Purpose

Use this form to tell the ACNC if you have a serious concern about a charity.

- > You can also raise a concern about a charity by telephoning the ACNC or sending us your concern in writing.

The ACNC does not deal with all concerns relating to charities, and gives priority to dealing with certain kinds of concerns. For more information, see our [Complaints about charities policy](#).

Instructions

- This form is fillable on your computer using the free [Adobe Acrobat Reader](#).
- You can also choose to print the blank form and fill it out by hand.
- Answer as many questions as you can.
- Attach any additional information to this form (for example, if you need more space).

Section A: Charity information

- > This information will help us to identify the charity that is the subject of your concern. You will find this information on the [ACNC Register](#).

1 What is the charity's Australian Business Number (ABN), if known?

34243342840

2 What is the charity's name?

If possible, provide the charity's formal name as it appears on the ACNC Register.

The Corporation of the Synod of the Diocese of Brisbane trading as Anglican Church Grammar School

3 Are there any other details that will help us identify the charity?

Charity Street Address:
Oaklands Parade
East Brisbane Q. 4169

Section B: About you

4 What is your relationship, if any, to the charity? (for example, volunteer, client, staff member)

- (1) A former student ("old boy") of the school;
(2) A life member of the Old Boys' Association;
(3) A donor to the school;
(4) A past volunteer for various activities of the school.

5 Your contact details

- > Providing your contact details is optional, but will assist us should we need to contact you for additional information to evaluate your concern.

This information is for the ACNC's use only. Your personal details will not be provided to the charity that is the subject of your concern.

Title

Mr ☒ Mrs ☐ Miss ☐ Ms ☐ Other

Family name

Morris

Given name(s)

Anthony John Hunter

Preferred phone number (landline or mobile)

07 3229 0267

Email address (preferred)

morrisqc@lexscripta.com

Postal address (street address or PO Box)

Level 7, Inns of Court
107 North Quay

Suburb or town

Brisbane

State

Q

Postcode

4000

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Section C: Your concern

- Providing this information is important to help the ACNC understand your concern and decide whether we will take action. If we decide to take the matter further, this information may be provided to the charity unless you indicate otherwise.

6 Explain your concern about the charity

Provide as much detail as you can. Information that is useful includes:

- the nature of your concern
- how you learnt of the concern
- past events and dates
- names of people involved, including any individuals who can support your version of events or have expressed similar concerns
- documents or other evidence that would support your concern
- whether you have raised this concern with anyone else, including the charity itself or a government agency
- how you want the matter to be resolved.

Attach more pages if required.

Please see attachment.

- Thank you for raising your concern with the ACNC. We will notify you when we have received and evaluated your concern. In some cases, we may contact you for additional information. However, the ACNC Act prevents us from telling you about what, if any, response we decide to take.

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Section D: Privacy and lodgement

Privacy

We are collecting the information in this form for the purpose of administering the *Australian Charities and Not-for-profits Commission Act 2012* (Cth). We will use this information to evaluate your concern. You are not required by law to provide us with any of the information requested on this form. However, providing this information will assist us in evaluating your concern. Where authorised to do so, we may give this information to other agencies (for example, through the Charity Passport). Your personal details will not be provided to the charity that is the subject of your concern.

The ACNC's privacy policy is available on our website (www.acnc.gov.au). The policy contains important information about how you can access and request correction of information we hold about you, how you may complain about a breach of the Australian Privacy Principles and how the ACNC will deal with any privacy complaint. If you have any questions, our contact details are advice@acnc.gov.au, 13 22 62 or GPO Box 5108 Melbourne Victoria 3001.

Lodging this form

Email it to:
charityconcern@acnc.gov.au

Send it to:
**Australian Charities and Not-for-profits Commission
GPO Box 5108
MELBOURNE VIC 3001**

Fax it to:
1300 232 569

For information call Advice Services on:
13ACNC (13 22 62)

**ATTACHMENT TO FORM 6A. – RAISE A CONCERN ABOUT A CHARITY
COMPLAINT AGAINST: THE CORPORATION OF THE SYNOD OF THE DIOCESE
OF BRISBANE TRADING AS ANGLICAN CHURCH GRAMMAR SCHOOL,**

ABN 34 243 342 840

COMPLAINANT: ANTHONY J H MORRIS QC

DATE: 15 MAY 2017

Relevant legislative provisions

S 45.15(2) of the *Australian Charities and Not-for-profits Commission Regulation 2013* provides:

- (2) A registered entity must not engage in conduct, or omit to engage in conduct, if the conduct or omission may be dealt with:
 - (a) as an indictable offence under an Australian law (even if it may, in some circumstances, be dealt with as a summary offence); or
 - (b) by way of a civil penalty of 60 penalty units or more.

S 408C of the *Criminal Code* (Q.) defines the crime known as “*fraud*”. Under sub-s 408C(1), a person commits the crime of fraud if the person dishonestly:

- (b) obtains property from any person; or
- (c) induces any person to deliver property to any person; or
- (d) gains a benefit or advantage, pecuniary or otherwise, for any person; or
- (e) causes a detriment, pecuniary or otherwise, to any person; or
- (f) induces any person to do any act which the person is lawfully entitled to abstain from doing;

Sub-s 408C(2), para (c), further provides that:

The offender is liable to imprisonment for 14 years if, for an offence against subsection (1) ... any property in relation to which the offence is committed came into the possession or control of the offender subject to a trust, direction or condition that it should be applied to any purpose

Sub-s 408C(2A), para (a), further provides that:

The offender is liable to imprisonment for 20 years, if, for an offence against subsection (1) ... the property, or the yield to the offender from the dishonesty, or the detriment caused, is of a value of at least \$100,000

Also relevant is sub-s 393(1), which (materially) provides:

When a person receives, either alone or jointly with another person, any money ... with a direction ... that such money ... shall be applied to any purpose ..., such money and proceeds are deemed to be the property of the person from whom the money ... was received until the direction has been complied with.

The crime created by s 408C may only be prosecuted on indictment; i.e., it is *“an indictable offence under an Australian law”*.

Material facts

Prior to March 2016, the Anglican Church Grammar School solicited donations amounting to many hundreds of thousands of dollars on the pretext that the funds raised would be applied for the purposes of a building to be known as “The Roberts Centre for Learning and Innovation”, to:

- (1) replace a previous library building known as “The Roberts Centre”; and
- (2) thereby maintain an ongoing commemoration of the service to the school of Dr Henry Emmanuel (“Harry”) Roberts, OBE, D.Litt. – a former long-serving headmaster of the school – and his wife Mrs Hilda Roberts.

Old Boys who had been at the school under the headmastership of Dr Roberts were specifically ‘targeted’ for such donations.

On 25 November 2015, His Excellency the Governor of Queensland, the Honourable Paul de Jersey AC, officially laid what purported to be the “Foundation Stone for the Roberts Centre for Learning and Innovation”.

In about March 2016, the School Council, without consulting the donors, unilaterally announced that the building would no longer bear the name of Dr or Mrs Roberts. The “Foundation Stone”, supposedly laid by the Governor on 25 November 2015, then disappeared from the building site.

On 21 April 2017, at the instigation of the School Council, the Governor of Queensland again attended at the school officially to open what was now being called “the Anglican Church Grammar School Centenary Library”.

It is plain, in my respectful view, that what has occurred was a fraud on all those associated with the school – many of them Old Boys, most in their twilight years – who contributed in the belief that they were continuing to perpetuate the memory of Dr and Mrs Roberts. They have, quite simply, been cheated out of their money.

Explanation

Let it be clearly understood that the decision to “de-name” the building is not based on any verified misbehaviour or wrongdoing on the part of Dr Roberts.

Over the past 14 months, a group of Old Boys – including the one surviving son of Dr and Mrs Roberts – have been in extensive communication with the Archbishop of Brisbane (the Most Reverend Dr Philip Aspinall), along with other members of the School Council comprising its “Responsible Persons” as recorded in the ACNC Register. It suffices to say that there is no evidence, or even accusation, that Dr Roberts acted otherwise than with complete propriety, according to the prevailing standards and requirements, in dealing with incidents of alleged sexual abuse by other members of the school’s staff.

Indeed, the current Chairman of the School Council, Mr Daniel O’Connor, is on record (letter dated 4 March 2016) as acknowledging that, whilst Dr Roberts’ *“method of dealing with allegations of abuse in the 1960s does not match current standards”*, his actions in removing the (alleged) offenders *“may have been considered an adequate response at the time”*.

And, of course, there is no hint or suggestion of any blemish on the memory of Mrs Roberts.

In any event – and whether or not the Archbishop and the School Council believed that they had sound reasons to remove the name of “Roberts” after the Foundation Stone was (supposedly) laid – what has occurred is nonetheless a clear breach of the charitable trust pursuant to which donations were solicited and obtained, and then unlawfully applied towards a building from which any reference to Dr or Mrs Roberts had been deliberately eviscerated.

Attachments

The following relevant documents are attached:

- A. Speech by His Excellency the Governor of Queensland, the Honourable Paul de Jersey AC, when officially laying what purported to be the “Foundation Stone for the Roberts Centre for Learning and Innovation” on 25 November 2015;
- B. Letter dated 4 March 2016 from Mr Daniel O’Connor, Chairman of the School Council; and

- C. Speech by His Excellency the Governor of Queensland, the Honourable Paul de Jersey AC, when officially opening “the Anglican Church Grammar School Centenary Library” on 21 April 2017.

Obviously, there is a considerable amount of correspondence which may also be relevant; these, however, are the critical documents for present purposes.

Disclaimer

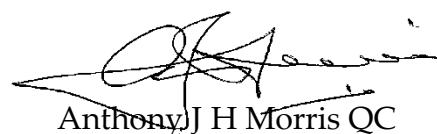
To avoid any misunderstanding, it should be made clear that no criticism of His Excellency the Governor of Queensland, the Honourable Paul de Jersey AC, is either intended or implied.

There is nothing to suggest that His Excellency took any part in the decision to “de-name” the building.

Whilst His Excellency was amongst the (many) people who actively solicited donations from Old Boys who were at the school under the headmastership of Dr Roberts, on the specific footing that the new building would honour the memory of Dr Harry Roberts and Mrs Hilda Roberts, there is no reason to doubt that His Excellency did so in complete good faith.

Outcome sought

The outcome sought is that the Corporation of the Synod of the Diocese of Brisbane (trading as Anglican Church Grammar School) comply with its lawful obligations as a recipient of charitable trust funds, by applying such funds in accordance with the representations by which they were solicited; that is, towards a building to be known, in perpetuity, as “The Roberts Centre for Learning and Innovation”.



Anthony J H Morris QC

15 May 2017

ATTACHMENT A

Wednesday 25 November 2015

at Anglican Church Grammar School, Brisbane

Official laying of the Foundation Stone for The Roberts Centre for Learning and Innovation at Churchie

Headmaster, Chairman, Members of the Roberts family, distinguished guests...

I am honoured today, both as the Governor of Queensland and as a proud and grateful old boy of this fine educational establishment, to lay the Foundation Stone for this latest significant evolution in the development of the School, the Roberts Centre for Learning and Innovation.

I am indeed triply honoured, through playing shortly a ceremonial role in the perpetuation of the memory at this place of Dr H E Roberts. Dr Roberts, then Mr Roberts, was the headmaster when I was here from 1962 to 1965 and his example indelibly imprinted itself upon the development of my own character and capacities as, I am confident was the case, with thousands of young Queenslanders/Australians. My personal affection for this establishment reflects my considerable gratitude for the leadership of Dr Roberts.

The original Roberts Centre, when opened in 1969, epitomized up-to-date even innovative approaches to the education of boys and young men. This, its contemporary successor, due for completion at the end of next year, will continue a tradition of progressive, while steady, development, which I think beneficially characterized the Roberts era.

I respectfully congratulate the Headmaster and the School Council for embracing this further important development of a truly inspiring educational campus; and I wish the architects and builders God-speed and safety along the journey to completion.

It gives me great pleasure now officially to set this Foundation Stone for the Roberts Centre for Learning and Innovation.



Churchie.
FROM SCHOOL COUNCIL

ESTABLISHED IN 1912

4 March 2016

Dear Churchie Community

I write in relation to an important matter which School Council has recently been called upon to deliberate about.

Only a few weeks ago, we came together as a school in St John's Cathedral for Founder's Day. We prayed for:

The bold vision of Canon William Perry French Morris...
A school of green fields and firm foundations, where fervent dreams may flourish...
Young lives built on study and service...
Constant and true through war and peace, through certainty and change...

Unfortunately, for some within our care, Churchie did not deliver that vision, and for that the School is profoundly sorry.

A number of complaints have been referred to the School by the Diocese of Brisbane. Those complaints were from victims of sexual abuse which occurred almost half a century ago. Recently, some victims have asked the School Council to consider renaming the new Roberts Centre for Learning and Innovation.

Dr Roberts was Headmaster of Churchie from 1947-69 and is credited with creating the excellence upon which the School prides itself. Dr Roberts' standing as a school leader and educator is exemplary in almost every way. However, the material recently made available to the School Council by the Diocese suggests that his method of dealing with allegations of abuse in the 1960s does not match current standards.

Whilst Dr Roberts removed the staff concerned, he took no further action. The Council accepts that this may have been considered an adequate response at the time, but it does not accord with current community standards nor does it meet the standard that the Council would expect of a Headmaster of Churchie.

Since 2002, Churchie has been proactive in responding to instances of past child sexual abuse and the Council deliberated at length before reaching a decision to remove the Roberts name from the new Centre for Learning and Innovation.

This decision does not remove Dr Roberts from the history of our School. It does however recognise that he could have acted differently. Importantly, the School Council believes that the decision to remove his name from the Centre for Learning and Innovation acknowledges the hurt that some of our students experienced under his headmastership.

Churchie is committed to providing a safe and secure environment for our boys to learn and grow. A place where each boy is given every opportunity to reach his full potential. Council looks forward with enthusiasm to the completion of the Centre for Learning and Innovation in late 2016 and pray that it will be a place of light and learning, a place *where fervent dreams may flourish...*

Yours sincerely

Dan O'Connor
CHAIRMAN – SCHOOL COUNCIL

ATTACHMENT C

Friday 21 April 2017

at Anglican Church Grammar School, Brisbane

Official Opening of the Anglican Church Grammar School Centenary Library

Your Grace, Archbishop Aspinall; Chairman, Mr Dan O'Connor; our Principal, Dr Alan Campbell; guests, distinguished as are you all.

I am delighted to be back at my old school on such an important occasion.

This library is entirely unlike the libraries of old. Libraries used to be places where being quiet and sitting still were the order of the day. In my experience, boys were, and are, not very good at either, and I include myself in that.

The information available in even the best libraries was relatively limited. It came in one format only – printed material in hard copy.

Fortunately, libraries have changed dramatically since then, keeping pace with changing teaching and learning approaches. And keeping pace with the extraordinary changes – for my generation at least – in the way we access knowledge and information.

That doesn't mean, by the way, that my generation is stuck in the middle ages. The Facebook, Twitter and Instagram accounts that I have initiated at Government House have proved highly effective ways of communicating with Queenslanders.

This magnificent library will open a new era in learning for Churchie, making available for students and teachers many paths to knowledge in an adaptable, dynamic environment.

The library's four storeys comprise many learning spaces, house the school's book collection, archives, and a media centre, and accommodate student services facilities.

With over ten kilometres of communications cabling, and many thousands of square metres of flexible-use floor space, the library is a marvellous piece of 21st century knowledge infrastructure that will support the acquisition of 21st century skills.

In short, the library will bring enormous benefits to the school and to the school community.

One last word on libraries: they can improve your life in surprising ways. I once met a librarian in the Law Library at the University of Queensland. We have now been married for 46 years!

I congratulate the School's headmaster and staff, the Churchie Foundation, all the generous donors involved.

I congratulate the designers and builders of this magnificent library – including 76 contractors!

I thank and congratulate all concerned on their foresight and energy in bringing this wonderful project to fruition.

As Governor, I have opened school buildings in our State, from Churchie in the South East to Cunnamulla State School in the South West, and other infrastructure in between, and there is another school building in our forward calendar.

As with tonight, each of those occasions has been a cause for celebration – of the benefits these buildings bring, as signal edifices of hope and opportunity.

It is sad this school community has been riven by controversy surrounding the naming of the library. Why?... Because that detracts from what we seek to celebrate.

It is my sincere hope that the brilliance of this library, and the opportunities it opens up for current and future students, will unify the School in its pursuit of excellence – a pursuit which all its headmasters have rightly and earnestly proclaimed, and a pursuit which so tangibly benefits the school community.

As Governor and a proud Old Boy, it is with pleasure that I now declare officially open the Anglican Church Grammar School Centenary Library, and proceed to join Archbishop Aspinall in unveiling the commemorative plaque. Thank you.