

Standing Committee Ordinance 1897 and Synod Membership Ordinance 1995 Amendment Ordinance 2022

Explanatory Report

Key Points

Nominated Ministers and Parochial Ministers who are acting rectors

- Clergy holding office as a member of Synod as a Nominated Minister (Part 7) are sometimes appointed as acting rectors. This causes the Nominated Minister to lose their membership of Synod as a Nominated Minister.
- Clergy already holding office as a member of Synod as Parochial Ministers are also sometimes appointed as acting rectors. In such instance the person is only counted as one member, but cannot appoint an alternate for the Parochial Unit of which they are an acting rector.
- The proposed amendments will enable the Nominated Minister or Parochial Minister to appoint - as an alternate - an Assistant Minister of the Parochial Unit of which the Nominated Minister or Parochial Minister has been appointed as an acting rector.

Archbishop's Executive Officer

- The Registrar is currently an ex-officio member of the Synod and Standing Committee under the *Standing Committee Ordinance 1897 and Synod Membership Ordinance 1995*.
- The role of the Registrar is to be divided between two people, one who will be known as the 'Archbishop's Executive Officer', and the other 'the Registrar'.
- The Archbishop's Executive Officer should replace the Registrar as an ex-officio member of the Synod and Standing Committee.

Synod membership

- Certain persons will be required to make a declaration that they have not been convicted of a disqualifying offence listed in Schedule 2 of the *Child Protection (Working with Children) Act 2012* before they are eligible to be elected or appointed as a member of the Synod. This amendment will reinforce a culture of concern for safe ministry in the Diocese and bring the declaration into alignment with the form of declaration required of wardens and parish councillors.

Purpose of the bill

1. The purpose of the Bill for the Standing Committee Ordinance 1897 and Synod Membership Ordinance 1995 Amendment Ordinance 2022 (the **Bill**) is to—
 - (a) provide for the appointment of Assistant Ministers as alternates where a person is already a member of the Synod as a Nominated Minister or a Parochial Minister and appointed as an acting rector,
 - (b) provide for the person functioning as the Archbishop's Executive Officer to replace the Registrar as an ex-officio member of the Synod and Standing Committee, and
 - (c) prevent a person who has been convicted of a disqualifying offence listed in Schedule 2 of the *Child Protection (Working with Children) Act 2012* from being elected or appointed as a member of the Synod.

Recommendations

2. Synod receive this report.
3. Synod pass the Bill as an ordinance of the Synod.

Explanation

Archbishop's Executive Officer

4. The amendments in clause 2 of the Bill provide for the Archbishop's Executive Officer to be an ex officio member of the Standing Committee instead of the Registrar.
5. The amendments in clause 3(g) of the Bill provide for the Archbishop's Executive Officer to be an ex officio member of the Synod instead of the Registrar.
6. The person holding office as the Registrar has often functioned as both the Archbishop's Executive Officer and as the person responsible for the statutory functions of the Registry. Under Archbishop Raffel, these functions are to be divided between two different people.
7. The Archbishop's Executive Officer will assist the Archbishop in Synod and Standing Committee in addition to other responsibilities, and therefore it is appropriate that this role should replace that of the Registrar as an ex-officio member of the Synod and the Standing Committee.
8. The amendments in clause 4 of the Bill insert a definition of "Archbishop's Executive Officer" in the *Interpretation Ordinance 1985*. The definition attaches to the function of the position rather than the particular title.

Synod membership – disqualifying offences

9. The amendment in clause 3(a) will have the effect of expanding the declaration made by recently elected Synod members to include a statement confirming that they have not been convicted of a disqualifying offence listed in Schedule 2 of the *Child Protection (Working with Children) Act 2012*.
10. By clause 6(1) of the *Synod Membership Ordinance 1995*, each Parochial Representative, alternate for a Parochial Representative, Nominated Layperson and lay Nominated Indigenous Representative must sign the following declaration prior to notice of his or her election or appointment –

"I, the undersigned A.B., do declare that I am a communicant member of the Anglican Church of Australia and not a member of any other Church."
11. In accordance with recommendations from the Safe Ministry Board, the expanded declaration will include that they –

"...have not been convicted of a disqualifying offence listed in Schedule 2 of the *Child Protection (Working with Children) Act 2012*."
12. The offences listed in Schedule 2 of the *Child Protection (Working with Children) Act 2012* will disqualify a person from obtaining a Working with Children Check clearance. In summary, those offences are sex offences or offences involving children which are punishable by imprisonment of 12 months or more. They include the murder or manslaughter of a child, intentional wounding or committing grievous bodily harm to a child, abandonment of a child, serious sex offences, incest, bestiality and offences related to child pornography/child abuse material.
13. The amendments will reinforce a culture of concern for safe ministry in the Diocese and bring the declaration into alignment with the declaration required of wardens and parish councillors.
14. Synod members do not have contact with children in undertaking their functions as Synod members, however collectively they set the law and policy of the Diocese with respect to safe ministry. A person who has been convicted of a disqualifying offence should not hold a position in the Church through which they can influence outcomes on these matters.
15. The amendment is also consistent with Child Safe Standard of the *Child Safe Scheme in the Children's Guardian Act 2019*: "Child safety is embedded in organisational leadership, governance and culture."

Nominated Ministers and Parochial Ministers who are acting rectors

16. The amendments in clause 3(b) to (f) of the Bill address, for the purposes of the *Synod Membership Ordinance 1995*, the situation where –

- (a) A Nominated Minister is the Acting Rector of one or more Parochial units.
 - (b) A Parochial Minister is the Rector of a Parochial Unit while also licensed as the Acting Rector of one or more other Parochial Units.
17. Part 7 of the *Synod Membership Ordinance 1995* provides for the Archbishop to appoint a certain number of Qualified Ministers to be members of the Synod as **Nominated Ministers**. These members are clergy who are authorised or licensed to officiate in the Diocese.
18. Regional archdeacons are often appointed as Nominated Ministers. Retired clergy are also often appointed as Nominated Ministers.
19. Regional archdeacons and retired clergy will also sometimes be appointed as acting rectors.
20. If a Nominated Minister is appointed as an acting rector, they become entitled to be summoned to a session of Synod under Part 4 as a Parochial Minister. This means they will lose their membership as a Nominated Minister (cl 35(e)). However, when the appointment as acting rector comes to an end their membership of Synod as a Nominated Minister does not revive, unless there is a vacancy and the Archbishop reappoints the person as a Nominated Minister.
21. Rectors will sometimes be appointed as an acting rector of another parish – often a neighbouring one that is vacant. The Rector will remain as a Parochial Minister in this instance, but is only counted as one member of the Synod.
22. It is proposed that a new clause 8D be inserted into the Synod Membership Ordinance 1995 to provide that –
- (a) A Nominated Minister who is an acting rector of one or more Parochial Unit(s) is not a member of Synod as a Parochial Minister while he remains a member of the Synod as a Nominated Minister.
 - (b) A Parochial Minister who is licensed as the rector of a Parochial Unit while also licensed as an acting rector of any other Parochial Unit is not a member of Synod as a Parochial Minister of the Parochial Unit(s) of which he is licensed as acting rector.
23. A Nominated Minister or a Parochial Minister to whom (a) or (b) applies is not able to appoint an alternate for the Parochial unit of which they are an acting rector as they are not members of Synod as Parochial Ministers for those Parochial Units, and the circumstances in clause 8A(1) would not apply in any case if they are attending the session of Synod.
24. To address this, a new clause 8D(4) will make separate provision for a Nominated Minister or a Parochial Minister who whom (a) or (b) applies to appoint a Minister licensed to the Parochial Unit of which they are an acting rector (i.e. an Assistant Minister).

For and on behalf of the Standing Committee

DANIEL GLYNN
Diocesan Secretary

25 July 2022