

2019 Session of Synod

Book 3

(Pages 401 to 439)

Supplementary Report of the Standing Committee and Other Reports and Papers

**Standing Committee of the Synod
Anglican Church Diocese of Sydney**

2019 Supplementary Report of the Standing Committee

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Supplementary 2019 Report of the Standing Committee

(Updates to the material published in Synod Book 1.)

The following material updates the Standing Committee's Report to the Synod in Synod Book 1 to take into account the work of the Standing Committee since that book was finalised. Any items that have been updated are shown in full, with amendments shown in tracked form, unless indicated in square brackets.

1. Introduction

1.3 Meetings and members

Since October 2018 we have met ~~9~~10 times. The names of the members are listed below.

[The full membership list is not reproduced here. Rather, in the membership list, omit "Mr Peter Evans" and insert instead "Vacancy (ex Mr Peter Evans, resigned 21 September 2019)".]

During the year, the following changes took place in the membership of the Standing Committee –

- A vacancy arose in the position of a lay person elected by the Georges River Region upon the resignation of Mrs Tara Sing. The Regional Electors of the Georges River Region elected Dr Ian McFarlane to fill the vacancy.
- A vacancy arose in the position of a minister elected by the Wollongong Region upon the death of the Rev Stephen Semenchuk. The Regional Electors of the Wollongong Region elected the Rev Joseph Wiltshire to fill the vacancy.
- A vacancy arose in the position of a lay person elected by the Wollongong Region upon the resignation of the Mr Peter Evans on 21 September 2019.

1.13 Retirement of Bishop David Robinson

We noted that the Rt Rev David Robinson will conclude his term as the Bishop of Rockhampton on 22 February 2020.

3. Financial and Property Administration

3.4 Ordinances

The following table shows the number of ordinances passed and assented to in 2013 to 2018, and in 2019 up to ~~26 August~~23 September 2019 –

	2013	2014	2015	2016	2017	2018	2019
Standing Committee	60	42	46	53	40	42	34 <u>40</u>
Synod	6	7	6	4	11	8	0
	66	49	52	57	51	50	34 <u>40</u>

A separate report lists the ordinances passed by us since the 2018 ordinary session of the Synod. There are ~~45~~18 ordinances of particular interest.

[Descriptions of ordinances (1)-(15) are not reproduced here, and have not been amended.]

(16) The Parish Administration Ordinance 2008 Amendment (Architectural Panels) Ordinance 2019 amended the Parish Administration Ordinance 2008 (PAO) to replace the existing provisions with respect to architectural panels. The PAO previously required parishes to obtain approval from Regional Architectural Panels (RAPs) before erecting or altering a building on Church Trust Property intended for use as a church or hall, or erecting or making structural alterations to a house for the use of clergy or a lay minister of the parish. The amendments to the PAO maintain the existing requirement for approval for these projects by an architectural panel, but –

(a) restrict RAPs to considering projects with total projected construction costs up to \$1.5m, and

(b) provide for new Project Architectural Panels to consider projects with total construction costs above \$1.5m.

A Project Architectural Panel will be separately constituted for each project, with membership comprising the Regional Bishop (or his nominee) and at least 2 persons appointed by the Regional Bishop from a pool.

(17) The *Solemnisation of Marriage Ordinance 2011 Amendment Ordinance 2019* amended the *Solemnisation of Marriage Ordinance 2011* to make provision for any assistant bishop to act on behalf of the Archbishop in relation to the solemnisation of marriage. Previously, only the Regional Bishop acting in his own region had such authority, which led to problems when a Regional Bishop is on leave.

(18) The *Sydney Anglican Indigenous Peoples' Ministry Committee Land Sale Ordinance 2019* provided for the sale of certain land held by the Sydney Anglican Indigenous Peoples' Ministry Committee (the **SAIPMC**), and the application of the sale proceeds and part of the capital of the SAIPMC Fund to purchase a new residence suitable for a Minister in Indigenous Ministry.

3.15 Stipend Continuance Insurance renewal

We decided in late 2018 to maintain the existing benefit design of Stipend Continuance Insurance even though it would involve an increase of 21.6% (being the lowest price quote after going to tender) to the premium payable in 2019. As a result, in 2019 the portion of the premium applicable to parishes is expected to exceed the recovery from parishes by an amount in the order of \$220,000. The Finance Committee indicated that this shortfall would be able to be funded from resources within the existing PCR group of Funds.

However, a continuing under-recovery of this magnitude is not sustainable and in August 2019 we agreed to renew the Stipend Continuance insurance for 2020 with a slightly reduced benefit structure in order to contain the cost to something approximating the estimates incorporated in the *Parochial Cost Recoveries and Church Land Acquisition Levy Ordinance* passed by Synod in 2018.

In September 2019 we noted that after initially providing an indicative premium quote that would have achieved that objective, the current insurer then withdrew that offer and has indicated that, notwithstanding the reduced benefits, any revised quote is now likely to be significantly more expensive than the existing cover. A further report about this matter is provided separately, in the report "Parochial Cost Recovery charges for 2020".

3.19 Parish of Bondi and Waverley – Strategic Masterplan

We supported in-principle stage 1 of the Church 2050 Strategic Masterplan put forward by the Parish of Bondi and Waverley. Stage 1 includes the sale of the three properties and redevelopment of the parish's Wairoa and Birrell Street sites. We subsequently passed the *Bondi and Waverley Land Sale and Variation of Trusts Ordinance 2019* to facilitate progress in stage 1 of the Masterplan, and encouraged the parish in the next phase of the project.

5. Relations with Government

5.2 Freedom of Religion

We noted a submission to the Review of the Religious Discrimination Bill – Exposure Draft, prepared by the Religious Freedom Reference Group, and approved the printing of the submission for Synod.

A report with recommendations is printed separately.

6. The International, National and Provincial Church

6.3 Special session of the General Synod 2020 Blessing of same-sex marriage

We noted that the General Synod Standing Committee (GSSC) had recommended to the Primate that a special session of General Synod be convened between 31 May and 5 June 2020 (the dates previously advised for the next ordinary session of General Synod). The primary business proposed for the special session is to be the Anglican Church in Australia's response to the recommendations of the Royal Commission into Institutional Responses to Child Sexual Abuse.

We further noted that the GSSC had resolved that in conjunction with the special session, a conference would be convened involving some or all General Synod members and possibly others to consider the range of issues the Anglican Church in Australia is facing in relation to human sexuality, same-sex relationships and marriage, and "possible ways forward".

We requested a number of motions to be moved at this session of (Sydney) Synod including motions regarding same-sex marriages, the planned special session of General Synod to be held in 2020, fellowship with Anglicans outside of the Diocese and the deferral of General Synod Assessments.

For and on behalf of the Standing Committee.

DANIEL GLYNN
Diocesan Secretary

28 August 2019, 26 September 2019

Supplementary Report: Ordinances passed by the Standing Committee

(Updates to the material published in Synod Book 1.)

The following material updates this report in Synod Book 1 (at page 147) to take into account the work of the Standing Committee since that book was finalised. Any lines that have been updated are shown in full, with amendments shown in tracked form.

...

Dundas/Teloepa Trust Ordinance 2012 Amendment Ordinance No 28, 2019 (~~assent pending~~)

...

Bondi and Waverley Land Sale and Variation of Trusts Ordinance No 32, 2019

Maroubra (Sunman Estate) Variation of Trusts Ordinance No 33, 2019

Maroubra Trust Ordinance No 34, 2019

North Sydney Trust Ordinance 2019 Amendment Ordinance No 35, 2019

Parish Administration Ordinance 2008 Amendment (Architectural Panels) Ordinance No 36, 2019

Randwick Trust Ordinance 2004 Amendment Ordinance No 37, 2019

Solemnisation of Marriage Ordinance 2011 Amendment Ordinance No 38, 2019

Sydney Anglican Indigenous Peoples' Ministry Committee Land Sale Ordinance No 39, 2019

Synod Fund Application Ordinance No 40, 2019

For and on behalf of the Standing Committee.

DANIEL GYNN

Diocesan Secretary

~~28 August~~ 26 September 2019

Freedom of Religion: Submission on the Exposure Draft of the Religious Discrimination Bill

(A report from the Standing Committee.)

Key Points

- The submission to the Federal Attorney-General's Department on the Religious Discrimination Bill – Exposure Draft, prepared by the Religious Freedom Reference Group, is provided as an attachment.
- Synod is encouraged to consider a motion regarding freedom of religion in Australia.

Purpose

1. The purpose of this report is to provide the Synod a copy of the submission made on the Synod's behalf by the Religious Freedom Reference Group to the Federal Attorney-General's Department on the Religious Discrimination Bill – Exposure Draft.

Recommendations

2. Synod receive this report.
3. Synod consider the following motion to be moved at the forthcoming session of the Synod, "by request of the Standing Committee" –

'Synod welcomes the Federal Government's proposed Religious Discrimination Bill as an important first step towards protecting the right of all Australians to hold and manifest religious beliefs, but expresses grave concerns about a number of drafting issues in the Exposure Draft of the Bill which profoundly threaten the Christian mission and purpose of Anglican religious institutions, including –

- (i) the exclusion of bodies such as Anglicare Sydney and Anglican Youthworks from the definition of 'religious bodies' because of fees charges for goods and services,
- (ii) the requirement that schools and other religious bodies would have to employ only Christian staff, and not be allowed to merely preference the employment of Christian staff, and
- (iii) the undefined term "vilify" undercuts the protection that the Bill gives to statements of belief.

Accordingly Synod –

- (a) urges diocesan bodies, ministers and lay people to continue to pray for, and engage respectfully with, our political leaders to improve this Bill to ensure that Australia is a place where people of all faiths and none can freely practice their beliefs with mutual respect,
- (b) calls on the Government to amend the Bill to address the concerns identified above, to ensure that no body established for religious purposes will be prevented from acting in accordance with its religious beliefs or in the furtherance of its religious purpose because of this Bill, and
- (c) noting that Australian Law Reform Commission (ALRC) has been asked by the Attorney-General to propose legislative reforms to 'limit or remove altogether (if practicable) religious exemptions to prohibitions on discrimination, while also guaranteeing the right of religious institutions to reasonably conduct their affairs in a way consistent with their religious ethos', and that the Attorney-General has altered the terms of reference and deferred the reporting timetable for the ALRC until the end of 2020 –

- (i) declares that the implementation of such reforms that guarantee the right of religious institutions to reasonably conduct their affairs in a way consistent with their religious ethos is a necessary next step towards protecting freedom of belief in Australian law, and
- (ii) respectfully requests the Attorney-General to expedite the ALRC reporting timetable, to ensure that the recommendations from the ARLC can be considered during the current Parliamentary term.'

Background

4. Set out in the Attachment to this report is the submission prepared by the Standing Committee's Religious Freedom Reference Group to the Federal Attorney-General's Department on the Religious Discrimination Bill – Exposure Draft submitted on 23 September 2019.

For and on behalf of the Standing Committee.

DANIEL GLYNN
Diocesan Secretary

24 September 2019

Submission on the Exposure Draft of the Religious Discrimination Bill

By the Anglican Church Diocese of Sydney

1 Who are we?

The name of our organisation is the Anglican Church Diocese of Sydney (the Diocese). The Diocese is one of twenty three dioceses that comprise the Anglican Church of Australia.

The Diocese is an unincorporated voluntary association comprising 270 parishes and various bodies constituted or incorporated under the *Anglican Church of Australia Trust Property Act 1917* (NSW) and the *Anglican Church of Australia (Bodies Corporate) Act 1938* (NSW). These bodies include 40 Anglican schools, Anglicare Sydney (a large social welfare institution, which includes aged care), Anglican Youthworks and Anglican Aid (which focusses on overseas aid and development). A number of these bodies will be making submissions in their own right, highlighting the significant adverse impact that the current drafting of the Bill will have on their religious activities.

The Diocese, through its various component bodies and through its congregational life, makes a rich contribution to the social capital of our nation, through programs involving social welfare, education, health and aged care, overseas aid, youth work and not least the proclamation of the Christian message of hope for all people.

We welcome the opportunity to make this submission and we give consent for this submission to be published.

2 Executive Summary

The Diocese welcomes the Religious Discrimination Bill.

However, there are a number of problems with the current drafting which are so serious that we cannot support the passage of the Bill in its current form.

Many of these problems arise where the Bill has the effect of preventing an entity that has religious purposes from engaging in conduct in furtherance of its doctrines, tenets, beliefs or teachings, and in order to preserve its mission and identity, because this conduct is categorised by the Bill as discrimination.

There are 7 issues that need to be addressed.

- A. The “commercial activities” disqualification is over-reach and will effectively prevent many religious bodies from pursuing the religious purpose or mission for which they exist
- B. Merely preferring (instead of requiring) religious staff may not be “in accordance with doctrine”
- C. The ambiguity of the undefined term “vilify” renders statements of belief vulnerable
- D. Limiting protection to “lawful” religious activity is circular and may subvert the purpose of the Bill
- E. There is no mechanism for a religious body to establish its religious beliefs
- F. The “inherent requirements” test should be limited in order to prevent misuse
- G. The “reasonableness” of restricting the manifestation of belief outside of work needs clarification

In addition to the 7 issues identified above, we are also concerned that this Bill is being considered in isolation from the matters referred to the Australian Law Reform Commission (ALRC) by the Attorney General. The ALRC has been asked to propose legislative reforms to “limit or remove altogether (if practicable) religious exemptions to prohibitions on discrimination, while also guaranteeing the right of religious institutions to reasonably conduct their affairs in a way consistent with their religious ethos”.

We note that the Attorney-General has narrowed the terms of reference and extended the reporting timetable for the ALRC until the end of 2020. It is our view that reforms that guarantee the right of

religious institutions to reasonably conduct their affairs in a way consistent with their religious ethos are a necessary next step towards protecting freedom of belief in Australian law, and we respectfully request the Attorney-General to expedite the ALRC reporting timetable, to ensure that the recommendations from the ALRC can be considered during the current Parliamentary term.

3 Submission

The Diocese welcomes the Religious Discrimination Bill. It provides a general protection for people of faith from discrimination in Commonwealth law, enhanced protection for the expression of statements of belief and some protection for freedom of conscience for medical practitioners.

However, there are major problems with the current drafting, which are so serious that we cannot support the passage of the Bill in its current form. There are 7 issues that need to be addressed.

A. The “commercial activities” disqualification is over-reach and will effectively prevent many religious bodies from pursuing the religious purpose or mission for which they exist

We are gravely concerned about the unintended consequences of the current drafting of clause 10.

The definition of religious body in 10(2) excludes registered charities and other religious institutions that “engage solely or primarily in commercial activities”. There is no definition of “commercial activities” in the Bill. The commentary in the Explanatory Memorandum (paragraphs 170-175), suggests that the test is to be given a broad scope, to cover religious bodies “operating in the secular marketplace” and “selling goods [or services] to the general public” on a fee basis. Paragraph 174 of the Explanatory Memorandum makes clear that religious hospitals (e.g., St Vincent’s) and religious aged-care providers (e.g., Anglicare Sydney) would NOT be religious bodies for the purposes of clause 10.

However, many religious bodies use a market mechanism in the provision of goods and services as an important and legitimate means by which they pursue and fulfil their religious purpose or mission. The exclusion of such bodies from the definition of religious body in clause 10 will therefore profoundly undermine the reason for their existence.

For example, Anglican Youthworks provides “Christian Outdoor Education”. Most of the clients of this service are Christian schools, who choose Youthworks because Youthworks has a policy of employing Christians as outdoor educators. Youthworks charges fees to cover the cost of this service. On the definition above, this is a “commercial activity”. The same could be said for Youthworks Campsites and the publishing arm of Youthworks, Christian Education Publications (CEP). All of Youthworks activities are directed towards the religious purposes of the organisation, but since more than 80% of its revenue is from selling goods and services, the organisation is engaging “primarily in commercial activities”, and Anglican Youthworks is deemed not to be a religious body for the purposes of this Bill.

The test in clause 10(2) is equally problematic for Anglicare Sydney. Anglicare Sydney is the social welfare arm of the Diocese. The single largest component of Anglicare’s ministry relates to its retirement villages and aged care services. These ministries are unashamedly Christian in their approach. Anglicare Sydney welcomes people of other faiths as residents, but has a long standing policy of preferring to employ Christians where possible, especially in pastoral care roles, because this goes to the essence of their purpose in providing Christian aged care in a Christian context. However, since the majority of Anglicare’s income and activities are “commercial” (in the sense that people pay fees for accommodation and services), Anglicare Sydney does not qualify as a “religious body” for the purposes of clause 10.

As currently framed, the “commercial activities” test is highly arbitrary, because it only disqualifies a body that engages “solely or primarily in commercial activities”. The threshold for what counts as “primarily” will depend on how a religious body chooses to structure its operations. For example, if a religious denomination created a separately incorporated entity for a specific role (e.g., a stand-alone entity to publish liturgical resources), this entity is engaged primarily in commercial activities, but if the religious denomination conducted exactly the same activities within the denominational entity itself, the commercial publishing activities would not be the “primary” activity of the denomination. This is apparent within the Anglican Church of Australia. There are some dioceses that are incorporated as a whole (e.g., the Diocese of Southern Queensland), others are not incorporated and are made up of multiple incorporated and unincorporated bodies (e.g., the Diocese of Sydney).

We urge the Government to remove the wording in clauses 10(2)(b) and 10(2)(c) that excludes as a religious body an entity “that engages solely or primarily in commercial activities”. The consultation

materials for the Bill do not given any reasoning for the “commercial activities” exclusion. As a matter of principle, there are no good arguments that receiving a fee somehow nullifies the activity as a legitimate means of pursuing a religious purpose or mission – an activity is no less religious simply because it has a commercial character. A test which disqualifies a religious body based on whether it engages “primarily in commercial activities” is novel in Australian charity and anti-discrimination law, and should not be included in this Act. As reflected in paragraph 173 in the Explanatory Memorandum, the current drafting creates the anomaly that a not-for-profit religious charity (which is recognised as such by the ACNC for the purposes of charity law) can be defined **not** to be a religious body for the purpose of the Religious Discrimination Bill. Similar confusion will arise in relation to the interaction with applicable state and territory law. For example, an entity which is recognised as “a body established for a religious purpose” under section 81 of the *Equal Opportunity Act 2010* (Vic), would not be recognised as a “religious body” for the purposes of this Bill.

There are very significant implications for a religious entity that is not recognised as a “religious body” for the purposes of clause 10.

For example, as clause 10 currently stands:

- It would be unlawful discrimination under clause 13 (“Employment”) for Anglican Youthworks to recruit only Christians as outdoor educators to run its “Christian Outdoor Education” programs.
- It would be unlawful discrimination under clause 20 (“Goods, Services and Facilities”) for Anglicare Sydney to allow residents to use a chapel only for Christian services (and not allow a resident who adheres to another religion to use the chapel for services of that religion).
- It would be unlawful discrimination under clause 20 (“Goods, Services and Facilities”) for Anglican Youthworks to reject an application from the (hypothetical) First Church of Satan to hold a Black Mass at one of its campsites.
- It would be unlawful discrimination under clause 21 (“Accommodation”) for a Christian residential university college to give any preference to Christian students.

For these reasons, we cannot support passage of the Religious Discrimination Bill if clause 10 remains in its current form. Our recommendation is that the “commercial activities” test be removed. Clause 10(2) would then read

10(2) **Religious body** means:

- (a) an educational institution that is conducted in accordance with the doctrines, tenets, beliefs or teachings of a particular religion; or
- (b) a registered charity that is conducted in accordance with the doctrines, tenets, beliefs or teachings of a particular religion (~~other than a registered charity that engages solely or primarily in commercial activities~~); or
- (c) any other body that is conducted in accordance with the doctrines, tenets, beliefs or teachings of a particular religion (~~other than a body that engages solely or primarily in commercial activities~~).

B. Merely preferring (instead of requiring) religious staff may not be “in accordance with doctrine”

Clause 10 applies to “conduct that may reasonably be regarded as being in accordance with the doctrines, tenets, beliefs or teachings of the religion in relation to which the religious body is conducted.”

The Explanatory Memorandum gives two examples of such conduct in relation to employment, where it would be permissible for a Jewish school (para 180) and a Catholic charity (para 181) to require **all** staff to be Jewish or Catholic respectively, provided that this was “in accordance with” Jewish/Catholic teaching.

However, often there won’t be a specific doctrine, tenet, belief or teaching that requires the religious body to only engage staff that are adherents of the faith of the institution. The issue is more that doing so is necessary in order for the institution to further its doctrines, tenets, beliefs and teachings or to maintain its identity as a religious body.

Furthermore, many religious schools and other institutions do not insist that **all** staff are adherents to the faith of the institution. Some religious schools, for example, will seek to ensure that there is a

“critical mass” of teachers of that religion, and require other teachers to “support the religious ethos of the school” (or words to that effect). Sometimes it also arises because there are insufficient qualified and experienced adherents of the faith of the institution available for employment. That an institution cannot insist that all staff be adherents should not prevent it from insisting that some or any particular members of staff be adherents.

Clause 10 in its current form does not give sufficient flexibility.

This could be rectified by a small addition to subclause 10(1), as highlighted below.

10(1) A religious body does not discriminate against a person under this Act by engaging, in good faith, in conduct that may reasonably be regarded as being **in furtherance of, or** in accordance with the doctrines, tenets, beliefs or teachings of the religion in relation to which the religious body is conducted.

The Explanatory Memorandum should then give an example which clarifies that the preferencing of staff who hold or support the religious belief of the organisation, or (for a school) the enrolment of students of that faith, is conduct which is in furtherance of the religious purposes of that institution.

An alternative means of achieving the same result would be to add a new subclause.

10(3) Without limiting the generality of sub-section (2), for the avoidance of doubt, a religious body does not discriminate against a person under this Act by giving a preference:

- (a) in its decisions in relation to employment, or
- (b) if it is an educational institution, in its decisions in relation to the admission of students,

to persons who support, adhere to, or act in a way that is consistent with the doctrines, tenets, beliefs and teachings of the religion in relation to which the body is conducted.

C. The ambiguity of the undefined term “vilify” renders statements of belief vulnerable.

A welcome feature of the Religious Discrimination Bill is clause 41, which declares that a statement of belief does not constitute discrimination for the purposes of Commonwealth, state or territory anti-discrimination law.

However, this clause is subject to the limitation in 41(2) that it does not apply to a statement that would, or is likely to “harass, **vilify** or incite hatred or violence” (emphasis added). The word “vilify” is not defined. Leaving this term ambiguous is unhelpful.

The word “vilify” is also used to provide a similar limitation in subclause 8(4). Paragraph 132 of the Explanatory Memorandum appears to apply this to a statement which “**may cause harm to a person**, group of persons or the community at large.” The argument that orthodox statements of religious belief “cause harm” to certain groups is well-rehearsed, and if it is accepted that such statements amount to vilification, then the purposes of clause 41 (and clause 8) will have been subverted.

Furthermore, the definition of “statement of belief” already includes that the statement is made in good faith. This already provides a measure of protection. It is also unnecessary for there to be a “malice” disqualification in subclause 41(2)(a). It is difficult to see how someone can make a malicious statement in good faith. An absence of good faith is at the heart of malice.

The word “vilify” should either be removed from subclauses 41(2) and 8(4), or the word should be defined narrowly in clause 5.

The disqualification in subclause 41(2)(a) for malice should be removed.

D. Limiting protection to “lawful” religious activity is circular and may subvert the purpose of the Bill

Clause 5 limits the definition of religious activity to “engaging in *lawful* religious activity” (emphasis added).

From paragraph 70 of the Explanatory Memorandum, it is clear that the intention of this limitation is to prevent criminal acts such as forced marriages or child marriages being protected by this Bill. However, the expression “lawful” goes much further than criminal acts.

This creates a circularity of definition that could potentially subvert the protection that the Bill seeks to give to the manifestation of religious belief. If certain conduct (such as making a statement of belief) was “unlawful” religious discrimination for the purposes of state or territory legislation, then it would not be a “lawful religious activity” for the purposes of this Bill, and therefore the protection of clause 41 would not apply. This is clearly not the intention of the Bill.

To prevent this subversion of the intention of the Bill, the definition in clause 5 should be modified as follows.

religious belief or activity means:

- (a) Holding a religious belief; or
- (b) engaging in ~~lawful~~ religious activity **that is not a criminal offence under the laws of the Commonwealth or any State or Territory**; or

E. There is no mechanism for a religious body to establish its religious beliefs

The definition of “person” in clause 5 makes clear that it can include a religious body or other religious institution. This is welcome, because it ensures that the protection against unlawful discrimination will extend to religious bodies. Paragraph 78 of the Explanatory Memorandum gives the example of a religious body which was refused a facility booking on the ground of its religious beliefs or activity.

However, it is not clear how a body corporate would establish its “religious beliefs”. Clause 6 extends the meaning of “on the ground of a person’s religious belief” as applied to a natural person, but this clause provides no clarity for religious bodies.

To resolve this, a new subclause should be added which provides a mechanism by which a religious body is able to establish its beliefs.

A religious doctrine, tenet, belief, or teaching by which a religious body is conducted may be:

- (a) included in its governing documents, organising principles, statement of beliefs or statement of values; or
- (b) adopted by reference to the governing documents, organising principles, statement of beliefs or statement of values which include the doctrine, tenet, belief or teaching of another religious body or institution; or
- (c) adopted by reference to a document or source that includes the doctrine, tenet, belief, or teaching; or
- (d) established through consistent conduct in accordance with that doctrine, tenet, belief, or teaching.

F. The “inherent requirements” test should be limited in order to prevent misuse.

Subclause 31(2)(b) declares that it is not unlawful to discriminate “because of the other person’s religious belief or activity, the other person is unable to carry out the **inherent requirements** of the employment” (emphasis added). There are similar provisions in relation to qualifying bodies [31(4)] and employment agencies [31(5)].

A matter of concern with this drafting is that it could be used to authorise religious discrimination by a secular company that specifies that is an “inherent requirement” that, for example, staff must not talk about religious topics at work, or must refrain from talking about certain aspects of their religious belief at work. Such a rule would not be prohibited by subclause 31(6). This would have a chilling effect on religious expression. Moreover, there are overseas cases where religious people have

experienced discrimination because their religiously-based beliefs are regarded as incompatible with the “inherent requirements” of their professional role. This has included students training for their profession.

This could be addressed by redrafting clause 31(2) to limit the potential for misuse, as follows.

- (1) It is not unlawful to discriminate against another person in employment on the ground of the other person’s religious belief or activity, if a religious belief, or a religious belief of a particular kind, is a genuine occupational requirement of the position.
- (2) It is not unlawful to discriminate against another person in employment, in relation to a partnership, or in conferring a qualification, if a person’s religious belief is such as to make him or her wholly unable to perform the work required.

(This drafting has been proposed by Prof. Patrick Parkinson, and is reproduced with his consent)

G. The "reasonableness" of restricting the manifestation of belief outside of work needs clarification

It is commendable that subclause 8(3) seeks to make it *prima facie* unreasonable for a large employer to restrict the expression of religious belief outside the employment context. However, the current form of this clause may have the perverse effect of encouraging the restriction of religious freedom by third party sponsors (e.g., Qantas in relation to Rugby Australia) or social media boycotts (e.g., of Coopers Brewer) to create financial hardship, which would enable conduct that would otherwise be unlawful discrimination. As a matter of public policy, this should not be encouraged. This could be addressed by including a definition of “unjustifiable financial hardship” as follows

“unjustifiable financial hardship” does not include hardship that arises, or may arise, as a result of conduct that may reasonably be regarded as intended, in whole or part, to cause an employer to impose or enforce an employer conduct rule.

Furthermore, a clause similar to section 17 of the *Racial Discrimination Act 1975* could be inserted as a new clause 9 in the Bill as follows (with consequential renumbering) –

Unlawful to incite doing of unlawful acts

It is unlawful for a person:

- (a) to incite conduct that is unlawful by reason of a provision of this Act; or
- (b) to assist, promote or induce whether by financial assistance, threats of financial detriment or otherwise the doing of such conduct.

It is also not clear what the implications of subclause 8(3) are for circumstances outside the scope of the clause. For example, since subclause 8(3) only declares it to be unreasonable when a **large** employer limits religious expression **outside** work hours, should a court or tribunal infer that it **is** reasonable to limit religious expression during work hours, or that it **is** reasonable for employers under the \$50M threshold to regulate religious expression outside work hours?

If it is not possible for this to be clarified in the drafting of subclause 8(3) then, at the least, the Explanatory Memorandum should clarify that the intention of subclause 8(3) is not to otherwise permit employers to limit the expression of religious belief, but rather to make clear that employer conduct rules that fall outside the scope of subclause 8(3) would nevertheless be subject to subclauses 8(1)(c) and 8(2)(d), whereby the onus is on the employer to demonstrate that it is reasonable to limit an employee’s religious belief or activity. The Explanatory Memorandum should explain that the \$50M threshold is an expression of the Government’s commitment to limit the regulatory burden on small business, rather than giving small business permission to discriminate, and that it would be unreasonable in most circumstances for a small employer to have a blanket rule prohibiting the expression of religious views on social media.

4 The ALRC Referral

In addition to the matters identified above in relation to the drafting of the Religious Discrimination Bill, we are concerned that this Bill is being considered in isolation from the matters referred to the Australian Law Reform Commission (ALRC) by the Attorney General. The ALRC has been asked to propose legislative reforms to “limit or remove altogether (if practicable) religious exemptions to

prohibitions on discrimination, while also guaranteeing the right of religious institutions to reasonably conduct their affairs in a way consistent with their religious ethos”.

There is an obvious intersection between that task and the subject matter of this Bill. The interaction of the Bill with other discrimination law is a continuing matter of uncertainty that must be addressed. We note that the Attorney-General has limited the ALRC’s terms of reference and extended the reporting timetable for the ALRC until the end of 2020. It is our view that reforms that guarantee the right of religious institutions to reasonably conduct their affairs in a way consistent with their religious ethos is a necessary next step towards protecting freedom of belief in Australian law, and we respectfully requests that the Attorney-General to expedite the ALRC reporting timetable, to ensure that the recommendations from the ALRC can be considered during the current Parliamentary term.

Bishop Michael Stead
Chair, Religious Freedom Reference Group

Anglican Church Diocese of Sydney

23 September 2019

Parochial Cost Recovery charges for 2020

(A report from the Standing Committee.)

Key Points

- Parochial Cost Recovery (**PCR**) charges are made up of parochial network costs and ministry costs.
- The total parochial network costs for 2020 are slightly less than the estimate provided to Synod in 2018. The parochial network costs will be recovered from parishes in 2020 by means of the variable PCR charge which is estimated at approximately 6.44% of each parish's net operating receipts for 2018.
- In aggregate the ministry costs for 2018 are expected to be significantly higher than the estimate provided to Synod in 2018. A small reduction in the superannuation contribution will be more than offset by a 25% increase in the cost of Stipend Continuance Insurance.

Purpose

1. The purpose of this report is to inform the Synod of the nature and amount of the PCR charges payable by parishes in 2020.

Recommendation

2. Synod receive this report.

Background

3. Under clause 2(3) of the *Parochial Cost Recoveries and Church Land Acquisitions Levy Ordinance 2018 (the Ordinance)* Standing Committee is to report to the third ordinary session of the 51st Synod in 2019 about –
 - (a) the ministry costs and parochial network costs payable in 2020 and an estimate of the amounts payable, and
 - (b) the cost recoveries charge estimated to be payable by each parochial unit in 2020 and details of how that charge is calculated.
4. Except as explained below, the nature and amount of the costs to be incurred and therefore the charge payable by parochial units is largely unchanged from the estimates provided in the Ordinance. The details are shown in the following 2 tables attached –

Attachment A details each of the components of the parochial network costs and the ministry costs.

Attachment B details the amount of the variable PCR charge and Levy per parochial unit.

Parochial network costs

5. It is anticipated that the amount of 10 of the 11 components of the parochial network costs to be recovered from parishes will be unchanged from the estimates provided to Synod in 2018.

Parish property and liability insurance program

6. The Anglican Church Property Trust (**ACPT**) has advised that the cost of the 2020 Parish Insurance Program will be \$6.145m compared to the estimate of \$5.0m provided to Synod last year.

7. The main reason for this change is a substantial increase in the premium rate on the renewal of the Industrial and Special Risks (**ISR**) insurance policy (covering buildings and contents). The current ISR policy has come to the end of a 3 year fixed rate agreement, and the insurance market has hardened significantly during that time. Preliminary estimates from the tender responses indicate a premium rise of approximately 80% (from 0.0283% to approximately 0.05% of insured value).
8. The increase in the premium rate of other policies is expected to be much more modest and should be within the 10% increase allowed for in the estimates provided to Synod last year.
9. The Standing Committee considered the impact such an increase would have on parishes and has agreed that the actual amount to be recovered from parishes in 2020 be limited to \$5,070,000. The shortfall in funding next year will be covered by reserves pending a review of the insurance program by the ACPT to consider options to limit the cost from 2021 onwards.

Voluntary relinquishment of incumbency

10. During the period to 30 June 2019 the Archbishop's Discretionary Trust was not required to make any contributions on behalf of the Diocese in connection with this new initiative. Accordingly, there will not be any reimbursement required from parochial network costs in 2020.

Parish HR expertise

11. In July 2019 Standing Committee approved a 12 month pilot program for the provision of HR expertise to support bishops, rectors, wardens and church staff.
12. The DRC recognises that this decision was a response to numerous concerns pertaining to the appointment of assistant ministers and stipendiary lay workers, including recruitment, appointment, performance management, dispute resolution and termination. There have been occasions, and quite possibly an increasing number of occasions, where –
 - (a) rectors and wardens have been unable to effectively manage these HR matters in relation to their assistant ministers and other church staff, and
 - (b) assistant ministers and other church staff have not clearly understood or been prepared to accept the responsibilities that rectors and wardens have in relation to such matters,
 with the result that there have been misunderstandings, damaged relationships, and distress both to the parties and the broader parish concerned.
13. After noting that Sydney Diocesan Services (**SDS**) and the ACPT have each agreed to contribute \$50,000 to the total expected cost of the program of \$150,000, Standing Committee authorised the application of \$50,000 as the final one-third contribution to the pilot program to be paid from the working capital of the PCR Fund. If the planned review of this program next year confirms its value to parishes, consideration will need to be given to having parishes contribute to the cost in a more direct way from 2021 onwards.

Finalisation of parochial network costs for 2020

14. There are no other elements of the parochial network costs for 2020 which are expected to vary from the estimates approved by Synod in 2018, so the total cost to be recovered is \$7,461,000 (see Attachment A).
15. The total of the 2018 net operating receipts across all parochial units is likely to be about \$116.9 million (compared with the estimate provided to Synod in 2018 of \$114.9 million). As a result, the variable charge percentage payable by parochial units with property in 2020 is expected to be approximately 6.44%, which is slightly less than the estimate of 6.63% provided in 2018.
16. Later this year Standing Committee will approve the actual variable charge percentage to be charged to parishes in 2020, once the actual 2018 net operating receipts for all parishes have been finalised.

Ministry costs

17. The quantum of at least two of the components of the ministry costs for 2020 will now be slightly different to the estimates provided to Synod in 2018. In aggregate the ministry costs are expected to be significantly more per clergy than the estimate provided to Synod in 2018 (see Attachment A).

Superannuation

18. The actual superannuation contribution is now known, as it is derived directly from the recommended minimum stipend which Standing Committee has determined will be increased by 1.6% over 2018. As a result this element, which is the largest component of the ministry costs, will be slightly less than the estimate provided to Synod in 2018 as that estimate had allowed for a 3% increase in the recommended minimum stipend.

Long service leave

19. The actual long service leave (**LSL**) contribution will not be known until set by the General Synod LSL Fund in late 2019. Accordingly, for now the estimated LSL contribution has been maintained at the same figure advised to Synod in 2018.

Stipend Continuance Insurance

20. The cost of all salary continuance insurance has risen substantially. In December 2018 Standing Committee considered a recommendation from the Finance Committee to renew the Stipend Continuance Insurance Policy for 2019 onwards on terms which would have reduced the benefits slightly in order to contain the cost within the estimates incorporated in the ordinance passed by Synod in October 2018. However, Standing Committee decided to renew the cover under terms which retained the previous long standing (and very generous) benefit structure, notwithstanding that incurred a 25% increase in the premium rate. During 2019 that increased premium could not be fully recovered from parishes and as a result the Stipend Continuance Insurance Fund has recorded a significant loss during 2019 and has completely exhausted its reserves.
21. In August 2019 Standing Committee agreed to renew this insurance cover for 2020 with a slightly reduced benefit structure in order to contain the cost to something approximating the estimates incorporated in the ordinance passed by Synod in 2018. However, after initially providing an indicative premium quote that would have achieved that objective, the current insurer then withdrew that offer and has indicated that, notwithstanding the reduced benefits, any revised quote is now likely to be significantly more expensive than the existing cover.
22. Last year the current insurer agreed to a 3 year fixed rate agreement (2019-2021) for the existing benefit structure, so although the cost is significantly more than is being recovered from parishes in 2019, we can rely on that agreement and continue the current benefit structure for 2020 (and potentially also 2021) provided we are able to recover the actual cost of the premium.
23. In September 2019 Standing Committee encouraged the Finance Committee to continue to explore other options to provide reasonable cover at a cost closer to the estimate incorporated in the ordinance passed by Synod last year. The advice from our broker is that the market for income protection insurance in general has 'hardened' significantly over the last year and as a consequence the premium rates continue to rise. Despite continuing negotiations with the current insurer and an approach to the insurer who provided the second most competitive quotes during the open tender process undertaken in 2018, at the date of this report there is still no firm premium quote from either the current or an alternative insurer below the cost of the agreement currently in place.
24. Consideration has also been given to the possibility of self-insuring, however this is not a viable option with anything similar to the current benefit structure, at least for 2020, because –
- (a) the Stipend Continuance Insurance Fund has no capital it could draw on to pay claims, particularly in the short term, and
 - (b) a review of the history of the movements in that Fund has shown that, over the last ten years, the aggregate value of claims received has exceeded both the total insurance premiums paid and the total amount recovered from parishes, and the gap is particularly evident over the last five years.

25. Unless we are able to secure agreement in the next few months for a lower premium on the basis of a slightly reduced, but still acceptable, benefit structure we will have no option but to increase the amount to be recovered from parishes in 2020 to cover the cost of the premium for the existing insurance under the current benefit structure.
26. Accordingly, the proposed cost of Stipend Continuance Insurance for 2020 shown in Attachment A has been increased from the estimate of \$2,407 to \$3,022 (a 25% increase) per F/T clergy person. The actual charge to parishes during 2020 will of course be reduced if we are able to secure a more cost effective benefit structure to take effect from 1 January 2020.

Clergy Assistance Program

27. The recovery of the cost of this program for clergy licensed to parishes will be maintained at \$120 per person, which was the estimate contained in the ordinance passed by Synod in 2018.
28. The Standing Committee agreed not to extend the program to authorised lay ministers from January 2020 because to do so would require parishes being charged an amount of \$120 pa for each such person and this cost was not included in the estimates incorporated in the Ordinance passed by the Synod in 2018.

Finalisation of ministry costs

29. While these estimates are the best figures currently available, the Ordinance allows Standing Committee to report an estimate of the amounts payable to Synod in October this year and then set the actual charge for 2020 based on the formula in the Schedule to the Ordinance, some elements of which may not be finalised until later in the year.
30. The Ordinance also specifies that in addition to the cost recoveries charge, in 2020 each parochial unit is to pay a church land acquisition levy calculated at 2% of the net operating receipts of that parochial unit for 2018.

For and on behalf of the Standing Committee.

BISHOP PETER HAYWARD
Chair, Diocesan Resources Committee

26 September 2019

Parochial Cost Recovery Charges & Church Land Acquisitions Levy for 2020

	Actual for 2019	Synod Estimate for 2020	DRC/Standing Committee proposal for 2020
Parochial Network Costs			
Parish property and liability insurance program	4,562,341	5,003,912	5,070,000
Parish risk management program	236,000	241,000	241,000
Professional Standards Unit -			
Parish related costs	950,000	973,000	973,000
Reimbursing Synod Risk Reserve for non-standard expenses	50,000	50,000	50,000
Safe ministry training program	148,000	152,000	152,000
Ministry Spouse Support Fund	150,000	150,000	150,000
Provision for relief and remission of PCR charges	10,000	10,000	10,000
Parish contribution to the cost of Diocesan archives	70,000	71,000	71,000
SDS fee for managing the PCR Fund 951	206,000	211,000	211,000
ACPT management fee payable by all parishes with property	521,000	533,000	533,000
Voluntary relinquishment of incumbency fund		200,000	-
	6,903,341	7,594,912	7,461,000
<i>\$ increase on previous year</i>	25%	10%	8%
Total Net Operating Receipts 2017 & 2018	112,494,251	114,946,193	116,897,424
Variable PCR charge percentage (parochial units with property)	6.16386%	6.63%	6.4394130%
Variable PCR charge percentage (parochial units without property)	3.69832%	3.98%	3.8636478%
Ministry costs (per F/T minister)			
Ministers, Assistant Ministers (7+ years, Senior Assistant Ministers)			
Superannuation contribution	11,354	11,695	11,536
Long service leave contribution	1,704	1,755	1,755
Clergy Care -			
Stipend Continuance Insurance	2,269	2,407	3,022
Clergy/Churchworker Assistance Program	120	120	120
Sickness & accident fund	125	125	125
Cost per minister	15,572	16,102	16,558
Assistant Ministers			
Superannuation contribution	10,218	10,525	10,381
Long service leave contribution	1,704	1,755	1,755
Clergy Care -			
Stipend Continuance Insurance	2,269	2,407	3,022
Clergy/Churchworker Assistance Program	120	120	120
Sickness & accident fund	125	125	125
Cost per minister	14,436	14,932	15,404
Church Land Acquisitions Levy			
Contribution to the acquisition of land for future church sites	2,249,885	2,298,924	2,337,948
Parish levy percentage	2.00%	2.00%	2.00%

Variable PCR Charge and Church Land Acquisitions Levy for 2020

	\$	Parishes with property	Parishes without property
Total Net Operating Receipts for 2018 (as at 9 August 2019)	116,897,424	114,315,355	2,582,069
Parochial Network Costs to be recovered in 2020	7,461,000		
Variable PCR percentage		6.439413%	3.8636478%
Church Land Acquisitions Levy percentage		2.00%	2.00%
Contribution to the acquisition of land for future church sites	2,337,948		

	Parish, Prov.P, R.Church, Prov.R.C.	Region	Parochial Unit	2018 Net Operating Receipts for parishes with property	2018 Net Operating Receipts for parishes without property	Variable PCR charge for 2020	Church Land Acquisition Levy for 2020
1	PP	S	Abbotsford	186,858		12,033	3,737
2	P	W	Albion Park	303,090		19,517	6,062
3	P	S	Annandale	599,874		38,628	11,997
4	P	N	Artarmon	288,794		18,597	5,776
5	P	S	Ashbury	300,554		19,354	6,011
6	P	S	Ashfield Five Dock and Haberfield	944,861		60,844	18,897
7	P	N	Asquith / Mt Colah / Mt Kuring-gai	403,799		26,002	8,076
8	P	WS	Auburn - St Philip	313,402		20,181	6,268
9	PP	WS	Auburn - St Thomas	168,382		10,843	3,368
10	P	W	Austinmer	464,211		29,892	9,284
11	P	N	Balgowlah	342,894		22,080	6,858
12	P	S	Balmain	128,008		8,243	2,560
13	P	G	Bankstown	114,551		7,376	2,291
14	P	N	Barrenjoey	388,881		25,042	7,778
15	P	WS	Baulkham Hills	279,462		17,996	5,589
16	PP	G	Bayside (formerly Arncliffe)	352,966		22,729	7,059
17	P	N	Beecroft	530,771		34,179	10,615
18	P	S	Bellevue Hill	242,451		15,612	4,849
19	P	G	Belmore with McCallums Hill & Clemton Park	146,524		9,435	2,930
20	P	N	Belrose	401,450		25,851	8,029
21	PP	WS	Berala	197,241		12,701	3,945
22	P	N	Berowra	363,554		23,411	7,271
23	P	W	Berry	118,118		7,606	2,362
24	P	G	Beverly Hills with Kingsgrove	375,698		24,193	7,514
25	P	WS	Blackheath	165,539		10,660	3,311
26	P	WS	Blacktown	481,716		31,020	9,634
27	P	G	Blakehurst	213,435		13,744	4,269
28	P	W	Bomaderry	201,439		12,971	4,029
29	P	S	Bondi and Waverley	616,647		39,708	12,333

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	Parish, Prov.P, R.Church, Prov.R.C.	Region	Parochial Unit	2018 Net Operating Receipts for parishes with property	2018 Net Operating Receipts for parishes without property	Variable PCR charge for 2020	Church Land Acquisition Levy for 2020
30	p	W	Bowral	614,989		39,602	12,300
31	P	G	Brighton / Rockdale	194,823		12,545	3,896
32	P	S	Broadway	1,199,881		77,265	23,998
33	P	W	Bulli	392,050		25,246	7,841
34	P	S	Burwood	351,715		22,648	7,034
35	PP	G	Cabramatta	377,785		24,327	7,556
36	P	WS	Cambridge Park	156,499		10,078	3,130
37	P	W	Camden	721,630		46,469	14,433
38	P	W	Campbelltown	816,718		52,592	16,334
39	P	G	Campsie	229,284		14,765	4,586
40	P	G	Canterbury with Hurlstone Park	206,676		13,309	4,134
41	P	W	Caringbah	796,361		51,281	15,927
42	P	WS	Carlingford and North Rocks	1,533,957		98,778	30,679
43	P	WS	Castle Hill	2,524,215		162,545	50,484
44	P	S	Centennial Park	710,685		45,764	14,214
45	P	N	Chatswood	543,269		34,983	10,865
46	RC (np)	WS	Cherrybrook #		288,089	11,131	5,762
47	PP	G	Chester Hill with Sefton	285,908		18,411	5,718
48	P	N	Christ Church Northern Beaches	265,206		17,078	5,304
49	PRC (np)	G	Church at the Peak Peakhurst South		118,287	4,570	2,366
50	P	S	Church Hill	1,277,105		82,238	25,542
51	P	S	Clovelly	388,677		25,029	7,774
52	PP	W	Cobbitty	269,819		17,375	5,396
53	P	S	Concord & Burwood	171,844		11,066	3,437
54	PP	S	Concord North	221,305		14,251	4,426
55	P	S	Concord West	156,700		10,091	3,134
56	P	S	Coogee	273,871		17,636	5,477
57	P	S	Cooks River	104,804		6,749	2,096
58	P	W	Corrimal	206,627		13,306	4,133
59	RC (np)	WS	Cranebrook with Castlereagh		365,158	14,108	7,303
60	P	N	Cremorne	375,579		24,185	7,512
61	P	W	Cronulla	228,719		14,728	4,574
62	P	S	Croydon	863,277		55,590	17,266
63	PP	W	Culburra Beach	128,394		8,268	2,568
64	P	W	Dapto	707,682		45,571	14,154
65	P	S	Darling Point	930,248		59,903	18,605
66	P	S	Darling Street	678,349		43,682	13,567
67	P	S	Darlinghurst	696,833		44,872	13,937
68	P	N	Dee Why	264,385		17,025	5,288
69	PP	W	Denham Court	151,815		9,776	3,036
70	PP	WS	Doonside	72,791		4,687	1,456

	Parish, Prov.P, R.Church, Prov.R.C.	Region	Parochial Unit	2018 Net Operating Receipts for parishes with property	2018 Net Operating Receipts for parishes without property	Variable PCR charge for 2020	Church Land Acquisition Levy for 2020
71	P	S	Drummoyne	294,382		18,956	5,888
72	PP	G	Dulwich Hill	159,700		10,284	3,194
73	P	WS	Dundas / Telopea	677,151		43,605	13,543
74	P	WS	Dural District	509,246		32,792	10,185
75	P	W	Eagle Vale	329,548		21,221	6,591
76	P	G	Earlwood	236,022		15,198	4,720
77	P	N	East Lindfield	284,316		18,308	5,686
78	P	S	Eastgardens	596,273		38,396	11,925
79	P	N	Eastwood	710,247		45,736	14,205
80	P	WS	Emu Plains	355,046		22,863	7,101
81	P	S	Enfield and Strathfield	846,925		54,537	16,939
82	P	W	Engadine	693,268		44,642	13,865
83	P	S	Enmore / Stanmore	210,196		13,535	4,204
84	P	N	Epping	340,256		21,910	6,805
85	PP	N	Ermington	92,477		5,955	1,850
86	PP	G	Fairfield with Bossley Park	507,000		32,648	10,140
87	P	W	Fairy Meadow	292,261		18,820	5,845
88	P	W	Figtree	1,350,512		86,965	27,010
89	P	N	Forestville	508,086		32,718	10,162
90	P	N	Frenchs Forest (incorporating Beacon Hill)	358,879		23,110	7,178
91	P	N	Freshwater	294,918		18,991	5,898
92	P	G	Georges Hall	144,289		9,291	2,886
93	P	W	Gerringong	306,607		19,744	6,132
94	P	N	Gladesville	1,238,048		79,723	24,761
95	P	S	Glebe	348,543		22,444	6,971
96	P	WS	Glenhaven	471,727		30,376	9,435
97	P	WS	Glenmore Park and Mulgoa	965,310		62,160	19,306
98	P	N	Gordon	531,518		34,227	10,630
99	P	WS	Granville	142,877		9,200	2,858
100	PP	G	Greenacre	127,019		8,179	2,540
101	P	N	Greenwich	165,138		10,634	3,303
102	P	WS	Greystanes - Merrylands West	116,336		7,491	2,327
103	PP	WS	Guildford with Villawood	274,315		17,664	5,486
104	P	W	Gymea	475,887		30,644	9,518
105	RC (np)	W	Harbour Church # Helensburgh and Stanwell Park		225,300	8,705	4,506
106	P	W		322,049		20,738	6,441
107	P	N	Hornsby	155,757		10,030	3,115
108	PRC (np)	N	Hornsby Anglican Chinese Church #		93,521	3,613	1,870
109	P	N	Hornsby Heights	139,345		8,973	2,787
110	P	G	Hoxton Park	359,878		23,174	7,198
111	P	N	Hunters Hill	316,630		20,389	6,333

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	Parish, Prov.P, R.Church, Prov.R.C.	Region	Parochial Unit	2018 Net Operating Receipts for parishes with property	2018 Net Operating Receipts for parishes without property	Variable PCR charge for 2020	Church Land Acquisition Levy for 2020
112	P	G	Hurstville	728,631		46,920	14,573
113	P	G	Hurstville Grove	488,694		31,469	9,774
114	P	W	Huskisson	153,520		9,886	3,070
115	P	W	Ingleburn <i>(incorporating Glenquarie)</i>	335,105		21,579	6,702
116	PP	W	Jamberoo	53,492		3,445	1,070
117	P	W	Jannali	772,414		49,739	15,448
118	P	W	Kangaroo Valley	108,866		7,010	2,177
119	P	WS	Katoomba	307,144		19,778	6,143
120	P	W	Keiraville	184,508		11,881	3,690
121	P	WS	Kellyville	731,172		47,083	14,623
122	P	S	Kensington Eastlakes	230,719		14,857	4,614
123	P	W	Kiama And Minnamurra	529,590		34,102	10,592
124	P	N	Killara	474,685		30,567	9,494
125	P	S	Kingsford	191,143		12,308	3,823
126	P	WS	Kingswood	373,461		24,049	7,469
127	P	N	Kirribilli	1,295,596		83,429	25,912
128	P	WS	Kurrajong	310,252		19,978	6,205
129	PP	G	Lakemba	55,880		3,598	1,118
130	P	WS	Lalor Park and Kings Langley	205,528		13,235	4,111
131	P	N	Lane Cove and Mowbray	629,950		40,565	12,599
132	P	N	Lavender Bay	263,363		16,959	5,267
133	P	WS	Lawson	117,868		7,590	2,357
134	P	S	Leichhardt	480,929		30,969	9,619
135	P	WS	Leura	143,191		9,221	2,864
136	P	WS	Lidcombe	283,534		18,258	5,671
137	P	N	Lindfield	557,609		35,907	11,152
138	P	WS	Lithgow	291,111		18,746	5,822
139	P	G	Liverpool	356,137		22,933	7,123
140	P	G	Liverpool South	117,021		7,535	2,340
141	P	N	Longueville	237,718		15,308	4,754
142	PP	S	Lord Howe Island	32,335		2,082	647
143	P	WS	Lower Mountains	591,895		38,115	11,838
144	P	G	Lugarno	122,832		7,910	2,457
145	P	N	Macquarie	504,762		32,504	10,095
146	P	S	Malabar	362,396		23,336	7,248
147	P	N	Manly	1,526,212		98,279	30,524
148	P	S	Maroubra	403,009		25,951	8,060
149	P	G	Marrickville	575,501		37,059	11,510
150	P	W	Menai	888,441		57,210	17,769
151	P	W	Menangle	156,786		10,096	3,136
152	P	WS	Merrylands	280,569		18,067	5,611

	Parish, Prov.P, R.Church, Prov.R.C.	Region	Parochial Unit	2018 Net Operating Receipts for parishes with property	2018 Net Operating Receipts for parishes without property	Variable PCR charge for 2020	Church Land Acquisition Levy for 2020
153	P	WS	Minchinbury	318,274		20,495	6,365
154	P	W	Minto	306,723		19,751	6,134
155	P	W	Miranda	1,006,775		64,830	20,136
156	P	W	Mittagong	439,786		28,320	8,796
157	P	N	Mona Vale	226,542		14,588	4,531
158	P	G	Moorebank	431,736		27,801	8,635
159	P	N	Mosman - St Clement	791,433		50,964	15,829
160	P	N	Mosman - St Luke	572,954		36,895	11,459
161	P	W	Moss Vale	158,950		10,235	3,179
162	PP	WS	Mt Druitt	127,170		8,189	2,543
163	P	W	Narellan	292,963		18,865	5,859
164	P	N	Naremburn / Cammeray	1,062,170		68,398	21,243
165	P	N	Narrabeen	874,041		56,283	17,481
166	P	N	Neutral Bay	408,744		26,321	8,175
167	P	N	Newport	161,839		10,421	3,237
168	P	S	Newtown with Erskineville	671,810		43,261	13,436
169	P	S	Norfolk Island	163,405		10,522	3,268
170	P	N	Normanhurst	750,805		48,347	15,016
171	P	N	North Epping	523,579		33,715	10,472
172	P	N	North Ryde	181,934		11,715	3,639
173	P	N	North Sydney	1,660,311		106,914	33,206
174	P	N	Northbridge	469,734		30,248	9,395
175	P	WS	Northmead and Winston Hills	683,612		44,021	13,672
176	P	WS	Norwest	1,018,860		65,609	20,377
177	P	W	Nowra	427,574		27,533	8,551
178	P	W	Oak Flats	276,967		17,835	5,539
179	P	WS	Oakhurst	227,759		14,666	4,555
180	P	G	Oatley	199,199		12,827	3,984
181	P	G	Oatley West	183,662		11,827	3,673
182	PP	W	Oran Park	347,035		22,347	6,941
183	P	S	Paddington	191,016		12,300	3,820
184	P	G	Padstow	110,277		7,101	2,206
185	P	G	Panania	404,406		26,041	8,088
186	P	WS	Parramatta	1,852,284		119,276	37,046
187	P	WS	Parramatta North with Harris Park	356,456		22,954	7,129
188	P	G	Peakhurst / Mortdale	307,574		19,806	6,151
189	P	WS	Penrith	296,052		19,064	5,921
190	P	G	Penshurst	229,280		14,764	4,586
191	P	S	Petersham	308,750		19,882	6,175
192	PRC (np)	N	Philadelphia Anglican Church #		131,374	5,076	2,627
193	P	W	Picton	131,064		8,440	2,621

	Parish, Prov.P, R.Church, Prov.R.C.	Region	Parochial Unit	2018 Net Operating Receipts for parishes with property	2018 Net Operating Receipts for parishes without property	Variable PCR charge for 2020	Church Land Acquisition Levy for 2020
194	PP	WS	Pitt Town	540,647		34,814	10,813
195	PP	W	Port Kembla	121,677		7,835	2,434
196	P	N	Pymble	865,019		55,702	17,300
197	P	WS	Quakers Hill	742,874		47,837	14,857
198	P	S	Randwick	859,068		55,319	17,181
199	PP	G	Regents Park	48,283		3,109	966
200	PP	G	Revesby	91,065		5,864	1,821
201	P	WS	Richmond	426,091		27,438	8,522
202	PP	WS	Riverstone	131,046		8,439	2,621
203	P	G	Riverwood - Punchbowl	332,230		21,394	6,645
204	P	W	Robertson	165,621		10,665	3,312
205	P	WS	Rooty Hill	1,543,327		99,381	30,867
206	PP	W	Rosemeadow	231,627		14,915	4,633
207	P	N	Roseville	1,024,154		65,950	20,483
208	P	N	Roseville East	468,950		30,198	9,379
209	PP	WS	Rouse Hill	407,391		26,234	8,148
210	P	N	Ryde	783,123		50,429	15,662
211	PP	G	Sadleir	263,649		16,977	5,273
212	P	G	Sans Souci	166,130		10,698	3,323
213	P	N	Seaforth	261,950		16,868	5,239
214	P	WS	Seven Hills	313,194		20,168	6,264
215	P	W	Shellharbour	182,671		11,763	3,653
216	P	W	Shellharbour City Centre	373,456		24,048	7,469
217	P	W	Shoalhaven Heads	150,046		9,662	3,001
218	RC (np)	W	Soul Revival Church		642,932	24,841	12,859
219	P	G	South Carlton	221,029		14,233	4,421
220	P	S	South Coogee	130,455		8,401	2,609
221	P	W	South Creek	415,383		26,748	8,308
222	P	G	South Hurstville	238,031		15,328	4,761
223	P	S	South Sydney	257,987		16,613	5,160
224	P	WS	Springwood	847,537		54,576	16,951
225	PP	WS	St Clair	103,626		6,673	2,073
226	P	G	St George	168,719		10,865	3,374
227	P	G	St George North	902,801		58,135	18,056
228	P	N	St Ives	1,963,040		126,408	39,261
229	P	G	St Johns Park (formerly Smithfield Road)	200,842		12,933	4,017
230	P	WS	St Marys	202,278		13,026	4,046
231	RC (np)	WS	Stanhope		165,459	6,393	3,309
232	P	S	Strathfield and Homebush	258,088		16,619	5,162
233	P	S	Summer Hill	325,026		20,930	6,501
234	PP	S	Surry Hills	948,103		61,052	18,962
235	PP	W	Sussex Inlet	131,181		8,447	2,624

	Parish, Prov.P, R.Church, Prov.R.C.	Region	Parochial Unit	2018 Net Operating Receipts for parishes with property	2018 Net Operating Receipts for parishes without property	Variable PCR charge for 2020	Church Land Acquisition Levy for 2020
236	P	W	Sutherland	409,746		26,385	8,195
237	P	W	Sutton Forest	257,278		16,567	5,146
238	P	S	Sydney - Cathedral of St Andrew	0		-	-
239	P	S	Sydney - Christ Church St Laurence	835,913		53,828	16,718
240	P	S	Sydney - St James, King Street	1,767,996		113,849	35,360
241	P	W	Sylvania	285,548		18,388	5,711
242	PP	N	Terry Hills	93,218		6,003	1,864
243	P	W	The Oaks	165,707		10,671	3,314
244	P	N	Thornleigh - Pennant Hills	597,670		38,486	11,953
245	P	WS	Toongabbie	505,926		32,579	10,119
246	P	N	Turrumurra	806,630		51,942	16,133
247	P	N	Turrumurra South	380,571		24,507	7,611
248	P	W	Ulladulla	208,778		13,444	4,176
249	RC (np)	S	Unichurch (Uni. NSW) #		551,949	21,325	11,039
250	P	S	Vaucluse and Rose Bay	249,908		16,093	4,998
251	P	N	Wahroonga - St Andrew's	386,490		24,888	7,730
252	P	N	Wahroonga - St Paul's	541,919		34,896	10,838
253	P	N	Waitara	289,453		18,639	5,789
254	P	S	Watsons Bay	407,437		26,237	8,149
255	P	WS	Wentworth Falls	248,802		16,021	4,976
256	P	WS	Wentworthville	147,985		9,529	2,960
257	P	N	West Lindfield	213,439		13,744	4,269
258	P	WS	West Pennant Hills	926,835		59,683	18,537
259	P	N	West Pymble	1,077,937		69,413	21,559
260	P	N	West Ryde	534,612		34,426	10,692
261	P	W	West Wollongong	503,359		32,413	10,067
262	P	WS	Westmead	222,540		14,330	4,451
263	P	WS	Wilberforce	254,384		16,381	5,088
264	P	N	Willoughby	483,364		31,126	9,667
265	P	N	Willoughby Park	283,938		18,284	5,679
266	P	WS	Windsor	126,610		8,153	2,532
267	P	W	Wollondilly	194,960		12,554	3,899
268	P	W	Wollongong	1,030,109		66,333	20,602
269	P	S	Woollahra	183,627		11,825	3,673
270	P	G	Yagoona	304,550		19,611	6,091
				114,315,355	2,582,069	7,461,000	2,337,948

Note

The 9 parochial units without property are charged only 60% of the normal variable PCR percentage, which approximates what the network costs would be if the property insurance premium was excluded from the ACPT's parish property and liability insurance program.

42/18 Reporting on the National Redress Scheme

(A report from the Standing Committee.)

Key Points

- Most institutions under the control of Synod are now participants in the National Redress Scheme (**NRS**) or are in the final stages of being accepted into the scheme. Standing Committee continues to monitor the participation status of each diocesan organisation.
- From 1 July 2018 to 30 June 2019, diocesan organisations were notified of 29 applications. A total of 18 of the applicants had previously been in contact with the relevant institution.
- As at 30 June 2019 three offers had been made to applicants but none had been finalised.

Purpose

1. The purpose of this report is to provide Synod with a brief report regarding the status of applications under the National Redress Scheme (**NRS**), in accordance with the request of Synod resolution 42/18.

Recommendations

2. Synod receive this report.

Background

3. At its ordinary session in 2018, the Synod passed resolution 42/18 in the following terms –

‘Synod requests that Sydney Anglican (National Redress Scheme) Corporation and other diocesan organisations that become a Participating Institution under the National Redress Scheme report all applications received to the Director of Professional Standards to enable an annual report, with appropriate protections of confidentiality, to be provided to each ordinary session of the Synod throughout the life of the National Redress Scheme that includes –

- (a) the number of applications for redress which have been received,
- (b) the number and total and average amount of redress offers made,
- (c) the number and total and average amount of redress offers accepted, and
- (d) the number of persons to whom a direct personal response has been provided.’

Discussion

4. The National Redress Scheme (**NRS**) commenced on 1 July 2018 and is scheduled to continue for 10 years until 30 June 2028. The Standing Committee is strongly encouraging all diocesan organisations which could possibly have any responsibility for claims of child sexual abuse to become part of the scheme. The arrangements for the NRS provide for institutions to be able to join the scheme at any time in the two years to 30 June 2020. Most institutions under the control of Synod are now participants in the NRS or are in the final stages of being accepted into the scheme. Standing Committee continues to monitor the participation status of each diocesan organisation.
5. In accordance with Synod motion 42/18, diocesan organisations have been asked to report to the Director of Professional Standards all applications received to enable an annual report, with appropriate protections of confidentiality, to be provided to each session of Synod. The Director of Professional Standards has been advised that during the first year of the scheme, from 1 July 2018

to 30 June 2019, diocesan organisations were notified of 29 applications. A total of 18 of the applicants had previously been in contact with the relevant institution. After consideration of an application and specified information provided by the institution, an offer of redress, counselling and a direct personal response (if requested) is made by the NRS to the applicant. The applicant then has a period of six months to accept the offer. As at 30 June 2019 three offers had been made to applicants but none had been finalised and consequentially no direct personal responses had been made at that time.

For and on behalf of the Standing Committee.

DANIEL GLYNN
Diocesan Secretary

26 September 2019

2/15 Tertiary Education Ministry Oversight Committee

(A report from the Tertiary Education Ministry Oversight Committee.)

1. The Tertiary Education Ministry Oversight Committee (**TEMOC**) was formed in 2009 and is responsible for some oversight of tertiary (university and VET sector) ministry across the Diocese. Part of the role of TEMOC is the distribution of funds allocated by Synod. The Committee is committed to supporting the development of on-campus evangelical tertiary ministries (especially Chaplaincy) within the Diocese in accordance with the statement of vision, strategic priorities and core principles detailed in its report to the Synod in 2010. A short video illustrating examples of work supported by TEMOC is available at <https://m.youtube.com/watch?feature=youtu.be&v=kZT43tVDveQ>
2. The priorities and principles of TEMOC are summarised below (Synod Book, 2010) –
 - (a) Vision: Our vision is to grow Bible-based ministries on each university and Vocational and Education and Training (**VET**) campus in the Diocese that are –
 - evangelistic
 - preparing students for a life-time of Christian service
 - particularly concerned to raise up future generations of vocational Christian ministers.
 - (b) Core Principles: In addition to the values in the vision above, we want these university and VET campus ministries to –
 - serve churches in partnership through training and equipping their members
 - as far as possible, work as a single united team on campus
 - develop effective ministry across the whole campus, including segments such as commuters, international students, postgraduates, staff and residents
 - have (Anglican) chaplains who will serve in these ministries, be recognised by the campus administration and advocate for the ministry.
 - (c) Funding Model: TEMOC funds are –
 - to help initiate new work on tertiary education campuses
 - to help resource campus-based ministry traineeships to encourage the raising up of vocational Christian workers
 - not to be the sole funding source for any campus ministry. Funds are available under two schemes –
 - theologically trained workers
 - ministry traineeships
 - the quantum of each grant will decline over a 2 to 4 year trajectory
3. The members of the Committee are, the Rev Patrick Benn (Chair), the Rev Scott Blackwell, the Rev Richard Blight, the Rev Robert Copland, the Rev Stephen Gooch, Mrs Catherine Miers (Secretary), Associate Professor Boyo Ockinga, the Rev Lisa Thompson and Canon Mark Williamson. Three members retire at each session of Synod.
4. Our biennial meeting of all Anglican University Chaplains with Archbishop Davies is planned for early 2020. We are hoping to continue robust and productive discussions about the role and place of Chaplaincy within our tertiary campuses.
5. Following the 2018 Synod, the Committee (having met on four occasions) has – (i) reviewed reports from 2018 and 2019 grant recipients, (ii) confirmed funding allocations for 2019, (iii) called for and provisionally assessed grant applications for 2020.
6. Several members of the Committee have direct involvement in student ministries on campus which from time to time are grant applicants and - on occasion and after due process - may also become grant recipients. The Committee maintains a Conflict of Interest Register and any member with a conflict of interest does not advocate for their application in committee or vote on its approval.
7. The Committee was responsible for overseeing the distribution of the Synod allocation of \$100,000 to support Tertiary ministry in 2019. As in previous years grant applications were received for projects valued at more than two and a half times the funds made available by the Synod. The committee

considered each of the applications in accordance with the statement of vision, strategic priorities and core principles.

8. For 2019 a total of 7 grants were distributed. All projects were initiated by Anglican ministries in consultation with evangelical student groups on campus. Continuing grants are assisting in the ministry at Meadowbank TAFE, ministry trainees at four universities and trained workers at two universities. New grants support ministry trainees at three universities.
9. Funds for 2019 were distributed as follows –

Tertiary campus	Organisation	Project Contact	Worker	Funding scheme	2019 Grant
Meadowbank TAFE	West Ryde Anglican Church	Rev Mal York	Andrew Irving	Senior Trainer	5,000
CBM Penrith/Hawkesbury	Kingswood Anglican Church	Rev Cameron Howard	Stephen Smith	Trainee	7,000
Wollongong	Anglican Chaplaincy	Rev Rob Copland	Various	Trainees	6,000
UNSW	Parish of Unichurch	Rev Carl Matthei	Various	Trainees	38,000
UNSW	Parish of Unichurch	Rev Carl Matthei	Tim Rowe	Senior Trainer	15,000
CBM Parramatta	Dundas Anglican Church	Rev Alistair Seabrook	Rachel Ewings	Trainee	5,000
Sydney University	Anglican Chaplaincy	Rev Rowan Kemp	Various	Trainees	24,000
Total					100,000

10. The Committee has also considered reports on all the projects funded in 2018. The reports confirmed the application of funds to the specified project and provided details of outcomes achieved from grant funding.
11. Reports from 2018 Grants also reinforced the impact these grants are making in expanding ministry to tertiary students and raising up a new generation of gospel workers. Some quotations from our grant recipients –
- Student ministry offers incredible opportunities for evangelism and raising up future ministry workers, which both serve the wider kingdom. Our desire is to train evangelists to serve in their churches and workplaces, and we are seeing fruit of this on campus. And there is a strong and growing group of students and graduates who are keen to train for vocational ministry - these are the next generation of gospel servants for the kingdom.
 - The work of evangelism, teaching and training university students has shown our trainees their need of a good quality theological education so that they are better equipped to serve the Lord Jesus in future ministry.
 - Reading the Bible with an unbelieving Indian student and an unbelieving Engineering student taught me how to structure reading the Bible with someone purposely.
12. TEMOC continues to encourage new initiatives in TAFE and CVET ministry and members are available to consult with any parishes considering outreach in this underdeveloped field.
13. The committee has already called for applications for new and continuing projects for 2020. A total of 13 applications requesting over \$438,060 have been received. Final decisions on grants will be made following Synod in the October meeting of TEMOC. Tertiary ministry continues to be a significant opportunity to continue to train the next generation of both lay and vocational leaders for the Diocese. TEMOC would like to remind the Synod of the significant opportunity to set aside greater funding for leveraging existing and developing tertiary ministry across the Diocese. One of the key expectations continues to be recruitment of future students into Moore Theological College.

14. In 2019 TEMOC has been asked to help fund as many as 44 ministry trainees - an increase of 8 from 2019. Many of these men and women are young graduates prepared to forgo other employment to be trained and equipped for kingdom service. Many are considering further study and are encouraged to consider applying to Moore Theological College. We would appreciate the prayers of members of our churches that these trainees will continue the wonderful work of our previous recipients and fruitfully serve the Lord Jesus either in vocational ministry or as life-long gospel partners in church, family and work here in the Sydney Diocese and around the world.
15. Finally we would like to recognise the long-standing and significant involvement in tertiary ministries by Prof Chris Bellenger who resigned this year as Chair of TEMOC after five years of service. We thank him for his significant service.

For and on behalf of the Tertiary Education Ministry Oversight Committee.

THE REV PATRICK BENN
Chair

16 September 2019

47/18 Property Use Policy

8/17 Statement of Anglican Doctrine of Marriage

(A further report from a member of the Synod.)

Purpose

1. This report responds to Synod resolutions 8/17 and 47/18, and to further consideration of these matters by the Standing Committee upon recommendation of its Subcommittee reappointed to consider the matter).

Recommendations

2. That Synod receive this report.
3. That Synod amend the diocesan Governance Policy Statement of Personal Faith by adding, in the appropriate place, the following words –

[I believe] that God created humanity with two complementary sexes – male and female – both equally made in God’s image; that there are only two expressions of faithful sexuality: marriage between a man and a woman or abstinence in singleness; and that all human life is to be valued and protected from conception until death.

4. That Synod approve a procedure to enable the mover of such amendment sufficient time in Synod to enable Synod to consider this as a matter of principle.

Background

5. In October 2017, Synod resolved as follows in **8/17 Statement of Anglican doctrine of marriage**

Synod –

- (a) requests that Standing Committee appoint a committee of suitably qualified persons to consider whether the Diocesan Education Policy, the Corporate Governance Policy Statement of Faith, or any other relevant diocesan policies, statements or ordinances should be amended to state formally our Anglican doctrine that marriage is the union of a man and a woman for life to the exclusion of all others, so as to assist the ability of our Anglican schools and other organisations to maintain that it is a genuine, legitimate and justified occupational requirement for their board members, principals, executive officers and other relevant staff and office holders to hold to this traditional Christian belief about marriage, in order to maintain the Christian religious ethos of our institutions,*
- (b) affirms that such a committee could also consider any other core doctrinal matters currently relevant and contested in our society,*
- (c) encourages Standing Committee to consider making any amendments suggested by the committee, and*
- (d) asks that this be treated as a matter of urgency.*

6. In response, Standing Committee asked the Religious Freedom Reference Group (**RFRG**) to address the request in Synod Resolution 8/17. The RFRG appointed a subcommittee (the **Committee**). This Committee recommended to Standing Committee that the matter be dealt with by way of a Property Use Policy, which it drafted.

7. It also advised against amending the diocesan Statement of Faith in regards to the doctrine of marriage. Specifically it was reported that the Committee, while affirming that the teaching of Scripture on marriage is a key doctrine, came to the view that it would not be appropriate to put a

statement about marriage belief in the same category as our fundamental beliefs about the Bible, the atoning work of Christ and justification by faith alone.

8. It also rejected the idea of asking board members to assent to the Jerusalem Declaration, which addresses marriage, because the Jerusalem Declaration contained Anglican-specific affirmations that may have the unintended consequence of excluding some non-Anglicans (such as Baptists and Presbyterians) from serving on our diocesan boards.
9. The Standing Committee accepted these recommendations and reported along those lines to Synod in 2018.
10. In response, in October 2018, Synod resolved as follows in **47/18 Property Use Policy** –

Synod passes the Property Use Policy as a Policy of the Synod, and requests –

 - (a) *Synod members to provide feedback on the policy to the Diocesan Secretary by 28 February 2019, and*
 - (b) *Standing Committee to review the policy, including with reference to Resolution 8/17, and bring recommendations to the next ordinary session of the Synod.*
11. This report notes that paragraph (b) was added by way of successful amendment from the floor. In speeches on that matter, it was pointed out that the Property Use Policy obviously dealt primarily with Anglican *property* and its use. However, Synod's original request, repeated in 47/18, was directed towards *persons* and their beliefs, particularly board members, CEOs and principals of Anglican organisations and schools. Synod thus indicated further consideration should be given to adding a statement about marriage to the diocesan Statement of Faith.
12. At Standing Committee's request, the Committee has continued to consider the matter, weighing submissions passed onto it, in response to resolution 47/18.

Committee Recommendations and Discussion

13. The Committee suggests that the Statement of Faith 'defines the Christian faith with reference to the Nicene Creed and Apostles' Creed, and paragraph 2 adds three further (protestant and evangelical) core beliefs that are not sufficiently articulated in the creeds - the authority of the scriptures, the atonement and justification by faith only. As important as the doctrine of marriage is, it is not in the same category as these core beliefs.'
14. The Archbishop's view is reported as suggesting that, 'the purpose of the Statement of Personal Faith is to require that those who serve in key roles in our organisations are Christians', and that 'Sections 1 and 2 are a statement of reformed protestant Christian faith, which could be signed (for example) by Presbyterians and Baptists.'
15. The Committee has noted that the Property Use Policy specifies limits on the use of property in light of a wider range of significant doctrinal matters than marriage and human sexuality alone (which is addressed in paragraph 18 of the policy). Additional key areas regarding the doctrine of the human person are covered in paragraph 15. This highlights the following areas:
 - All human beings uniquely created in the image of God, loved by God and precious to him.
 - Humanity created by God with two complementary sexes – male and female – both equally in his image.
 - Equality of people of all races and abilities as equal in God's sight.
 - The beginning and end of life determined by God alone.
16. The Committee considered amending the diocesan Statement of Faith to require signatories to affirm the "doctrines, tenets and beliefs of the Anglican Church of Australia in the Diocese of Sydney", including those expressed in the diocesan Property Use Policy, and to acknowledge the requirement of the diocesan Property Use Policy that church property is not to be used contrary to these doctrines, tenets and beliefs.

17. However, the Committee, with advice from the Archbishop, has determined that, as with the Jerusalem Declaration, such an addition would contain Anglican-specific affirmations that may have the unintended consequence of excluding some appropriate non-Anglicans (such as Baptists and Presbyterians) from serving on our diocesan boards and schools.
18. Instead the Committee considered it adequate to amend the Statement of Faith to require board members, chief executive and school principals to fulfil their duties not only “in accordance with its Christian ethos and its constituting ordinance” as presently required, but also in accordance with “other applicable ordinances and policies of the Synod”. It was also suggested that each organisation might be encouraged to amend its constituting ordinance to refer specifically to the obligation of compliance to particular relevant ordinances.
19. Standing Committee instead resolved to ask Synod to amend the Governance Statement Policy Guidelines with a new paragraph 37 indicating that diocesan organisation should comply with all applicable ordinances and policies of the Synod (as amended from time to time) including, as applicable the Investment of *Church Trust Property Ordinance 1990*, the *Accounts, Audits and Annual Reports Ordinance 1995*, the *Anglican Schools Ministry Ordinance 2016*, and the *Sydney Anglican Use of Property Ordinance 2018*. It also intends that SDS be asked to produce an induction pack to ensure that directors and board member were aware of their obligations in relation to compliance with these ordinances and policies.
20. In the view of this report, such an approach involves the clumsy requirement of reference to multiple separate documents, several of which are lengthy, by potential nominators and nominees, so as to determine what beliefs nominees must uphold before accepting nomination to a board of, or the senior executive role in, an Anglican organisation. This does not aid simplicity or clarity in our processes.
21. In addition, it by no means ensures that a board member, CEO or principal personally believes the key doctrines identified in the Property Use Policy. It appears arguable this approach would still allow (for example) a school principal to promote and/or operate by a personal belief about marriage that was opposed to the doctrine of the diocese, provided this did not involve the use of school property.
22. This approach also relies on many schools and other organisations agreeing to amend their constituting ordinance, then successfully promoting such amending ordinances to the Standing Committee. An examination of existing Anglican school ordinances indicates that quite a few schools have not got around to modernising their ordinances. So such an approach may take considerable time before being widely agreed by organisations and schools. Some organisations and schools may never actually resolve to act.
23. This report also argues that the views of the Committee on the purpose of the Statement of Faith could have been strengthened by reference to the wording of our Corporate Governance policy itself. The first point of its Governance Standards, under the heading “Christian leadership shaped by the Bible”, states that “The board members of a diocesan organisation elected by the Synod, the chair of the board and the chief executive officer must profess a personal Christian faith shaped by the Bible.”
24. According to our own policy, the implied purpose of the Statement of Faith is to articulate a Christian faith *shaped by the Bible*. This certainly includes the three additional protestant and evangelical core beliefs added in the current Statement of Faith. But there can also be other beliefs basic to a Christian faith shaped by the Bible that are not sufficiently articulated by the Creeds. And threats to an orthodox faith shaped by the Bible may, and often do, come also from liberal theological and social directions, as in the case of the debate unleashed by attempts to redefine marriage.
25. This report also notes that the Corporate Governance Policy clearly envisages that the Statement of Faith may change, by referring to its “initial form” and by specifying the mechanism for change (“in a form determined by Synod”, a power which has been delegated to Standing Committee, though any three members can refer such a change back to Synod).
26. Summarising these insights from the Corporate Governance Policy, the benchmark implied for assessing changes to the Statement of Faith, and specifically the bullet points in its paragraph 2, would be whether the change aids the articulation by board members and chief executive officers, in our current context, of a personal Christian faith that is *shaped by the Bible*.

Amending the Statement of Faith

27. This report now argues that our Statement of Faith should be amended to include key matters of longstanding, orthodox biblical anthropology that are vigorously contested and threatened in the wider world today.
28. Specifically, it is recommended that section 2 of the “Governance Policy for Diocesan Organisations Appendix 3: Statement of Personal Faith” be amended by addition of the following subparagraph –
 - (d) *[I believe] that God created humanity with two complementary sexes – male and female – both equally made in God’s image; that there are only two expressions of faithful sexuality: marriage between a man and a woman or abstinence in singleness; and that all human life is to be valued and protected from conception until death.*
29. Human anthropology is widely seen as the over-arching ‘watershed’ or dividing line issue for Christians in our era, although underlying it is the authority and sufficiency of Scripture.
30. The biblical Christian views, noted above, of marriage and human sexuality, of humanity being made in two sexes, and of the sanctity of human life are longstanding aspects of orthodoxy, widely seen as distinctives of Christian practice, from early church history. Yet they are being repeatedly undermined in our society.
31. Regarding marriage, this report notes that the marriage of a man and a woman, a groom and a bride, appears in the first and last chapters of the Bible (Genesis 1 & 2 and Revelation 19, 21, 22). This central place at beginning and end of the meta-narrative of Scripture is seen as highly significant by many theologians.
32. Marriage is also a central image of the relationship between God and his people (e.g. in multiple prophetic books), and between Christ and his church (Eph 5:31-32; John 3:29, synoptic parables of the bridegroom, and in Revelation). As such, the non-symmetrical difference of the bride and groom in their complementarity are important to this image of salvation. God in Christ is not a generic ‘spouse’ or ‘partner’, but a faithful, redeeming husband!
33. This report also further notes that family is the fundamental, pre-political unit of society, and marriage is the fundamental building block of family. For example, marriage is central to the patriarchal narratives and promises, central to the 10 Commandments, i.e., commandments 7 and 10; and central to New Testament ethics (e.g., Ephesians 5-6, Colossians 3, Titus 2).
34. In addition, the amendment now being proposed to the Statement of Faith addresses two other key issues in the doctrinal area of anthropology. These are two key issues contested in our society and also identified in the Property Use Policy, alongside marriage and human sexuality. They are those of God’s creation of humanity with biological sex, and the sanctity or dignity of human life, especially at its beginning and end.
35. From the first pages of Scripture, we see that humans are made in two biological sexes, male and female, equally in God’s image, and precious to him. This reality has ongoing significance for us and our gender considerations in human life. This matter has been extensively, carefully and sensitively articulated and explored in the Gender Identity Report brought to Synod in 2017 and the Gender Identity Initial Principles of Engagement approved at Synod in 2018.
36. God’s sovereignty over life and death is again seen from the first pages of Scripture until the last, alongside God’s particular concern for the protection of the weak and vulnerable. Acts 17:25 says, “God himself gives all people life and breath and everything else.” Psalm 104:29 says of all living creatures, “When [God] take[s] away their breath, they die and return to the dust.” Psalm 139 is a famous and moving application of this doctrine to an individual human life.
37. As those made in the image of God, both Genesis 9:5-6 and the sixth of the Ten Commandments (along with the case law by which it is was applied variously in Israel), indicates that no one should kill another human life, without exceptional and just cause. Hence the wide concern in the Christian churches against abortion and euthanasia.

38. Social engineering and advocacy for legislative and administrative changes undermine and oppose these biblical views in preference for radical personal autonomy via the redefinition of marriage, the promotion of transgender ideology, significant loosening of abortion laws, and the adoption of euthanasia laws. These changes are being pushed on our churches and our organisations.
39. People in our Anglican churches need clarity and consistency in leadership that holds to the biblical teaching on these central, yet publicly contested matters. It is reasonable and wise to expect the key governors and chief leaders of our schools and organisations also to hold to the biblical teaching on these matters, so as to be able to maintain our distinctive Christian faith with consistency.
40. There is also a clear and pressing need to assist our Anglican schools and other organisations to demonstrate that it is a genuine, legitimate and justified occupational requirement for their board members, and principals or chief executive officers, to hold to these traditional Christian beliefs.

Addressing Objections

41. It has been argued that although important, our doctrine of marriage is not in the same category as the “core beliefs” currently itemised in the Statement of Faith, as not sufficiently articulated by the Creeds.
42. This assumes that statements of faith only ever address ‘really core’ doctrines. This is not true. Historically, statements of faith often emerged in response to the issues being contested at the time of their production, not all of which can be characterised as absolutely central to salvation. Some recent statements of faith include currently contested matters, like the Jerusalem Declaration, which touches notably on marriage!
43. Likewise the 39 Articles do place significant focus on matters like justification by faith only, and the sacraments, because these were key matters contested at the time of their composition, and not covered by the Creeds. But the 39 Articles also address issues like the death penalty, the right to bear arms, the right to private property, and Royal Supremacy. Although Anglican clergy in our diocese are required affirm them in their proper context, surely we do not argue these matters are central or core to gospel matters of salvation. Yet such matters are addressed in that statement of faith.
44. Indeed, other classical Protestant statements of faith like the Westminster Confession and the Second Helvetic Confession do make the traditional understanding of humanity and marriage explicit, so it is not idiosyncratic for us to do so in our Corporate Governance Statement of Faith.
45. Perhaps one reason the 39 Articles do not address marriage is that Anglicans have been a little different historically from some other Protestants, in that we have a basic formulary for ‘public worship’, alongside our statement of faith, to which subscription is required by clergy. Of course, our *Book of Common Prayer* (and *An Australian Prayer Book*, etc.) clearly make the traditional doctrine of marriage central in the marriage service. The result is that what is taught in the *Book of Common Prayer* formulary as basic is not elsewhere referenced, unlike some other comparable Protestant confessions/statements of faith.
46. This report argues that we are free to amend our current diocesan Statement of Faith to address what are arguably the key issues of our day.
47. Furthermore, this report notes that the Doctrine Commission’s recent report, “Human Sexuality and the ‘Same Sex Marriage’ Debate”, also affirms the close connection of the significance of marriage not only in creation but also in salvation.

“Rather than contracting, the significance of marriage in creation actually expands with this promise of the new creation in Christ Jesus. As we saw above, the one-flesh bond between a husband and a wife was integral to the creator’s desire to set up his image in the world. Marriage, in fact, played the primary role from which the rest of humanity expanded. In the gospel we learn that now through Christ Jesus and in the church “the manifold wisdom of God might now be made known to the rulers and authorities in the heavenly places. This was according to the eternal purpose that he has realized in

Christ Jesus our Lord” (Eph. 3:8–11). The purpose is both eternal and realized in Christ Jesus our Lord. So the significance of the original institution expands because, unlike the church, marriage is both a testimony to God as creator and God as saviour (a point repeated in Ephesians 5:22ff.).”

48. Reflecting especially on Ephesians 5:22ff, the Doctrine Commission states,

“Just as the reality of the church reveals the eternal purposes of God in the world, the reality of human marriage is specifically designed to reflect the redemptive means by which God’s wisdom is made known – through the loving and sacrificial character of Christ’s ministry for the church in the world. [...]

Ephesians 5:31-32 allows us to see afresh the theological dimension to marriage. The bond between a man and woman which always had the potential to represent God in the world (cf. Gen. 1:26-28) finds its deepest meaning in the way it mirrors the relationship between Christ and his body. This fits with the way this common human institution is used in the Old Testament, where the prophets use marriage as a concrete analogy of the state of the relationship between the Lord and Israel. However, the significance of the testimony of marriage is that the eternal purposes of God are being made known in the world. This gives marriage an extraordinary importance for God’s activities in the world but, at the same time, it enables us to understand something extraordinary about God’s intentions for marriage.” [Original emphasis.]

49. In summary this Report argues that man-woman marriage is far more central to biblical witness and closer to fundamental doctrine connected to the heart of saving faith than may be at first obvious.
50. The Committee’s recent report suggested that, "It is undesirable and impractical to attempt to itemise in the Statement of Faith a list of all other doctrinal matters currently relevant and contested in our society." However this is something of a straw man. The matters of gender and sanctity of life, have been included alongside marriage, largely at the urging of some diocesan leaders that if marriage was addressed, then these other basic matter of anthropology were just as basic, and equally threatened.
51. By contrast, the amendment being suggested for the Statement of Faith does not cover many of the doctrinal or ethical matters covered by the Property Use Policy, such as racism or gambling or drug use. Nor is there any need to comment on climate change or refugees in a Statement of Faith because views commonly held by Bible-based Christians are often within current mainstream of our society.
52. So the proposed amendment’s focus is on the watershed issue of our day: contested biblical anthropology, flowing from our creation by God in his image, for his sovereign purposes, involving gender, marriage and sanctity of life. These longstanding Christian beliefs are found from very first chapters of Genesis, and are foundational to biblical narrative and redemptive history. Refusing to affirm them is symptomatic of a lack of confidence in Scripture’s authority or sufficiency.
53. Some have argued that the requirement entailed in approving this addition to the Statement of Faith imposes a burden that is too wide-reaching on diocesan organisations. However, affirming the Statement of Faith is only required of board members and the chief executive of an organisation and the principal of a school. It is not required of any other executive staff, let alone regular employees, where considerable organisational variety and discretion is already permitted and practised.¹
54. In addition, this report notes that the amendment proposed to the Statement of Faith as drafted does not specify the nature of the complementary sexes, nor ‘lock in’ any particular view on gender relationships. As such, it avoids entirely the risk of being overly prescriptive about gender roles in the context of the Statement of Faith.

¹ Of course, the governing body of an organisation or school could choose in its own employment policies, having regard to its particular context and needs, to require affirmation of the Statement of Faith by candidates for some other particular positions, for example, senior executive staff, or assistant principals or faculty heads. Likewise, rectors in parishes may be assisted by this Statement of Faith in providing a model of what affirmations they could require of church members before appointing them to certain positions within the parish under the *Parish Administration Ordinance 2008* (e.g. 3.17, 3.18 and 3.18A of Schedule 1 and 3.16, 3.17 and 3.17A of Schedule 2).

55. Furthermore, the amendment being proposed here in regards to valuing and protecting all human life from conception until death is not as quite as specific as that implied by the Property Use Policy's tighter claim that God alone determines the beginning and end of life. Neither does the amendment prescribe any precise detail on how our leadership should respond to specific proposals regarding abortion or euthanasia. The same point can be made about responding to the specifics of particular changes that occur at law regarding gender.
56. Lastly, the amendment proposed does not dictate a particular view on how our churches and organisations ought to relate to society in general on such matters, let alone how the leadership of our organisations and schools ought to express or advocate for Christian views on such matters in the public arena.

Conclusion

57. In practical terms, strong anecdotal evidence is that members of Standing Committee are now, before nomination, commonly asking candidates for election to casual vacancies whether or not they hold to the traditional view of marriage. However, this approach is piecemeal in the topics covered, is not universal in practice, and relies on informal goodwill and attentiveness of members inquiring whether the nominator has raised such matters.
58. In addition, there is no process to inquire about such informal 'screening' conversation that covers all those directly nominated and then elected to board positions by the Synod itself.
59. Subjective conversation with potential nominees will remain important in our electoral and appointment processes. However, signing the Statement of Faith is the one objective step that applies to everyone elected or appointed.
60. If amended as suggested, the Statement of Faith would remain a statement of protestant Christian faith, which could be signed (for example) by Presbyterians and Baptists who serve in our organisations. It remains simple to understand and administer, not requiring additional reference to other documents.
61. The Statement of Faith would continue to be focused on fundamental biblical doctrine. With the amendment suggested, it enables us to ensure strong biblical convictions among our leadership at the highest level of our Anglican organisations, in areas where this is being challenged by our society.

CANON SANDY GRANT

(Member of Standing Committee)

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24 September 2019