

Report concerning the National Register Canon 2004

(A report from the Standing Committee)

1. In 2004, the General Synod enacted the National Register Canon 2004. Unfortunately, the National Register Canon 2004, although well-intentioned, is one of several badly drafted and ill-considered canons and bills for canons presented to the last session of the General Synod.

2. The Canon purports to require the Registrar to send to the Secretary of the General Synod a quarterly report in respect of most clergy in the Diocese or a revision of a previous report (although it is unclear as to which clergy are affected). A report is also required in respect of certain lay persons. Each report must specify any "allegation" made against clergy that is currently under investigation. There is nothing that requires the "allegation" to relate to sexual misconduct or child abuse. The "allegation" may relate to sexual misconduct but could include allegations as to false doctrine, lack of experience, unsociable behaviour, etc. Further, the clergy or lay person is not told of the contents of the report. The clergy or lay person can only find out what has been said about him or her by paying a fee to the General Synod office. There is no obligation for allegations proved to be false to be deleted.

3. The Standing Committee objected to the Canon on the basis that it affected the order and good government of this Diocese. The Standing Committee of the General Synod dismissed our objection and the issue has been referred to the Appellate Tribunal. It is not known when the Appellate Tribunal will hand down its decision. The Standing Committee's objection is that the Canon purports to impose obligations on people working in this Diocese. If the General Synod has power to impose such obligations, it follows that it has power to impose other obligations on clergy and laity of this and every other Australian diocese. The constitutional implications of such a state of affairs will be enormous. Should the Appellate Tribunal uphold the view expressed in relation to this canon by the Standing Committee of the General Synod, there will have been a shift of power to the General Synod of huge proportions.

4. The Standing Committee fully supports the establishment and maintenance on an up-to-date register of persons, clerical and lay, who have engaged in sexual misconduct or child abuse and any entry regarding such a person being made available to those considering the appointment of the person to an office.

5. The canon however is seriously defective, inadequate and frankly absurd.

6. The Standing Committee recommends that Sydney enacts its own legislation. For that purpose the following motion is to be moved at the Synod "by request of the Standing Committee" –

"Synod, in view of the uncertain standing of the National Register Canon 2004 and the unsatisfactory nature of some provisions in that canon, requests the Standing Committee to prepare and enact an ordinance to provide for the remission of information to the General Secretary of the General Synod regarding conduct of clergy and laity of this diocese which constitutes sexual misconduct or child abuse, such ordinance to comply with all relevant statutes and provide a means of ensuring that persons the subject of such a communication are informed of its content."

7. The alternative is to wait for the session of General Synod in 2007 and to hope that the canon will be replaced with something sensible and that is consistent with the 1961 Constitution.

For and on behalf of the Standing Committee

NEIL CAMERON

3 October 2006