

**Third Session of
52nd Synod**

(to be held on 10, 12-14 and 19-20 September 2022)

Book 2

(Pages 2 to 198)

**Annual Report of the
Standing Committee and
Other Reports and Papers**

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

2022 Report of the Standing Committee and other Reports and Papers

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Report of the Standing Committee to the Third Session of the 52nd Synod

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1. Introduction

1.1 Standing Committee reports to Synod

We provided a report printed in Synod Book 1 (released December 2021) which reported on the Standing Committee's work for the period October 2020 to October 2021. As a result of the postponement and ultimate cancellation of the second ordinary session (due to be held September 2021), the Synod will receive that report at its session in September 2022.

This report provides information on the Standing Committee's work for the period November 2021 to July 2022.

1.2 Charter

The Standing Committee is constituted under the *Standing Committee Ordinance 1897*. Its duties arise under a number of ordinances and include the following –

- (a) making arrangements for the meetings of the Synod and preparing the Synod's business,
- (b) acting as a council of advice to the Archbishop (the Archbishop-in-Council),
- (c) considering and reporting upon matters referred to it by the Synod and carrying out the Synod's resolutions,
- (d) deliberating and conferring upon all matters affecting the interests of the Church,
- (e) making ordinances under delegated powers,
- (f) preparing and administering parochial cost recoveries and Synod appropriations and allocations,
- (g) appointing persons to fill casual vacancies among persons elected by the Synod to boards etc, and
- (h) monitoring the finances of diocesan organisations.

1.3 Access

Meetings are usually held in the Heath Centre, Level 5, St Andrew's Cathedral School, St Andrew's House. Mail should be addressed to "The Diocesan Secretary, Standing Committee of Synod, PO Box Q190, QVB Post Office NSW 1230" (telephone (02) 9265 1555; email DiocesanSecretary@sydney.anglican.asn.au). Office hours are 9 am to 5 pm.

A report on each meeting is published a few days after the meeting on the website of Sydney Diocesan Services (SDS) at www.sds.asn.au.

1.4 Meetings and members

From November 2021 to July 2022, we have met 8 times. The names of the members as at 30 June 2022 are listed below.

4 Reports & Papers for the Third Session of the 52nd Synod

The President
Archbishop Kanishka Raffel

The Regional Bishops
Bishop Chris Edwards
Bishop Peter Hayward
Bishop Gary Koo
Bishop Peter Lin
Bishop Michael Stead

The Archdeacons
Archdeacon Neil Atwood
Archdeacon Anthony Douglas
Archdeacon Kara Hartley

Dean of St Andrew's Cathedral
Dean Sandy Grant (*appointed 06/12/2021*)

The Principal of Moore Theological College
The Rev Dr Mark Thompson

Ministers Elected by Whole Synod
The Rev Nigel Fortescue
The Rev Stephen Gibson
Canon Craig Roberts
The Rev Philip Wheeler

Ministers Elected by Northern Regional Electors
The Rev David Mears (*elected 31/03/2022*)
The Rev Craig Schafer

Ministers Elected by South Sydney Regional Electors
The Rev Dr Andrew Katay
The Rev Dominic Steele

Ministers Elected by South Western Regional Electors
Canon Phillip Colgan
The Rev Zac Veron

Ministers Elected by Western Sydney Regional Electors
The Rev Roger Cunningham
The Rev Dr Raj Gupta

Ministers Elected by Wollongong Regional Electors
The Rev Dr Gavin Perkins (*elected 03/03/2022*)
The Rev Joe Wiltshire

The Chancellor
The Hon Justice Michael Meek

The Registrar
Vacant

The Diocesan Secretary
Mr Daniel Glynn

The CEO of Sydney Diocesan Services
Mr Robert Wicks

Laypersons Elected by Whole Synod
Mr Michael Easton
Mr Stephen Hodgkinson
Mr John Pascoe
Mrs Emma Penzo
Dr Laurie Scandrett
Dr Claire Smith
Dr Robert Tong AM
Mrs Melinda West

Laypersons Elected by Northern Regional Electors
Miss Jenny Flower
Mr Greg Hammond OAM
Mr Mark Streeter
Ms Nicola Warwick-Mayo

Laypersons Elected by South Sydney Regional Electors
Dr Jean Ashton (*elected 30/03/2022*)
Ms Karen Calayag (*elected 03/03/2022*)
Mr Gavin Jones
Dr Karin Sowada

Laypersons Elected by South Western Regional Electors
Mr Clive Ellis
Mr James Flavin
Mrs Jeanette Habib
Dr Ian McFarlane

Laypersons Elected by Western Sydney Regional Electors
Mr Jeremy Freeman
Mrs Patricia Jackson
Mr Malcolm Purvis
Dr Andrew Tong

Laypersons Elected by Wollongong Regional Electors
Mrs Stacey Chapman
Mr Norm Lee
Dr David Nockles
Mr Tony Willis

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

- Canon Christopher Allan had been appointed as Acting Dean of St Andrew's Cathedral in June 2021 following the election of Archbishop Raffel in May 2021 and served as an *ex-officio* member of the Standing Committee from that time. Canon Allan ceased being an *ex-officio* member upon the installation of Canon Sandy Grant as Dean of St Andrew's Cathedral on 9 December 2021. We noted with thanks the contribution of Canon Allan to Standing Committee as well as his leadership as Acting Dean for the Cathedral and prayed for God's blessing upon him as he continues in ministry.

- Dean Sandy Grant commenced being a member *ex-officio* upon his installation as Dean of the Cathedral on 9 December 2021. We welcomed Dean Grant as an *ex-officio* member and prayed for a long season of fruitful ministry at the Cathedral.
- A vacancy arose in the position of a minister elected by the Wollongong Region upon Dean Grant's becoming a member *ex-officio*. The Regional Electors of the Wollongong Region elected the Rev Dr Gavin Perkins to fill the vacancy.
- A vacancy arose in the position of a minister elected by the Northern Region upon the Rev Gavin Parsons ceasing to be a member of the Synod. The Regional Electors of the Northern Region elected the Rev David Mears to fill the vacancy.
- A vacancy arose in the position of a lay person elected by the South Sydney Region upon the resignation of Ms Yvette McDonald. The Regional Electors of the South Sydney Region elected Ms Karen Calayag.
- A vacancy arose in the position of a lay person elected by the South Sydney Region upon the resignation of Ms Michelle England. The Regional Electors of the South Sydney Region elected Dr Jean Ashton.

1.5 Management and structure

Our permanent subcommittees are –

Affiliated Churches Committee	Professional Standards Oversight Committee
Archbishop's Committee for portraits, plaques & photographs	Religious Freedom Reference Group
Diocesan Resources Committee	Royal Commission Steering Committee
Finance Committee	Service Review Committee
General Synod Relations Committee	Social Issues Committee
Ministry in Marginalised Areas Committee	Stipends and Allowances Committee
Minute Reading Committee	Strategy and Research Group
Ordinance Reviewers and Panels	Work Outside the Diocese Committee

The terms of reference and the membership of our permanent subcommittees are posted at www.sds.asn.au.

Other committees are appointed from time to time for special tasks. We thank God for the faithfulness and expertise of the people who serve on our committees.

1.6 Dr Erica Sainsbury

We noted with sadness the death of Dr Erica Sainsbury on Christmas Eve 2021. We gave thanks to God for her years of committed, caring ministry at the West Pymble with West Lindfield (NorthLight) parish, and as a member of the Endowment of the See Corporation, the Remuneration Contentment Committee, the Moore College Academic Board and as a member of the Synod.

1.7 Mrs Kaye Marr

We noted with sadness the death of Mrs Kaye Marr on 16 June 2022. We gave thanks to God for her years of ministry as a teacher at Tara Anglican School for Girls and at Macquarie and Ryde Anglican Churches, especially her passion for cross-cultural ministry, and her partnership with her loving husband Mr Doug Marr over his many years of ministry service at Moore College and across various diocesan responsibilities.

We prayed that Doug, their children Phil and Alison and their wider family will be comforted with the sure and certain hope of the gospel of the Lord Jesus Christ, and with the knowledge that Kaye has gone to be with Jesus, which is better by far.

1.8 Ms Yvette McDonald

Ms Yvette McDonald resigned from the Standing Committee with effect from 13 December 2021. Yvette was elected to the Standing Committee by the regional electors of the South Sydney Region in May 2018, and among her other contributions, served as a member of the Nomination Ordinance Review Committee. We thanked Ms McDonald for her service to the Standing Committee since 2018 and prayed God's blessing upon her continued service for Christ.

1.9 Ms Michelle England

Ms Michelle England resigned from the Standing Committee with effect from 7 February 2021. Michelle was elected to the Standing Committee by the regional electors of the South Sydney Region in October 2014, and has served in many capacities during that time, including most notably as a member of the Royal Commission Steering Committee, acting on behalf of the Diocese and Archbishop Davies at the hearing for the Royal Commission into Institutional Responses to Child Sexual Abuse, and as an Ordinance Reviewer, among other things. We thanked Ms England for her service to the Standing Committee since 2014 and assured Ms England of our prayers for God's blessing upon her continued service for Christ.

1.10 Acting Registrar

We noted that Bishop Michael Stead completed his commitment serving as Acting Registrar on 31 December 2021 and thanked Bishop Stead for his willingness to act in this capacity in addition to his numerous other responsibilities. We also noted that the Archbishop had requested Mr Daniel Glynn to serve as Acting Registrar from 1 January 2022 as an interim measure (until the conclusion of the forthcoming session of the Synod).

1.11 Appointment of Registrar

We noted that the Archbishop confirmed that he will appoint Mrs Catherine Rich, currently Deputy Registrar, to be the next Registrar of the Diocese with effect from the conclusion of the forthcoming session of the Synod, congratulated Mrs Rich upon her appointment and assured her of our prayers as she undertakes this significant Office

1.12 Archdeacon to the Archbishop

We congratulated Archdeacon Simon Flinders on his appointment as Archdeacon to the Archbishop.

1.13 Diocesan Secretary and Secretary of the Synod

We noted that Mr Daniel Glynn has resigned as Diocesan Secretary and as the Secretary of the Synod, with effect from the conclusion of the forthcoming session of the Synod, and agreed to consider appointing the next Diocesan Secretary at our meeting on 22 August 2022, to have effect from the conclusion of the forthcoming session of the Synod. It is anticipated that from early 2023, Mr Glynn will take up a new leadership role within SDS focused upon providing enhanced support to parishes.

1.14 New Chief Executive Officer of Anglicare

We –

- (a) noted the announcement from the Chairman of Anglicare, Mr Greg Hammond OAM, regarding the appointment of Mr Simon Miller as the next CEO of Anglicare, commencing on 7th February 2022, and
- (b) prayed for Mr Grant Millard as he continues to lead Anglicare for the next two months and for Mr Simon Miller as he prepares to assume the role of CEO.

1.15 Diocesan Research Officer

We noted the resignation of Dr Laurel Moffatt from her position as Diocesan Research Officer.

We subsequently noted that the Rev Dr Danielle Treweek commenced as the Diocesan Research Officer on Tuesday 28 June 2022.

1.16 Mr Martin Thearle

We acknowledged by acclamation and with gratitude the faithful and committed service of Mr Martin Thearle, who concluded his in-person service of the Standing Committee after almost 20 years in December 2021 – having attended and served at every meeting for at least the last seven years. Mr Thearle will continue serving the Diocese in his capacity of Manager, Diocesan Finance, but doing so three days per week. We assured Mr Thearle of its thanks and prayers.

1.17 The Hon Justice Michael Meek

We noted with pleasure the appointment of the Hon Justice Michael Meek as a judge of the Supreme Court of New South Wales, with the swearing-in ceremony held on 5 May 2022, and congratulated him on this appointment and assured him of our prayers as he discharges this significant responsibility in our public life.

1.18 The Rev Dr Gavin Perkins

We congratulated the Rev Dr Gavin Perkins on being awarded a Doctor of Ministry from Trinity Evangelical Divinity School, Chicago, with his thesis entitled “Training church members for personal evangelism in a secular context”.

1.19 Archbishop’s Commissary

We noted that on 6 May 2022 the Archbishop signed a new Commissary document and the following persons have been appointed as Commissary in the order shown –

The Right Rev Peter Hayward
The Right Rev Christopher Edwards
The Right Rev Peter Lin
The Right Rev Dr Michael Stead
The Right Rev Gary Koo
The Very Rev Andrew (Sandy) Grant
The Ven Anthony Douglas

1.20 Creation of a new Ecclesiastical District

We noted that on 17 February 2022 the Archbishop created under the *Parishes Ordinance 1979* a new Ecclesiastical District from 1 March 2022, to be known as the Provisional Parish of Marsden Park. The Ecclesiastical District is carved out from the parish of Riverstone.

1.21 Amalgamation of parishes by the Northern Regional Council

We noted that the Northern Regional Council has approved the amalgamation of the parish of St Paul’s Wahroonga with the parish of St Andrew’s Wahroonga, effective 1 January 2022, with the parish being known as the Parish of Wahroonga.

2. Actions with the Archbishop

2.1 Strategy and Research Group

In 2021-22, the Strategy and Research Group (SRG) comprised the following members –

Archbishop Kanishka Raffel (Chair)	Dr Ruth Lukabyo
The Rev Stuart Crawshaw	Mr Peter Mayrick
The Rev Dr Andrew Katay	The Rev Andrew Robson
Bishop Peter Lin (Deputy Chair)	

In addition, the SRG is well served by Dr John Bellamy, who attends each meeting as a consultant to the Group and has provided a significant depth of research and analysis.

The SRG is an advisory group for the Archbishop and the Standing Committee in their formulation of high level vision and missional goals for consideration and adoption by the Synod. The Group is tasked –

- (a) to identify, research, evaluate and develop for Standing Committee’s consideration the strategies and structures which optimise the capacity of the diocesan network to achieve the vision and missional goals adopted by the Synod, and
- (b) to oversee the objective measurement of and reporting to the Standing Committee on progress toward achieving those missional goals.

The SRG typically meets quarterly for full day meetings and has met three times since the last report to the Synod in September 2021.

Strategic priorities and the Diocesan Mission

In 2021-22, the SRG continued to work with the Archbishop regarding a new iteration of the Diocesan Mission. In particular, the SRG has considered the changes to the social context since the last Diocesan Mission was adopted by the Synod in 2014 and the resulting strategic opportunities and challenges. The SRG also provided advice to the Archbishop about the intended purpose, audience, and form of the Mission statement.

In anticipation of the Synod in the Greenfields initiative, and to inform its consideration of the Diocesan Mission, the SRG met in Oran Park in November 2021. The SRG undertook a walking tour of the Oran Park Retirement Village (Anglicare), Oran Park Anglican College and NewLife Anglican Church, and a bus tour of the surrounding greenfields areas.

Nomination process research

As reported previously, in 2021 the SRG considered the outcomes of a research study into the matter of Rectors leaving the role prior to reaching retirement age. One of the findings from this research was that the expectations and decisions of parish nominators may be impacting the extent to which both Assistant Ministers and older Rectors are able to obtain a position.

To gather further information about this matter, the SRG commissioned a survey of all parish nominators who had been activated since January 2017. The survey was developed in consultation with a committee that was established by the Standing Committee to review the *Nomination Ordinance 2006* (the **Nomination Ordinance Review Committee**) and conducted in November 2021.

The SRG considers that further education and training will assist in shaping the expectations and decisions of parish nominators in future, and has noted with interest the training course launched by the Centre for Ministry Development. The SRG will consider further ways to improve the nomination process as highlighted by the survey and will make recommendations to the Standing Committee in consultation with the Nomination Ordinance Review Committee as appropriate.

Meetings with Mission Area Leaders

The annual meeting of the SRG and Mission Area Leaders (**MALs**) for 2021 was cancelled due to the COVID-19 restrictions in place at the time. Noting that 2022 was the first opportunity for Archbishop Raffel to meet face to face with the MALs since his commencement in 2021, the SRG encouraged the Archbishop to convene a meeting with the MALs in lieu of a joint meeting between the SRG and MALs in 2022.

3. Financial and Property Administration

3.1 Accounts, Audits and Annual Reports Ordinance 1995

Organisations of the Synod which manage church trust property must report annually to the Synod. These reports include information in relation to members, structure, activities and a summary of the financial results, together with audited financial statements, a liquidity report, a risk management report and a charities group status report. During the first ordinary session of each Synod, the reports also include a statement which assesses an organisation's compliance with the Synod's governance policy and explains any areas of non-conformity.

The reports must be lodged by 30 June each year. A later lodgement date has been approved for two organisations, Anglican Community Services and The Archbishop of Sydney's Anglican Aid whose financial year ends on 30 June.

Some of these organisations are also required to provide us with certain internal management financial information during the year.

The annual reports and audited financial statements for about 40 organisations will be tabled in the Synod. Any major problems found by the Finance Committee from a review of these financial statements and the additional internal management financial information will be reported.

3.2 Annual Financial Statements for the Synod Funds, Parish Funds and the Synod-St Andrew’s House Fund

The annual financial statements for the Amalgamated Synod Funds, Amalgamated Parish Funds and the Synod – St Andrew’s House Fund have been prepared and reviewed according to agreed upon procedures rather than a formal audit. These reports are printed separately.

3.3 Ordination Training Fund

In 2022 this Fund received a Synod allocation of \$43,000 (2021: \$43,000) which it used to provide a book allowance to first year candidates studying through Moore Theological College or Youthworks College for ordination in Sydney, and to meet a number of specific costs associated with preparing candidates for ordination. In exceptional cases the Fund may also provide bursaries or financial assistance to some of the candidates.

In 2022 the Fund also received \$11,000 to cover the cost of external professionals interviewing ordination candidates in relation to domestic violence. This year the Fund will also use some of its reserves to undertake psychological assessments of clergy prior to their being ordained presbyter.

3.4 Ordinances

The following table shows the number of ordinances passed and assented to in 2017 to 2021, and in 2022 up to July –

	2017	2018	2019	2020	2021	2022
Standing Committee	40	42	62	69	56	23
Synod	11	8	7	0	4	0
	51	50	69	69	60	23

A separate report lists the ordinances passed by us since December 2021 There are 10 ordinances of particular interest.

(1) *The Diocesan Organisation (Certain retirements related to the second ordinary session of the 52nd Synod) Ordinance 2021* set the first meeting of the Standing Committee in 2022 as the new retirement date for members of certain boards and councils of Diocesan organisations whose membership was due to expire at or following the second ordinary session of the 52nd Synod, in light of the postponement, and eventual cancellation, of that session. The ordinance enabled the election and appointment of new members by the Standing Committee and the Archbishop to proceed at the first meeting of the Standing Committee in 2022.

(2) *The Archbishop of Sydney’s Anglican Aid Ordinance 2011 Further Amendment Ordinance 2021* amended *The Archbishop of Sydney’s Anglican Aid Ordinance 2011* to update and clarify the powers of the Trustee. The amendment implemented a decision by the Standing Committee to transfer responsibility for the activities of the Community Care Program from the Archbishop of Sydney’s Anglican Aid (Anglican Aid) to Anglican Community Services (Anglicare).

(3) *The Anglican Church Growth Corporation and Mission Property Amendment Ordinance 2021* and the *Anglican Church Growth Corporation and Mission Property Amendment Ordinance 2021 Amendment Ordinance 2022* together amended the *Anglican Church Growth Corporation Ordinance 2018* and the *Mission Property Ordinance 2002* to facilitate the appointment of the Anglican Church Growth Corporation (ACGC) as the trustee of the Mission Property Fund, and thereafter to integrate the functions of the Mission Property Committee into the ACGC.

(4) *The St Andrew’s House Trust Ordinance 2015 (Social Covenants) Amendment Ordinance 2021* amended the *St Andrew’s House Trust Ordinance 2015* to replace specific prohibitions on leases for certain purposes in the *St Andrew’s House Trust Ordinance 2015* with a prohibition on leases for a ‘prohibited site purpose’, as defined by resolution of the Standing Committee. That is, the prohibited site purposes which were applicable to all leases in St Andrew’s House were replaced by a provision for the Standing Committee to declare certain purposes to be prohibited for specific classes of lease, having regard to the permitted use of the class of lease.

We subsequently made declarations regarding the prohibited site purposes for Supermarket leases, Retail leases (other than supermarket leases), and General leases (other than supermarket and retail leases) under clause 7(4A) of the *St Andrew’s House Trust Ordinance 2015*. The prohibited site purposes were developed by

reference to the examples of unacceptable use of church property given in the Synod's Property Use Policy and addressed a lack of clarity regarding the meaning of the term "immoral purposes" used in the previous form of social covenants. The current prohibited site purposes are set out as an attachment to the [St Andrew's House Trust Ordinance 2015](#).

(5) The *Cost Recoveries Framework Ordinance 2008 Amendment Ordinance 2021* amended the *Cost Recoveries Framework Ordinance 2008* to amend the definition of 'grant' in the Cost Recoveries Framework to exclude payments or amounts that are received under the Government Sector Finance Act 2018 as part of the NSW Government Program known as 'JobSaver'.

(6) The *Illawarra Grammar School Ordinance 1958 Amendment Ordinance 2022* amended *The Illawarra Grammar School Ordinance 1958* to bring its governance arrangements into conformity with the Synod's Governance Policy for Diocesan Organisations, by addressing issues including: specifying the purpose of the Council; the total membership of the Council; the number of clergy members; term limits for members of the Council and Chair; specifying a quorum; convening electronic meetings; the mechanism for passing circular resolutions; requiring minutes and records to be kept; introducing a mechanism for winding up the Council; and requiring all members to sign the Statement of faith set out in the Synod Governance Policy upon their election or appointment to the Council.

(7) The *Governance Omnibus Amendment Ordinance 2022 (omnibus ordinance amendment)* amended the following ordinances to bring the respective board or council's governance arrangements into conformity with the Synod's Governance Policy for Diocesan Organisations (**Governance Policy**) –

- *Campbelltown Anglican Schools Ordinance 1985*
- *Glebe Administration Board Ordinance 1930*
- *St Andrew's House Corporation Ordinance 2018*
- *Finance and Loans Board Ordinance 1957*
- *Sydney Diocesan Services Ordinance 2017*
- *Sydney Anglican (National Redress Scheme) Corporation Ordinance 2018*
- *Endowment of the See Corporation Ordinance 2019*

The omnibus ordinance amendment was an initiative of the Governance Policy Conformity Review Committee, which conducted a gap analysis of every diocesan organisation's constituting ordinance against the Governance Policy, and invited diocesan organisations to nominate any areas of divergence with the Governance Policy which they wished to rectify by way of an omnibus ordinance amendment. (See separate report about this matter.)

(8) The *Synod Estimates Ordinance 1998 Amendment Ordinance 2022* amended the *Synod Estimates Ordinance 1998* to delay the preparation of the next Statement of Funding Principles and Priorities until the 1st ordinary session of the 53rd Synod (in September 2023). The delay will allow a return to the usual triennial funding cycle in which the first session of each Synod is asked to approve a Statement of Funding Principles and Priorities and the second session is then asked to pass an ordinance giving effect to those principles and priorities for the following 3 years. The *Synod Estimates Ordinance 1998 Further Amendment Ordinance 2022* further amended the *Synod Estimates Ordinance 1998* to take into account changes to the timing and sequencing of sessions of the 52nd Synod.

(9) The *Anglican Education Commission Repeal Ordinance 2022* repealed the *Anglican Education Commission Ordinance 2006*. The Anglican Education Commission (**AEC**) ceased operations on 31 December 2021, and, following confirmation that the intellectual property of the AEC now resides with the Anglican Schools Corporation, and that all financial obligations have been finalised, the AEC was formally wound up.

(10) The *Mission Property Ordinance 2002 Amendment Ordinance 2022* amended the *Mission Property Ordinance 2002* to reconstitute the Mission Property Fund as the Ministry Infrastructure Development Fund (**the Fund**) and provide for the application of the Fund under the trusteeship of the Anglican Church Growth Corporation. The assets of the Fund have been expanded to include the proceeds of the Church Land Acquisitions Levy, the proceeds of the Property Receipts Levy, and receipts from the Urban Renewal Development Program (being the program of acquisition or development of real property of parishes and organisations under clause 17 of the *Anglican Church Growth Corporation Ordinance 2018*).

3.5 Parochial cost recoveries – arrears

As at 30 June 2022, only the parochial units of Greenacre (\$7,418), Longueville (\$4,675) and Marsden Park (\$2,240) were in arrears with their payment of cost recovery charges. The previous year only two parishes (Greenacre and Richmond) had been in arrears at 30 June.

3.6 Annual financial statements from parishes

Under the *Parish Administration Ordinance 2008*, parochial units are required to lodge their audited financial statements within 7 days after their annual general meeting of parishioners.

By mid-July 2022, every parochial unit had lodged some financial statements for 2021 (compared with 16 parishes that were still outstanding at a similar time in 2021).

By 18 July 2022 SDS had received and processed the 2021 audited financial statements from all parishes (compared with 19 August in 2021).

3.7 Local revenues test for parish status

A review of parishes to determine if during 2021 any had local revenue below the requisite amount defined in the *Parishes Ordinance 1979* will be undertaken during Q3 of 2022. Any such parish will be advised of the importance of ensuring their 2022 and future revenues meet the relevant threshold figures in order to retain their parish status.

3.8 Stipends, allowances and benefits for 2023

We agreed the recommended minimum stipend for January – June 2023 should remain at \$71,182 (the figure applying since 1 July 2022), and agreed to set the recommended minimum stipend from 1 July 2023 at \$72,890, representing a 2.4% increase over the previous level. During Q3 2022 we will also approve Guidelines for the Remuneration of Parish Ministry Staff for 2022-2023 reflecting this increase in recommended minimum stipend.

A report about this matter is expected to be printed with the supplementary materials.

3.9 Work Outside the Diocese

In the 6 months to 30 June 2022, the Work Outside the Diocese Committee had applied \$181,453 to support gospel ministry outside the Diocese from a total Synod allocation in 2022 of \$349,000 (5% of the total funds available to Synod). It is expected that further amounts will be applied during the 6 months to 31 December 2022 from the 2022 allocation, and the opening reserves of \$201,660.

In addition, in the 6 months to 30 June 2022, \$120,000 has been applied towards funding for the Diocese of Bathurst from a special Synod allocation of \$250,000 for that purpose.

3.10 Recommended distribution from the Diocesan Endowment for 2023

We noted the advice of the Glebe Administration Board that, for the purposes of clause 5(1) of the *Diocesan Endowment Ordinance 1984*, a total of \$3.401 million could prudently be distributed from the Diocesan Endowment for spending by the Synod in 2023, and a forecast distribution of \$3.482 million in 2024 (2022: \$3.345 million).

3.11 Distribution from Synod – St Andrew’s House Fund 134

We noted that a distribution of \$2,400,000 will be available from the Synod – St Andrew’s House Fund 134 in 2022 for appropriation and allocation by Synod in 2023.

3.12 Incorporation of Evangelism and New Churches

We noted that Evangelism and New Churches was incorporated under section 4 of the Anglican Church of Australia (Bodies Corporate) Act 1938 effective from 1 April 2022.

3.13 Application of funds raised by the Property Receipts Levy

We approved in principle, the following approach regarding the Property Receipts Levy (**PRL**) –

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- (a) The establishment of a Ministry Infrastructure Development Fund (**MIDF**), under the governance of the Growth Corporation.
- (b) PRL income to be allocated to the MIDF to support diocesan property development, including for use as income security for the loans for property development.
- (c) Any income from Urban Renewal Pilot Program (**URPP**) projects (special projects undertaken in partnership with the Anglican Church Growth Corporation) through project recoveries, milestone payments and operational revenues that was to come to the Growth Corporation, in the future to be directed to the MIDF.
- (d) An annual budget of Growth Corporation operations to be capped and approved by the Growth Corporation Board with concurrence from Standing Committee's Finance Committee.
- (e) The approved Growth Corporation budget to be funded out of the MIDF.
- (f) The remainder of the MIDF to be allocated according to a 3-5 year capital works program budget, approved by the Growth Corporation Board. This would be connected to Diocesan greenfield and urban renewal priorities, include flexibility for use in either property purchase or building works and include scope for "special projects" that could include funding allocations for:
 - (i) marginal URPP projects with high ministry/evangelism value,
 - (ii) funding small parish projects with high ministry/evangelism value,
 - (iii) assistance with provision of church planters, and
 - (iv) strategic consultancies for progressing the implementation of Growth Corporation strategies.

Subsequently, we established the Urban Renewal Support Contribution (**URSC**), with default contribution rates. It is based on the PRL contribution rates, with additional bands being added for higher yielding projects.

URPP projects under the management of the Growth Corporation are anticipated to generate a new type of project that was not envisaged with the development of the PRL. Given that in these projects, parishes do not fund or take on risk associated with the development, and asset management and maintenance costs are incorporated into project feasibilities, the additional contribution rates bias the sharing of surplus toward the MIDF, which will in turn be invested in the broader property needs of the Diocese. A portion of returns in URPP will continue to be retained for parish use with similar bands being adopted as is the case for the PRL bands.

We established the following (Standing Committee) Policy (3.4) on Urban Renewal Support Contribution, to provide that the majority of the surplus generated by Urban Renewal Projects where the burden of risk and funding is outside the parish, is returned to the MIDF.

'Policy 3.4: Income arising from a development on land held in trust for the use of parishes, where the burden of risk and funding for the development is outside the parish (such as those under the Urban Renewal Pilot Program [URPP] managed by the Anglican Church Growth Corporation [ACGC]), will be subject to the Urban Renewal Support Contribution (URSC). Given the assistance received from outside the parish, higher yielding projects will see the majority of the surplus generated returned to the Ministry Infrastructure Development Fund (MIDF) for the benefit of the wider property needs of the Diocese. The following rates will apply:

Table A: Urban Renewal Support Contribution (URSC) rates

<i>Annual Net Property Income</i>	<i>% Contribution to be applied (within income band)</i>	<i>Calculation of contribution</i>
\$0-100,000	25%	25% of every dollar
\$100,001-200,000	50%	\$25,000 + 50% of every dollar > \$100k
\$200,001-500,000	70%	\$75,000+ 70% of every dollar >\$200k
\$500,000+	98.5%	\$285,000 + 98.5% of every dollar > \$500,000

See also item 3.4(10) regarding the *Mission Property Ordinance 2002 Amendment Ordinance 2022*.

3.14 Stipend Continuance Insurance

The cost of Stipend Continuance Insurance (SCI) policy for parish clergy (combining workers compensation, income protection insurance and total and permanent disability insurance) has continued to

rise, with the consequence that renewing cover with the existing benefit structure would result in a 53% increase in the premium rate. Noting this context, and that the SCI benefits are more generous than community norms, we agreed that the SCI cover instead be renewed for 2022 on the following basis, expected to result in approximately 20% increase in premium –

- (a) Rectors covered to age 65, own occupation, 75% income replacement ratio, trauma included (as currently), and
- (b) Assistant Ministers covered to the earlier of 5 years or age 65, own occupation, 75% income replacement ratio, trauma included.

The cost of the SCI insurance is to be recovered as part of the Ministry Cost component of the PCR charge, with parishes charged \$4,737 p.a. for each Category 1 member (Rectors) and \$1,757 p.a. for each Category 2 member (Assistant Ministers).

3.15 Parish of Jervis Bay with St Georges Basin and the Anglican Schools Corporation

We received a report from the Anglican Church Property Trust, and made a request of the Anglican Schools Corporation regarding the Worworing Heights site, where it is intended that the Parish of Jervis Bay's new ministry centre will be built.

3.16 Parish of Westmead – Compulsory acquisition of St Barnabas, Westmead

We approved a proposed allocation of funding resulting from a potential compulsory acquisition of a portion of the Westmead parish church, halls and rectory site located at 75 Hawkesbury Road, Westmead.

3.17 Diocesan Investment Strategy

We agreed in principle –

- (a) to establish a centralised investment vehicle, initially with responsibility for the assets of the Diocesan Endowment, Diocesan Cash Investment Fund and the Long Term Pooling Fund,
- (b) that the vehicle should have robust accountability and reporting to Synod for its governance, performance and risk management,
- (c) that the members of the trustee board have substantial and appropriate investment governance expertise, along with other skills and qualifications in line with the Synod's Governance Policy, and
- (d) that the Glebe Administration Board, subject to a review of its membership criteria to ensure suitability of qualifications, is the most appropriate organisation to act as trustee of the proposed investment vehicle.

A report with recommendations about this matter is printed separately.

3.18 Remuneration Contentment

We appointed a "remuneration contentment committee" to consider mechanisms for ongoing education of clergy and church workers, who receive fringe benefits, and of parish councils, who administer them, about further developing godly and wise attitudes in this area, for example, in regards to –

- (a) the direct temptation to greed that many of us face;
- (b) issues surrounding prudence in providing for retirement;
- (c) the perception in parishes, especially where such benefits are not readily available to some wage earners;
- (d) the wider "reasonable person test" of community perception that churches are getting/using increasingly large tax concession "loopholes".

The Committee ultimately produced a paper, "Ministry and Money" which will be incorporated into the annual Remuneration Guidelines. On the recommendation of the Committee, we also asked for work to proceed on advice regarding the efficient administration of a Minister's Discretionary Benefit Account.

3.19 Diocese of Armidale

We requested that the Work Outside the Diocese Committee contribute \$20,000 to the Diocese of Armidale, in support of the ministry expenses of the Diocese.

3.20 ACPT Management fee

We agreed that the ACPT should stop charging an asset management fee of 0.5% pa on all parish and EOS investments in the Long Term Pooling Fund (LTPF) from the end of 2022, and instead recover the equivalent amount through Parish Cost Recoveries, paid by all parishes, through the variable portion of the PCR charge in 2023.

We made this decision noting that, among other things, the present 0.5% pa asset management fee charged by the ACPT on all parish (and the EOS capital fund) investments in the LTPF is inequitable because it exceeds the cost of investment management and is only paid by those parishes with funds invested. However, the income from this fee is needed to enable the ACPT to recover the full cost of the property related services it provides to parishes.

3.21 Parochial Cost Recovery charge for 2023

We noted that there will likely need to be a significant increase in the variable Parochial Cost Recovery (PCR) charge percentage in for 2023 – from approximately 6.5% of each parish's Net Operating Receipts (NOR) in 2022, to approximately 8% for 2023.

The rise in the variable PCR charge percentage is directly tied to the rise in the total amount of Parochial Network Costs to be recovered from parishes. The two main drivers of these increased costs are –

- (a) the continuing increase in the cost of the parish property and liability insurance program – preliminary estimates provided by the ACPT indicate the cost of this program will increase by more than 10% to \$7.5 million in 2023, and
- (b) the increase of \$251,000 in the ACPT management fee to compensate for the decision that, from the end of 2022, the ACPT will stop charging 0.5% pa on all investments in the Long Term Pooling Fund [see item 3.20].

The impact of these increased parish costs will be exacerbated by a significant fall in the total NOR across the Diocese as the Government COVID-19 stimulus (mainly JobKeeper payments) ceased. However, concerningly, preliminary estimates indicate the total NOR for 2021 (which is the basis for the variable PCR charge in 2023) will not only retreat from the artificially inflated 2020 level, but is actually likely to have fallen more than 11% to a figure a little below the actual level in 2019 (pre-COVID).

In undertaking these decisions, the Standing Committee and its responsible subcommittee, the Diocesan Resources Committee, are very mindful of the effect of the continuing increase in Parochial Network Costs coming at the time of a decline in the NOR, and where possible will be seeking actions to mitigate these costs for 2023. However, the reality is the options to do this are limited and it is likely that the variable PCR percentage in 2023 will need to be close to the estimate of 8%.

4. General Administration

4.1 Elections

The appointment of persons to serve on committees etc. continued to be a major part of our business. Some appointments are to fill casual vacancies among Synod appointees, while others are made by the Standing Committee in its own right.

From November 2021 to June 2022, 90 such positions were filled (158 for a 12 month period in 2020 – 2021).

4.2 Reports from Regional Councils

Under clause 9 of the *Regions Ordinance 1995* each regional council must give us an annual report for inclusion in our report to the Synod. This year the annual reports are printed as a compilation. Any reports for reclassification of provisional parishes under the *Parishes Ordinance 1979* are printed separately.

4.3 Nominated organisations for the 52nd Synod under Part 6 of the *Synod Membership Ordinance 1995*

Following the winding up of the Anglican Education Commission (see the Standing Committee report to Synod covering October 2020 to October 2021 [in Synod Book 1], item 4.5), we declared The Archbishop of Sydney's Anglican Aid to be a Nominated Organisation for the 52nd Synod under Part 6 of the *Synod Membership Ordinance 1995*.

4.4 Review of the services of Sydney Diocesan Services to the Synod and Standing Committee

We confirmed that SDS had satisfactorily provided services to the Synod and the Standing Committee under the Service Level Standards document for the period between November 2020 and October 2021.

4.5 Level 2 Diocesan Offices

The 15 year leases for the diocesan offices on level 2 St Andrew's House (SAH) held by Sydney Diocesan Services (SDS) and the Endowment of the See Corporation (EOSC) expire in August 2022.

We have endorsed a proposal to redesign the Diocesan offices to achieve a significant compression of the current space occupied on level 2, and include a "diocesan-hub" which would be a flexible space to be used by staff and persons from the broader diocesan network. The compression and redesign is expected to lead to material cost savings over the course of a new lease.

We subsequently noted that the proposed total capital expenditure budget for fit-out is approximately \$2.8m. SDS is contributing approximately \$2.2m of the total fit-out cost (including \$300k for the fit-out of the Diocesan Hub area of the offices), largely paid from a fit-out reserve of \$1.66m. The balance of the total fit-out cost of \$600k will be met from contributions and discretionary spend from other diocesan tenants.

Building works commenced in June 2022, and are anticipated to be complete in late August 2022. Temporary office space has been made available for Diocesan staff on level 1 St Andrew's House.

4.6 Anglican Community Services' (Anglicare's) delivery of welfare services

Clause 23A of the *Anglican Community Services Constitution Ordinance 1961* requires the Board of Anglican Community Services (Anglicare) to consult with the Standing Committee at least annually regarding its community services object to "to further the work of the Anglican Church of Australia, Diocese of Sydney by promoting and proclaiming the gospel of the Lord Jesus Christ while undertaking works of public benevolence that reflect the love of God as shown in Christ including ...welfare and support services for the vulnerable, the marginalised, the disabled and those in necessitous circumstances".

Anglicare's community services work may be divided into two parts: "Anglicare funded work" (relying on bequests, gifts and donations) and "Funded work" (consisting of Government sponsored activities such as food and financial assistance, and affordable housing; and client-funded activities such as Child and family services, and Op Shops).

We learned that although the Anglicare funded work has overall seen a significant increase since 2016, it has seen a slight reduction in the 2021 and 2022 budgets, due to the full expenditure of bushfire appeal monies, a redesign of Anglicare's SHIFT program for refugees (a housing program for refugees and domestic violence families) and a reduction in bequests and donations.

We also learned that overall there has been a significant increase in the 2022 budget for Funded work, most significantly in Mental Health and Op Shops; with reductions in some areas including in Food and Financial Assistance. Affordable housing represents a major growth activity for Anglicare as part of a commitment to housing the poor of our Diocese.

Separately, Anglicare also informed us that Residential Aged Care facilities are facing a major funding crisis, related to significant sector-wide issues. Federal Government funding has not kept pace with rising costs, with the gap increasing by around 1% each year. This has led to significant losses for Anglicare in 2021-22. We approved a request from Anglicare to make a brief presentation to the Synod on the current position and the outlook for reform and future funding of aged care.

Our subcommittee, the Ministry in Marginalised Areas Committee, consulted with ACS on our behalf, and rationale for these matters were provided to us. Ultimately, we complimented Anglicare for their continued commitment to community services work on behalf of the Diocese.

4.7 Professional Standards Unit Oversight Committee

We amended the Terms of Reference for the Professional Standards Unit Oversight Committee so that the PSUOC need not receive reports at each meeting from the Deputy President of Disciplinary Tribunal, and will instead receive reports from the President of the Panel for the Professional Standards Board. We also removed the need for the PSUOC to receive reports from the Chair of the Royal Commission Steering Committee. The amendments reflect that the Disciplinary Tribunal was replaced by the Professional Standards Board when the *Ministry Standards Ordinance 2017* was passed, and the Royal Commission Steering Committee is no longer actively meeting.

4.8 Adoption of a diocesan 'gateway' website and unified branding

We endorsed a proposal from a working group consisting of Bishop Gary Koo and senior representatives of Sydney Diocesan Services and Anglican Media, to create a diocesan 'gateway' website which both reflects the character of the Diocese as gospel centred and mission focused, and serves as a ready means of accessing information about the full range of services and activities undertaken across the diocesan network.

The primary goal of these initiatives is to provide greater clarity for parishes and other stakeholders in their interactions with the vast array of services and activities of the Diocese.

4.9 Membership eligibility on the Sydney Church of England Grammar School (SHORE)

We received correspondence querying the eligibility for membership of one member of the SHORE School Council. We sought further information and advice, and subsequently agreed that the matter need not be pursued.

4.10 Shoalhaven Aboriginal Community Church

We –

- (a) noted the failure of the Diocese to adequately engage with the local Indigenous community and, in particular, the members of Shoalhaven Aboriginal Community Church (ShACC) regarding their long-held connection to the former Anglican church property in Hawke Street, Huskisson,
- (b) noting the intention for the Anglican Church Growth Corporation (ACGC) to administer diocesan funds intended to provide for the purchase of land and buildings for Indigenous ministry, requested the ACGC, in consultation with and subject to the support of the Sydney Anglican Indigenous Peoples Ministry Committee (SAIPMC), to prioritise the needs of ShACC in the allocation of funds for purchase of properties for Indigenous Ministry, and
- (c) requested the Regional Bishops, Archdeacons and the ACGC to consult SAIPMC and consider other avenues for obtaining advice about good practice processes for determining whether sales of parish property might have past, present or future significance for Indigenous ministry, or wider cultural significance for the local Indigenous people.

5. Relations with Government

5.1 Social Issues Committee

The Social Issues Committee (SIC) comprises the following members –

The Rev Dr Chase Kuhn (Chair)	Dr Darren Mitchell
Dr Megan Best	Mrs Emma Penzo
The Rev Dr Andrew Errington	The Hon John Ryan AM
Dean Sandy Grant	Ms Simone Sietsma
Professor Jonathan Morris AM	

During the past year, Professor Jonathan Morris AM joined the SIC, and the Rev Dr Andrew Ford resigned his membership. The Diocesan Research Officer usually attends each meeting of the SIC and provides a significant depth of research and analysis. The SIC was well served by Dr Laurel Moffatt until her

resignation at the end of 2021. The Rev Dr Danielle Treweek has recently commenced as Diocesan Research Officer.

The SIC provides advice to the Archbishop on issues which are referred by him. It also provides advice on issues referred to it by the Standing Committee or at the request of the Synod. When resources allow, the SIC also identifies and initiates the study and discussion of social issues and matters of public policy among Anglicans in the Diocese and interacts with Government and other external organisations through submissions to parliamentary and public inquiries.

The SIC has met three times during 2022 (as at 17 July 2022), and has worked on a range of key areas of social concern for the Diocese. The SIC has finalised work on Synod resolution 4/18 (People affected by Disability), with comprehensive Accessibility Guidelines available for Synod in 2022, and has continued engaging significantly in matters related to Ministry with Indigenous Australians. The SIC is also monitoring and engaging in matters such as Modern Slavery and review of ethical investment policy; Euthanasia, “Dying Naturally” and End-of-Life resources; Bio-ethics in a pandemic; Environment Theology and Climate change; and Social and economic concerns (including tobacco, alcohol and problem gambling).

The Committee is continuing to monitor parliamentary and general community matters.

5.2 Anglican Diocese of Sydney submission to the Senate Legal and Constitutional Affairs Committee Inquiry into the *Religious Discrimination Bill 2021* and Related Bills

We thanked the Religious Freedom Reference Group, and in particular, its Chair, Bishop Michael Stead, for their work in research and advocacy in the area of promoting legitimate religious freedoms, especially in regard to preparing diocesan submissions to parliamentary inquiries regarding the Religious Discrimination Bill 2021 and related matters, and gave thanks to God for the exceptional hard work and gifts evident in the efforts of Bishop Stead and others.

5.3 NSW Government ban on school camps – impact on Youthworks employees

We noted that following the announcement of the COVID-19 lockdown of Greater Sydney in late June 2021, Anglican Youthworks placed the majority of its 125 permanent employees onto reduced working hours and pay, and notes with concern that –

- (a) as of 8 November 2021, the NSW Department of Education had continued its indefinite COVID ban on school overnight outdoor education excursions (‘school camps’), and
- (b) NSW Treasury has, in writing and contrary to earlier promises by government ministers, declined to consider industry-specific support for providers of school camps.

We resolved to join other supporters of Youthworks in praying for a return to full working hours and remuneration for its employees, particularly the Ministry Support Advisors who work alongside youth and children’s ministers and SRE teachers in every parish.

6. The International, National and Provincial Church

6.1 Eighteenth session of General Synod

Prior to the Eighteenth session of General Synod, we endorsed the promotion to the forthcoming session of General Synod of –

- (a) two draft statements as to the Faith, Ritual, Ceremonial or Discipline of this Church, and
- (b) draft “Three Motions for General Synod”.

We subsequently requested the Diocesan Secretary to circulate to members of the (Sydney) Synod a letter, enclosing the Bill, Statements, Motion and associated explanatory memoranda which were endorsed for promotion.

Two reports about this matter, including the statements and motions, and the letter circulated; as well as recommended motions for Synod, are printed separately.

6.2 General Synod – Publication of essays

We authorised a grant of up to \$1,500 from Synod Fund Contingences towards the cost of posting to all

General Synod representatives, a volume of essays published by *The Australian Church Record* with the *Anglican Church League*, entitled “The Line in the Sand: The Appellate Tribunal Opinion and the Future of the Anglican Church in Australia”.

6.3 Archbishop of Perth

We noted with grave concern the Archbishop of Perth’s ordination as deacons of –

- (a) a man who has been living in a “committed domestic arrangement” with another man for a number of years, and
- (b) another man who lived in a de facto relationship with a woman for many years, producing children but only marrying well after entering the discernment process,

and her recent licensing as Precentor at their Cathedral of a presbyter who is in a UK civil partnership with a person of the same sex.

We endorsed a Statement of this Standing Committee in response to these matters, and respectfully requested the Archbishop of Sydney to communicate the terms of this Statement to the diocesan bishops and diocesan councils of the Anglican Church of Australia, as well as to all members of the General Synod Standing Committee.

7. Sydney Synod Matters

7.1 Second ordinary session of the 52nd Synod (February – March 2022) Synod in the Greenfields

At our meeting in October 2021, we encouraged Archbishop Raffel to consider opening the February/March or September 2022 session of Synod with the Synod service and Presidential Address held on the prior Saturday in a suitable venue in the Greenfields area.

At our meeting in November 2021, we noted that the Archbishop intended to convene the second session of the 52nd Synod for the Presidential Address on Saturday 26 February 2022 at Oran Park, with Synod business resuming Monday 28 February – Wednesday 2 March 2022 at the International Convention Centre, and authorised a budget of up to \$12,000 for the purpose of venue hire, audio-visual requirements, and staff associated with the Synod service and Presidential Address planned to be held on 26 February 2022.

At our meeting in December 2021, we noted that walking tours of Oran Park Anglican church and surrounds, and bus tours to our facilities at Leppington and the surrounding area, along with provision of simple lunch and refreshments, will be arranged for members of the Synod prior to the Synod Service and following the Presidential Address and authorised up to \$5,000 from Synod fund Contingencies towards the costs associated with these pre-Synod Greenfield activities.

On 19 January 2022, amid a rise in Covid infections, the Archbishop wrote to all members of the Synod to inform them of his decision to cancel the session of Synod planned for 26 February, and 28 February to 2 March 2022. The session was cancelled, rather than postponed, taking into account the timing of the 18th session of the General Synod (8-13 May 2022) and the already planned session of (Sydney) Synod in September 2022, noting the ineffectiveness of holding a session of Synod only a few months prior to another session (which results in little practical time for progression of work in between sessions).

We considered the possibility that the pandemic will again force us to hold the September 2022 session of Synod in a larger venue, and placed a hold on certain dates in September 2022 at the International Convention Centre (ICC); which we ultimately cancelled in light of dramatically relaxed restrictions and confidence in returning to public venues. We noted the generous engagement of the ICC in their dealings with us in this matter.

7.2 The Third session of the 52nd Synod (September 2022) Ordinary and special sessions of the 52nd Triennium

We noted that the session of Synod to be held in September 2022 was originally to have been the *third ordinary* session of the 52nd Synod, but owing to the postponement of the September 2021 session, and its ultimate cancellation, the September 2022 session should correctly be the *second ordinary* session and there will be no *third ordinary* session in this triennium (2020-2022).

The use of the terminology “special” and “ordinary” in describing sessions of the Synod has been a matter of convenience and is not required. The cancellation of the planned September 2021 session and the absence of a “third ordinary” session, would primarily potentially impact Synod membership, Synod funding and elections to Diocesan boards, Councils and Committees.

Synod membership is tied to the first ordinary session, so is not impacted by the absence of a third session. Synod funding is impacted due to the use of the “ordinary” terminology in the funding ordinances to describe the session at which elements of the budget are considered. We have addressed the Synod funding issues by passing ordinances to amend relevant terminology in the funding ordinances.

Throughout the pandemic, we used rules available in the *Synod Elections Ordinance 2000* to arrange for the orderly administration of elections undertaken at Synod, so that elections associated with the *first ordinary* session still took place in October 2020, elections associated with the *second ordinary* session still took place in September 2021, and elections associated with the *third ordinary* session may be undertaken in September 2022 (see item 7.3).

In an effort to avoid any confusion that may arise from referring to the September 2022 session as the “second ordinary session” while at the same time administering elections for the “third ordinary session”, we determined to refer to the September 2022 session of Synod, as “the third session of Synod” (omitting any use of the term “ordinary” except if necessary when in relation to elections).

This makes use of the convenient reality that we have held two sessions of the 52nd Synod so far: the first was held 3 May 2021 (an “ordinary” session), and the second session was a “special” session held to elect the Archbishop from 4-6 May 2021. Accordingly, this session is “the third session of the 52nd Synod”.

7.3 Elections associated with the third ordinary session of the Synod

We recommended to the Archbishop-in-Council that he –

- (a) declare pursuant to Rule 8.2(1)(a)(ii) of the *Synod Elections Ordinance 2000* (the Ordinance) that –
 - (i) it is impracticable to conduct an election during the ordinary session in September 2022 as the elections which are due to be undertaken are those for the third ordinary session and there is no expectation of convening a third ordinary session, and
 - (ii) the alternative rules set out in the Schedule to the Ordinance should be utilised to determine any contested elections by online ballot, and
- (b) specify the date of 10 September 2022 to be regarded as the first appointed day of the third ordinary session of the 52nd Synod for the purposes of the election, pursuant to rule 8.2(3) of the Ordinance.

7.4 Statement of Funding Principles and Priorities

We noted that the Statement of Funding Principles and Priorities which would normally have been due to be presented to the first session of the 52nd Synod in 2020 was first delayed for one year and then last year was delayed again until Synod this year (2022), due to the disruptions caused by COVID-19.

It had been intended that the Synod consider a Statement of Funding Principles and Priorities covering the period 2024-2027 (1 year of the current funding triennium plus 3 years of the next funding triennium). However, we agreed to delay the next Statement of Funding Principles and Priorities (for the period 2025-2027) until the first session of the 53rd Synod which is expected to be held in September 2023, noting, among other reasons –

- (a) the cancellation of the February 2022 session of Synod meaning that there has still not been a meeting of the Synod since the appointment of the new Archbishop, and
- (b) that a delay of 1 year would allow a return to the “normal” triennial funding cycle in which the first session of each Synod is asked to approve a Statement of Funding Principles and Priorities and the second session is then asked to pass an ordinance giving effect to those principles and priorities for the following 3 years.

7.5 Governance Policy for Diocesan Organisations

We agreed to amend the definition of a 'diocesan organisation' in clause 12 of the Governance Policy from Diocesan Organisations (Governance Policy) by omitting the current version and inserting instead –

“diocesan organisation” means a body which has an Australian Business Number and –

- (a) is constituted by ordinance or resolution of the Synod, or
 - (b) in respect of whose organisation or property the Synod may make ordinances,
- but excludes –
- (i) the Synod, the Standing Committee and any of their subcommittees,
 - (ii) parish councils,
 - (iii) the chapter of a cathedral, and
 - (iv) entities that perform an administrative function under ordinance or resolution rather than conduct an enterprise in their own right.'

We also agreed to append and maintain a suitable schedule of diocesan organisations and schools to the Policy that meet the definition adopted in the Governance Policy.

7.6 Pastoral Consultation (Professional Supervision) Recommendation

We agreed to develop a Diocesan policy on pastoral consultation and implement a 12-month pilot program of pastoral consultation (with funding of up to \$26,500 from Synod Fund Contingencies).

A report on this matter is printed separately.

7.7 22/18 Indigenous Ministry in the Diocese

By resolution 22/18, Synod, among other things –

- (a) requested the Diocesan Doctrine Commission, in consultation with Indigenous Christian leaders nominated by the Sydney Anglican Indigenous Peoples' Ministry Committee (SAIPMC), to bring a report to the next session of Synod on a theological framework for reconciliation, with special reference to the Indigenous peoples of Australia (providing progress reports to the task force established by the Synod in paragraph (b)),
- (b) established a task force consisting of three Indigenous Christians appointed by the SAIPMC, and (then) Dean Kanishka Raffel, the Rev Stuart Crawshaw and the mover (Mr Tony Willis), with power to co-opt, and
- (c) requested the task force to work with the Social Issues Committee to report to the first ordinary session of the 52nd Synod detailing an appropriate out-working of the Bible's teaching on reconciliation, and providing recommendations as to how the Diocese as a whole, including organisations, parishes and individuals, might –
 - (i) acknowledge past failures in relationship with this nation's First Peoples, and
 - (ii) find ways to become more intentionally involved with the ministry of the gospel to and with Indigenous peoples.

A report with recommendations about this matter is printed separately.

7.8 4/19 Staff management training

25/19 Review of Ministry Standards Ordinance 2017

32/19 Compliance with the Children's Guardian Bill 2019 (NSW)

51/19 Further review of the Ministry Standards Ordinance 2017

By resolutions 4/19, 25/19, 32/19 and 51/19 the Synod, among other things, requested that Standing Committee –

- (a) review the *Ministry Standards Ordinance 2017* (MSO), particularly as it pertains to accusations of bullying, to ensure that rector development or other measures are recommended prior to more serious action,
- (b) review generally the effectiveness of the MSO drawing on submissions from Synod members and bring appropriate recommendations to the next session of Synod,
- (c) make amendments to the MSO to facilitate compliance with changes in child protection laws, and
- (d) consider including an encouragement for parties to consider resolving a grievance, complaint or dispute under the *Diocesan policy for dealing with allegations of unacceptable behaviour*.

The Committee we appointed to address the requests of these resolutions has completed its work. Two Bills for the consideration of Synod, along with an accompanying report, are printed separately.

7.9 46/19 Fellowship with Anglicans outside the Diocese

By resolution 46/19, the Synod requested the Standing Committee to –

- (a) review the operation of the *Affiliated Churches Ordinance 2005* (the Ordinance) and bring a report to the next session of Synod with any recommendations for amendment,
- (b) draft, for consideration by the next ordinary session of Synod, amendments to the Ordinance or other measures, which will provide a basis for practical fellowship to be offered to congregations outside this diocese who are theologically Anglican in belief and polity, and
- (c) draft, for consideration by the next ordinary session of Synod, amendments to the Ordinance or other measures, which will provide a basis for more deliberate engagement with Gafcon as that movement seeks to support faithful, biblical Anglicans who are marginalised by the unorthodox actions of others.

We referred this request to the General Synod relations Committee. Noting that, among other things, the *Affiliated Churches* structure is aimed specifically at non-Anglican churches and any changes to the Ordinance to promote the fellowship aspect will impact all existing affiliations, the GSRC recommended that support for, and fellowship with, Anglican churches outside the Diocese may be better expressed by resolution of the Synod.

7.10 56/19 Deferral of General Synod Assessments

By resolution 56/19, the Synod, among other things, noted the actions of other Australian dioceses regarding the blessing of same-sex marriage, the referral of Regulations made in the Diocese of Wangaratta to the Appellate Tribunal, and the (then) planned Special Session of General Synod to be held in May 2020 (which was expected to include a conference to consider a range of issues in relation to human sexuality, same-sex relationships and marriage). In this context, the Synod requested Standing Committee to seek appropriate legal and other advice regarding deferring payment of any General Synod statutory assessment levies for 2019, 2020 and future years, and bring to the Synod in 2020 a report on the matter with recommendations.

The Special Session of General Synod was not held and the planned eighteenth session of General Synod was postponed a number of times as a consequence of the COVID-19 pandemic. The session was able to be held in May 2022, and a number of the issues contemplated in the (Sydney) Synod's resolution featured prominently in the General Synod's business.

A report ("Eighteenth Session of General Synod") with recommendations is printed separately that describes the key elements and outcomes of that General Synod session and this Diocese's position in the National Church.

7.11 62/19 Gender Representation on Diocesan Boards and Committees

By resolution 62/19, the Synod, among other things, requested the Standing Committee arrange for the Gender Representation Committee (the Committee) to –

- (a) survey Synod members to determine logistical arrangements (such as times and locations) that should be considered by boards and committees in an effort allow women greater opportunity to participate, and
- (b) analyse responses to the survey, conveying relevant information to boards and committees of the Diocese, and
- (c) seek publication of articles in print and online media to stimulate interest in serving on boards and committees.

The Committee conducted the survey of all members of Synod in the latter part of 2021, having been delayed due to the uncertainty caused by, and desire to understand the lasting impacts of, COVID upon boards and committees. Having analysed the results, the Committee conveyed relevant information to boards and committees of the Diocese during July 2022.

By resolution 62/19, the Synod also requested in paragraph (c)(ii), that SDS provide annual statistics regarding gender composition on Diocesan boards and committees to the Standing Committee. Statistics have been provided by SDS to the Standing Committee each year for appointments made by the Synod, Standing Committee, or Archbishop. As at 31 December 2021, the total female representation was 29.61%, which is 1.12% higher than in 2020.

A report about this matter is printed separately.

7.12 7/21 Ministry to all Australians, regardless of educational qualifications

By resolution 7/21, the Synod, among other things, noted that only 35% of the Australian adult population have a bachelor's degree or higher qualification and requested that the Strategy and Research Group consider conducting research into the effectiveness of our parishes and diocesan organisations in engaging the 65% of Australians without a bachelor's qualification, focusing in particular on the following questions –

- (i) In what ways are we reaching these Australians with the gospel of grace? Where are there needs and opportunities to grow this ministry?
- (ii) In what ways are we welcoming and valuing these Australians as members of our churches? Where are there needs and opportunities to grow this ministry?
- (iii) In what ways are we discipling these Australians to live new lives in light of the gospel of grace? Where are there needs and opportunities to grow this ministry?
- (iv) In what ways are we equipping these Australians to share the gospel of grace and build up others in that gospel? Where are there needs and opportunities to grow this ministry?

We referred the request of the resolution to the Strategy and Research Group. The SRG has not yet completed its work on this matter.

7.13 8/21 Episcopal Standards Ordinance

By resolution 8/21, the Synod requested the Standing Committee to prepare a Bill for an Episcopal Standards Ordinance for promotion to the second ordinary session of the 52nd Synod.

The committee appointed to undertake the request of the resolution has not yet completed its work.

7.14 Resolutions made by the First Ordinary Session of the Synod in 2021 and not mentioned in this report

Circulars were sent to parishes and organisations about the matters arising from the first ordinary session of Synod. Copies of Synod resolutions were sent to appropriate persons and organisations.

7.15 Ordinances for this session

The bills for ordinances for this session of the Synod are printed separately, together with accompanying reports or explanatory statements.

For and on behalf of the Standing Committee.

DANIEL GLYNN
Diocesan Secretary

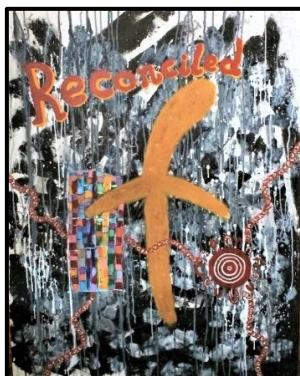
25 July 2022

SYNOD TASK FORCE

INDIGENOUS MINISTRY IN THE DIOCESE OF SYDNEY

REPORT TO THE 3rd SESSION OF THE 52ND SYNOD

September 2021



Reconciled M Duckett 2018

Recommendation

1. Synod receive this report and –
 - (a) acknowledge and apologise for past failures in relationships with this nation's First Peoples,
 - (b) support and encourage every person, parish and Diocesan organisation to seek reconciliation with Aboriginal and Torres Strait Islander peoples and commit to partner in Indigenous Ministry through development of an Action Plan which:
 - (i) is informed by the following diocesan documents:
 1. [A Theological Framework for Reconciliation, with Special Reference to The Indigenous Peoples of Australia](#) (Doctrine Commission Report, Diocese of Sydney, 2020)
 2. *Ministry to, and Reconciliation with, Aboriginal and Torres Strait Islander Peoples in the Diocese of Sydney* (Social Issues Committee Report, Diocese of Sydney)
 - (ii) notes the challenges provided in Dr Peter Adam's paper:
 3. *Australia – whose land? A call for recompense*. (The Rev Dr Peter Adam *John Saunders Lecture 2009*) [www.ridley.edu.au/resource/australia-whose-land-christian-call-recompense/]
 - (iii) encourages the development of personal relationships with Aboriginal and Torres Strait Islander peoples with a view to *walk alongside* them, as well as partnering in prayer and partnering financially and in other practical ways with one or more Indigenous ministries,
 - (c) note and endorse the model for Indigenous ministry as envisaged by Pastor Michael Duckett and now established by the Sydney Anglican Indigenous People's Ministry Committee in the Macarthur Region at 19 Lysaght Rd Wedderburn, NSW,
 - (d) noting the importance of ongoing and appropriate capital support for Indigenous ministry in the Diocese in order to purchase further suitable properties in the future, requests the Standing Committee to –
 - (i) consider and prioritise the needs of the SAIPMC in the allocation of funds for purchase of properties for new ministry infrastructure, and

- (ii) report back to Synod in September 2023 with proposals to identify suitable property priorities to progress Indigenous ministry, along with the identified funding sources, for inclusion in the overall ministry infrastructure planning for the Diocese, and
- (e) request that a review of the action outcomes from this report be brought to the Synod in 2024.

Background

2. At its session in 2018, the Synod passed the following resolution –

22/18 Indigenous Ministry in the Diocese

'Synod commends to the prayers and interest of Synod members the parishes, Diocesan schools, organisations, committees and individuals involved in ministry with Indigenous people, and in particular the prioritisation to raise up the next generations of Indigenous Christian leadership.

Synod –

- (a) requests the Diocesan Doctrine Commission, in consultation with Indigenous Christian leaders nominated by the Sydney Anglican Indigenous Peoples' Ministry Committee (SAIPMC), to bring a report to the next session of Synod on a theological framework for reconciliation, with special reference to the Indigenous peoples of Australia (providing progress reports to the task force established by the Synod in paragraph (b)
- (b) hereby establishes a task force consisting of three Indigenous Christians appointed by the SAIPMC, and Dean Kanishka Raffel, the Rev Stuart Crawshaw and the mover (Mr Tony Willis), with power to co-opt, and
- (c) requests the task force to work with the Social Issues Committee to report to the 1st ordinary session of the 52nd Synod detailing an appropriate out-working of the Bible's teaching on reconciliation, and providing recommendations as to how the Diocese as a whole, including organisations, parishes and individuals, might –
 - (i) acknowledge past failures in relationships with this nation's First Peoples, and
 - (ii) find ways to become more intentionally involved with the ministry of the gospel to and with Indigenous peoples.'

Discussion

Task Force Report and Recommendations

3. The Task Force has been asked to:
- (a) report to the Synod detailing an appropriate out-working of the Bible's teaching on reconciliation (in partnership with the Social Issues Committee),
 - (b) provide recommendations as to how the Diocese as a whole, including organisations, parishes and individuals, might –
 - (i) acknowledge past failures in relationships with this nation's First Peoples, and
 - (ii) find ways to become more intentionally involved with the ministry of the gospel to and with Indigenous peoples.

Doctrine Commission Report on Reconciliation

4. This report was due to be presented to the October 2019 Sydney Diocesan Synod with the Task Force recommendations to follow at the October 2020 Sydney Diocesan Synod. The Doctrine Commission Report was not completed for the 2019 Synod and was presented to the March 2020 meeting of the Standing Committee where it was received by the Committee.

5. The [Doctrine Commission Report on Reconciliation](#) (the **Report**) was presented and received by the Synod at its first ordinary session of the 52nd Synod on 3 May 2021.
6. The Report overview presents for us a helpful summary:
 - (a) there is both asymmetry and analogy between divine-human reconciliation and person-to-person forgiveness, and
 - (b) divine-human reconciliation provides both the *shape* and *basis* of reconciliation in human relationships. We recognise that it is important to distinguish between human relationships that have been ruptured because of personal sin, and human relationships that have been disordered by past actions, attitudes and consequences that have caused estrangement in the present. Reconciliation is required in each case, but the steps towards reconciliation will differ.

An Appropriate Outworking of the Bible's Teaching on Reconciliation

7. The Social Issues Committee Report: *Ministry to, and Reconciliation with, Aboriginal and Torres Strait Islander Peoples in the Diocese of Sydney* (Appendix 1), gives an historical background to the relationship between the Sydney Diocese and Indigenous people groups and a framework for exploring ways forward.
 - (a) Paragraph 2 has recommendations to the Task Force in presenting to the Synod
 - (b) Paragraphs 3-10 give a broader context. Note that Paragraph 3 presents that Aboriginal and Torres Strait Islander peoples are unique in Australian Society as the First Peoples; but ministry with and to First Nations Peoples sits in the broader context of Diocesan ministry. This summarises the problem in our approach to ministry with and to First Nations Peoples. Ministry with and to our First Nations Peoples should be unique and addressed specifically and separately to the "broader context" to reflect the particular responsibility we have in bringing about true reconciliation. As outlined in the Doctrine Commission Report this will include the acknowledgement of sin/wrong/hurt/pain that has been caused through colonisation.
 - (c) Paragraphs 11-28 give a brief historical perspective which shows that
 - (i) Indigenous people lived on the land, and
 - (ii) this land was taken from them for colonial purposes including use by and benefit to the Church.
 - (d) Paragraphs 29-30 reflect that, from all the Diocesan benefits gained from what was historically Indigenous property, we have committed to "return" 1% of income generated from the Diocesan Endowment for Indigenous ministry.
 - (e) Paragraphs 31-38 reflect more recent decisions and action, primarily over the past 20 years, notably
 - (i) 2002 - the formation of the Sydney Anglican Indigenous Peoples Ministry Committee¹
 - (ii) 2014 - the development of the Anglicare Reconciliation Action Plan
 - (f) Paragraphs 39-59 are possible actions for the broader Diocese and Parishes to take.

Peter Adam Lecture

8. The paper from Peter Adam's 2009 John Saunders' Lecture (www.ridley.edu.au/resource/australia-whose-land-christian-call-recompense/) includes the following points:
 - (a) God in his sovereign purposes as creator, sustainer and owner of all things gifted the land of Australia to the Indigenous peoples who are the First Nations People of this land.
 - (b) Under the lie of *terra nullius* the First Nations People were dispossessed of the land through violence, aggression, murder and theft by European (British) invaders.
 - (c) Repentance is required.
 - (d) Apology is required.
 - (e) Recompense is required.
 - (f) We have all benefited from this dispossession, violence, aggression, murder and theft.

¹ Under the SAIPMC Ordinance the Committee must be composed of a majority of Indigenous members and any motions passed must be by an Indigenous majority.

Implications

9. All three papers provided to the Synod and referred to above make clear that action toward reconciliation with our Indigenous brothers and sisters is required. Disagree with aspects if you must, but the overwhelming conclusion is the need for reconciliation between Australia's First Nations People and all who have arrived in Australia since. We must acknowledge the wrong done, be reconciled and determine a way toward recompense.
10. For the Christian Church, Peter Adam states the following:

'We could also implement voluntary recompense by churches in a coordinated way and should include support of indigenous Christian ministry and training, as negotiated by the leaders of Christ's indigenous people. Christian churches should lead the way in this, not least in supporting indigenous Christians and their ministries. For churches too have benefited from the land they use, and from income from those who have usurped the land.'

Current Indigenous Ministries in the Diocese

11. There are currently five Indigenous church ministries in partnership with parishes across the Diocese as well as specific Indigenous ministries taking place through Diocesan schools and organisations.
12. The five Indigenous church ministries are:
 - Scarred Tree Indigenous Ministries in partnership with St John's Anglican Church Glebe
 - Led by Sharon and Ray Minniecon
 - Living Water Community Church in partnership with Evangelism and New Churches
 - The ministry leadership position is vacant
 - Macarthur Indigenous Church in partnership with St Peter's Anglican Church Campbelltown
 - Led by Michael Duckett
 - Mount Druitt Indigenous Church in partnership with Minchinbury Anglican Church and Mount Druitt Presbyterian Church
 - Led by Rick Manton
 - Shoalhaven Aboriginal Community Church in partnership with All Saint's Anglican Church Nowra
 - The ministry leadership position is vacant
13. The active partnership of these ministries with existing parishes and organisations is important in their development with the need for ongoing recruiting, training and equipping of our Indigenous leaders.
14. To continue to resource and grow these ministries increased funding is required through greater involvement and support from our parishes.
15. Such support must be given in a context where Indigenous leaders are entrusted to make their own decisions and utilise these resources as they see necessary and relevant to their ministry – i.e., "no strings attached".

A Model for Indigenous Ministry

16. In November 2019 the Sydney Anglican Indigenous People's Ministry Committee purchased a 2 hectare property at Wedderburn to enable the Macarthur Indigenous Church to have a dedicated space upon which to carry out ministry with their people. The property contains a house in which Pastor Michael Duckett and his family live, as well as a shed that has been renovated as a ministry centre, including toilets, kitchen and meeting area. Other sheds on the property have been modified through an active partnership with Soul Revival Anglican Church to enable cultural activities to take place.

17. The bushland setting provides a culturally appropriate setting for Indigenous ministry. This has resulted in “ownership” of the site by the Macarthur Indigenous Church resulting in growth that has previously been restricted by sharing sites with other “white” ministries.
18. The total cost for this project has been \$1.5 million, in an area where land is relatively cheaper than many other areas of the Diocese. It is the view of the task force that this model should be replicated in Mount Druitt and Nowra with modification of the model considered for ministries in the more densely populated areas of our city such as Redfern and Glebe.



Bushland Setting



Ministry Partnership



Ministry Training



Ministry Housing



Ministry Facilities

Future Indigenous ministries should look to this model as they are developed.

Conclusion

19. The Indigenous church is continually dealing with the impact of historical loss of cultural and family connection and the impact of past traumas over many generations.
20. We should recognise that across the Sydney Diocese there is still an unspoken expectation to “wear our shoes and be civilised”:
 - (a) but Aboriginal Christians cannot function in a foreign culture of external expectation
 - (b) does the Aboriginal church have to be like the white church?
 - (c) Indigenous ministry builds from a unique culture in forming a Christian worldview
 - (d) but the white church continues to influence the Aboriginal church toward their way of thinking.

21. What is required is:

TRUST / RESPECT / JUSTICE

22. It is therefore recommended that the Synod of the Anglican Church Diocese of Sydney pass the motion outlined in paragraph 1 of this report.

Task Force members (in consultation with the SAIPMC)

Pastor Michael Duckett

Archbishop Kanishka Raffel (Chair)

Rev Stuart Crawshaw

Mr Tony Willis

2 July 2021

[Updated 27 June 2022]

Synod Task Force on Indigenous Ministry in the Diocese of Sydney

Ministry to, and Reconciliation with, Aboriginal and Torres Strait Islander Peoples in Diocese of Sydney Parishes

Purpose

1. This paper explains:
 - (a) the importance of taking active steps to pursue ministry among and with Aboriginal and Torres Strait Islander peoples.
 - (b) means by which individual parishes may be involved in these activities, in an intentional and committed manner, chiefly through the creation of action plans.

Recommendations

2. This paper recommends to the Indigenous Ministry Task Force that a motion be put to Synod, via Standing Committee. This motion would:
 - (a) reiterate the importance of support for ministry to and reconciliation with Aboriginal and Torres Strait Islander peoples, and
 - (b) encourage parishes to establish an action plan (or something similar) to further this work at the local level, or advise the Diocese if one already exists.

Broader context for ministry

3. Aboriginal and Torres Strait Islander peoples are unique in Australian society, as the First Peoples to inhabit the country. Our approach to ministry with Aboriginal and Torres Strait Islander peoples must incorporate recognition of this history and the consequent need for some form of reconciliation.
4. However, as the Diocesan vision and mission indicate, we undertake this ministry and reconciliation within a larger aim, to reach all with the good news of the gospel. The Sydney Diocese's vision is: 'To see Christ honoured as Lord and Saviour in every community.' Our consequent mission, framed by *Mission 2020*, is to 'commit ourselves afresh, in prayerful dependence on the Holy Spirit, to glorify God and love our neighbour by proclaiming the Lord Jesus Christ, calling people to repent and living lives worthy of him.' (<https://sydneyanglicans.net/mission/>).
5. A number of priorities sit under this vision and mission, within *Mission 2020*. These priorities reflect intent to:
 - (a) spread the gospel to all (regardless of background or other factors), and
 - (b) strengthen and grow churches from the inside, through the increasing Christian maturity of their members.(Priorities accessible through <https://sydneyanglicans.net/mission/>).
6. Ministry to Aboriginal and Torres Strait Islander people and communities sits within this broader context.
7. In Christ we have graciously been enabled to see the need for and then be given reconciliation with God. We are a community of people in relationship with God through Christ. We encourage others to seek that same reconciliation and relationship with God for themselves, and to join Christian fellowship, centred around Christ. This fundamental reconciliation has become for Christians a better basis and motivation for any sort of reconciliation that may be possible here on earth.

8. Our concern for Aboriginal and Torres Strait Islander people must be consistent with our concern for every other person that does not know God. We work to bring all people into relationship with God and fellowship with other Christians. This is, for Christians, the true basis for real, lasting reconciliation between people. We must therefore model this reconciliation, becoming representatives of the lasting, transcendent peace God brings when he is at the centre of our lives. All should be welcome in our churches, in our communities.
9. Within this broader context, however, we should be particularly attuned to the unique situation associated with ministry to Aboriginal and Torres Strait Islander peoples, showing consideration and regard for human dignity. We wish to ameliorate, where possible, any factor that particularly impedes engagement with Aboriginal and Torres Strait Islander people, as well as acknowledging instances in which the Diocese's past actions albeit well-intentioned have been inconsiderate. We must be deliberate, sensitive, and transparent in our inclusivity, but ground it always, first, in the grace we have received. To do this, we must have an accurate and nuanced understanding of, and respect for, the diverse perspectives represented in the Aboriginal and Torres Strait Islander community.
10. Reconciliation Australia's resources have been consulted to assist the development and effective use of such an understanding. These resources are described later in this paper. However, as Reconciliation Australia¹ has different aims and goals, these resources must be read, and used, with the above broader context and the Synod's past action and present position (next two sections) in mind.

Elements of the history between Anglican Diocese of Sydney with Aboriginal and Torres Strait Islanders

11. In the interests of approaching ministry with Aboriginal and Torres Strait peoples from a better-informed position, the following historical information is provided.²

Accounts of the presence of Aborigines in the Sydney area

12. The early accounts of explorers and settlers in Australia note the presence of Aboriginal people in the Sydney area. Governor Phillip describes the Aboriginal people in the area, including a number of their customs and evidence of their culture in handiwork and craft.³ He finds evidence of the presence of Aboriginal people both on the coast and far inland, and he surmises that the number of them living in the Sydney area 'cannot be less than one thousand five hundred'.⁴ Scholars now believe that the aboriginal population in the Sydney area at the time of the arrival of the First Fleet in 1788 was between 2,000 to 3,000 people.⁵
13. Rev. Richard Johnson makes reference to a description of Aboriginal people that Capt. Cook recorded in his journal. In letters that he sent back to England Johnson notes that his own description of Aboriginal people is in keeping with Cook's.⁶ Johnson came upon a large group of Aboriginal people on a beach shortly after the arrival of the First Fleet records some words of their language, the meaning of the words spoken, as well as the nature of the encounter and instructions from Gov. Phillip regarding the interactions of settlers with Aboriginal people:

'I saw thirty of them fishing...They came out of the water, joined in a Body together and stood till we came up with them. As we came near them they spoke to us in a loud dissonant manner, principally uttering these words— "Warra, Warra, Wai", which we

¹ <https://www.reconciliation.org.au/>

² The information in this section was part of the material prepared by Dr Laurel Moffatt, Diocesan Research Officer, in February 2019 to explain the long-term background to the creation and financing of the Indigenous People's Ministry Trust Fund in 1997.

³ 'In Botany Bay, Port Jackson, and Broken Bay we frequently saw the figures of men, shields, and fish roughly cut on the rocks; and on the top of a mountain I saw the figure of a man in the attitude they put themselves in when they are going to dance, which was much better done than I had seen before, and the figure of a large lizard was sufficiently well executed to satisfy every one what animal was meant.' 'Letter from Gov Phillip to Lord Sydney', 15 May 1788, *Historical Records of New South Wales*, vol 1, pt. 2, p. 135.

⁴ 'Letter from Gov Phillip to Lord Sydney', 15 May 1788, *Historical Records of New South Wales*, vol 1, pt 2, p. 133.

⁵ Attenbrow, Val. *Sydney's Aboriginal Past: Investigating archaeological and historical records*, NSW, UNSW Press, 2002, p 17.

⁶ Johnson, Rev. Richard. *Some Letters of Rev. Richard Johnson, B.A.*, collected and edited by George Mackaness. Part 1. Vol 20 *Australian Historical Monographs*. Sydney, DS Ford, 1954.

judged to be to tell us to go away. When we came up to them I tied some bits of cloth, etc. round their heads and necks and also gave one of them a comb, at which he seemed especially pleased and astonished. Some of them then began to dance, and one of them offered me one of his fishing giggs, which I refused, the Governor ordering that nothing should be taken from them.⁷

Settlement of the Sydney area

14. In colonial law, colonies could be formed by settlement, cession, conquest or annexation.⁸ Australia was colonised by settlement, which did not recognise the presence or rights of original inhabitants of the land. Additionally, 'settlement' was usually only a means of declaring sovereignty over a place, and was not a claim of title of the settled lands. However, Australia was an unusual exception to that rule and allowed for claim of title.⁹

Letters of Instruction for Governor Phillip

15. In the Crown's instructions (particularly the additional instructions) to Governor Phillip in 1788, Gov. Phillip was instructed to find a spot 'in or near each town...[to] be set apart for the building of a church' and that 400 acres of land adjacent to the church be allotted for 'the maintenance of a minister, and 200 for a schoolmaster'.¹⁰

16. 400 acres of land were measured and allotted to Johnson for church land sometime in or after 1790. He makes reference to this in a letter to the Right Honourable Henry Dundas, and also describes the difficulty he had in clearing the land. Johnson records that in response to Johnson's requests for more help in clearing the land, the Lt Gov suggested that if he resign his claim to the 400 acres of church land, he 'would have a grant the same as others'.¹¹ A grant of 100 acres to Rev. Richard Johnson is recorded on 28 May 1793.¹²



The Church and School Lands Corporation

17. In 1826 the Clergy and School Lands Corporation was formed by Royal Charter in order to 'make provision for the maintenance of religion in the colony and the education of the youth' in the colony of New South Wales.¹³ The corporation was allowed to appropriate, lease and mortgage land.
18. In 1828, roughly 350 acres of what was by then known as the St Philip's glebe land were subdivided into 27 allotments and offered for lease with the permission to purchase.

⁷ Johnson, Rev. Richard. Letter to Henry Fricker, London, Feb 10, 1788. *Some Letters of Rev. Richard Johnson, B.A.*, collected and edited by George Mackaness. Part 1. Vol 20 *Australian Historical Monographs*. Sydney, DS Ford, 1954.

⁸ Roberts-Wray, Sir Kenneth. *Commonwealth and Colonial Law*, 1966, pgs 98-112.

⁹ *ibid.*

¹⁰ 'Phillip's Additional Instructions,' *Historical Records of New South Wales*, vol 1, pt 2, p. 259. <https://archive.org/stream/historicalrecord1pt2sidnuoft?ref=ol#page/258/mode/2up>

¹¹ 'Rev. Richard Johnson to the Right Honourable Henry Dundas,' April 8, 1794.

¹² The religion was that of the Church of England and Ireland and no other. Royal charter constituting the Trustees of the Clergy and School Lands in the Colony of New South Wales / George the Fourth.

¹³ The religion was that of the Church of England and Ireland and no other. Royal charter constituting the Trustees of the Clergy and School Lands in the Colony of New South Wales / George the Fourth.

19. The majority of the lots were sold at that time, but two were retained as the St Phillip's Glebe, and one lot reserved for the Archdeacon.¹⁴
20. The Clergy and School Lands Corporation was dissolved by William IV by an order of Council on 4 February 1833. Upon the dissolution of the Corporation all the land, mortgages, debts and anything belonging to that corporation became vested in the Crown.¹⁵

Diocese of Australia and Diocese of Sydney

21. The Diocese of Australia was formed by Letters Patent on 18 January 1836.¹⁶ Shortly after the creation of the Diocese of Australia from the Diocese of Calcutta, the Crown passed a law concerning the affairs of the church and diocesan land. It authorised the trustees of any glebe lands in New South Wales to 'enter into and upon the said glebe land, and to let the same upon leases for any term not exceeding 28 years, reserving the rent, issues, and profits thereof, to the said trustees for the time being, who shall and may receive and apply the said rents, issues, and profits upon trust in the first place to pay...the minister of the said church,' and after that the money could be used for the 'building or enlarging the church' of the parish connected to the glebe lands, and after that for the building or enlarging any other church 'in the same township or district', and the payment of a stipend for the minister for that church.¹⁷
22. On 13 September 1842, a land grant of over 32 acres was given to William Grant Broughton on the behalf of St Philip's church, 'being a portion of the land granted to the Trustees of the late Church and School Corporation by Deed dated 24th day of November 1829, but which reverted to the Crown on the dissolution of that Body by order of the King in Council of 4 February 1833.'¹⁸ On 9 July 1846, land adjoining the St Philip's Glebe was also granted to the church by the Crown.¹⁹ Shortly after the grant of the land to St Philip's church, the Diocese of Sydney was formed by Letters Patent on 25 June 1847. Upon the creation of the Diocese of Sydney in 1847, the church lands within the limits of the Diocese of Sydney became the property of the Diocese of Sydney.²⁰

Diocesan Property

23. The St. Philip's Glebe was subdivided in 1842 into 32 allotments and leased for 28 years.²¹ The Bishopthorpe Estate was subdivided into 238 allotments and leased for 99 years from 1856.²² The rents and profits from the leased glebe land were managed by trustees for the glebe lands.²³ The Church of England Property Trust Diocese of Sydney was formed in 1917 by the *Anglican Church of Australia Trust Property Act 1917*.
24. The trustees of the St Philip's Glebe were gathered into a Board of Trustees in 1920.²⁴ In 1930, the Glebe Administration Board was created and the Board was given the power of 'managing and controlling' the St Philip's glebe, including the collection of rents, the subdivision of land, and the lease of land.

¹⁴ *Glebe Conservation Area Study Report*. Feb 2008. p. 4.

¹⁵ William IV, No. 11. *An Act for regulating the affairs of the late corporation of the trustees of the Clergy and School Lands and to secure to the purchasers their titles to certain lands purchased by them, from the said corporation* [5 August, 1834].

¹⁶ Appendix D, 'Letters Patent relating to Australia and the Cape,' Report of the Incorporated Society for the Propagation of the Gospel in Foreign Parts, for the year 1947. London, 1947, p. cxxxvi.

¹⁷ 8 William IV, No 5. *An Act to regulate the temporal affairs of churches and chapels of the United Church of England and Ireland, in New South Wales*. 6 September, 1837.

¹⁸ State Records Authority of New South Wales; Kingswood, NSW, Australia; Archive Reel: 1732; Series: 1216; Description: Copies of Deeds of Grant to Land Alienated by Grant, Lease or Purchase Volume 78 Grants, United Church of England, Ireland No:4 1842-1849.

¹⁹ This grant is referred to in many ordinances of the Sydney Diocese pertaining to the property of the Bishopthorpe Estate. There were many grants of land given to the Diocese of Australia during this time. The grants that pertain to the present-day suburb of Glebe in the diocese of Sydney are just one example.

²⁰ *Dioceses of Sydney and Newcastle Lands Investment Act 1858: An Act to remove doubts respecting the vesting of certain Lands situated within the Dioceses of Sydney and Newcastle respectively which were formerly vested in the Bishop of Australia*. 27th August 1858.

²¹ *Glebe Conservation Area Study*, p. 5.

²² *ibid*.

²³ *61/1890 An Ordinance for the making provision for parochial government and the management of Church property in Parishes and for other matters*. 6 May 1891.

²⁴ *St Philip's Glebe Land Vesting Management Ordinance 1920*.

25. During the first half of the 20th century the Sydney diocese passed ordinances allowing for the mortgage of St Philip's glebe land, and the use of income for that glebe for different purposes in the diocese, such as repairs to Bishopscourt, the payment of stipends of senior clergy, and the managing of debts.²⁵
26. As the leases of the glebe land ended around the middle of the 20th century, the Sydney Synod passed ordinances allowing the sale of the St Philip's Glebe and the Bishopthorpe Estate lands.²⁶ In 1974, the St Philip's Glebe and Bishopthorpe Estate were sold. 'About 125 properties in the Bishopthorpe Estate and the St Philip's Glebe were sold individually for a sum of \$3 million before about 700 properties were sold to the Australian Government for \$17.5 million.'²⁷

Proceeds from the sale of Diocesan Property

27. The majority of the proceeds from the sales of the glebe property were managed by the Glebe Administration Board. Of the \$17.5m from the sale of the glebe lands to the Federal Government, \$7.5m of it related to the Bishopthorpe Estate and therefore the Endowment of the See. Decisions about the reinvestment of that portion of the sale price were to be decided by the Archbishop and the Standing Committee. \$10m of the \$17m was then managed by the Glebe Administration Board in consultation with the Standing Committee.²⁸ According to a report to Standing Committee regarding the activities of the Glebe Administration Board, as found in the *Year Book of the Diocese of Sydney 1976*, the Board reinvested in property.
28. In 1984 the *Glebe Administration Ordinance 1930-1981* was amended and omitted the preamble that described the grants of land made to the Diocese. This ordinance also defined the property held on trust by the Board and allowed for the investment of any money received by the Board in a variety of ways, including the purchase of shares, stocks and securities that are listed on the Stock Exchange. The *Diocesan Endowment Ordinance 1984* re-declared the trusts of the Glebe Administration Board and gave Synod the authority to determine how money from the Board should be allocated, and the Standing committee to use the money as directed by Synod (clause 4).

Use of Diocesan funds for Aboriginal Ministry

29. In 1997, Synod established an Indigenous Peoples' Ministry Committee and an Indigenous People's Ministry Trust Fund and appropriated \$1.2m of the Provision for Distribution of the Glebe Administration Board held on trust under the *Diocesan Endowment Ordinance 1984*. The \$1.2m was then vested with the Anglican Church Property Trust Diocese of Sydney on trust for an Indigenous Peoples' Ministry Trust Fund.
30. From 2006, the Indigenous Trust Fund has received 1% of the distribution to Synod from the income of the Diocesan Endowment.²⁹ All funds managed by the Property Trust incur a fee. Until 2019, the fee was 1.1%. [*Since August 2019, funds held by the ACPT for the Sydney Anglican Indigenous Peoples' Ministry Committee have been exempt from the application of the ACPT's management fee.*] Further information about Synod decisions related to the Committee and Fund are available in Attachment 1.

Recent Synod activity toward reconciliation and ministry

31. In addition to the Committee and Fund discussed above, ministry to, and amongst, Aboriginal and Torres Strait Islander peoples, alongside recognition of past injustice, has been of interest in the Synod for the last twenty years. Elements of this interest are listed at Attachment 1 and summarised below.

²⁵ For example: *The Bishop Coadjutor Stipend Ordinance of 1925*, and *Diocesan Revenues—St Philip's Glebe (Further Mortgage)—Bishopthorpe Ordinance 1949*. *Saint Philip's (Sydney) Church and School Resumption Ordinance 1934*.

²⁶ *St Philip's Glebe Sale Ordinance 1958*, and *St Philip's Glebe Sale Ordinance 1972*.

²⁷ Report to Standing Committee: 'Report of the Glebe Administration Board', *Year Book of the Diocese of Sydney*, 1976. 20.5 million dollars in 1974 was worth just over \$167.7 million in 2018, according to the Reserve Bank of Australia's inflation calculator.

²⁸ 'Report to Standing Committee: Glebe Administration Board,' *Year Book of the Diocese of Sydney*, 1975.

²⁹ *Synod Appropriations and Allocations Ordinance 2006*.

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32. In 1999, churches were encouraged to be involved in the consultative process for the then Council for Aboriginal Reconciliation's draft *Document for Reconciliation*.
33. In 2013, Synod passed a resolution thanking God for Aboriginal and Torres Strait Islander Christians and churches, and the Sydney Anglican Indigenous Peoples' Ministry Committee's support of them. Sydney Anglicans were encouraged to pray for, partner with, and financially support these ministries.
34. A year later, in 2014, Anglicare was acknowledged for establishing a Reconciliation Action Plan (a RAP). The benefits in relation to 'direct service delivery, increased cultural awareness amongst staff, and the provision of employment opportunities for Aboriginal and Torres Strait Islander people' were noted, and the Diocese encouraged parishes and Diocesan-associated organisations to establish their own plans (21/14 Reconciliation Action Plans (*Synod Circular 2014*, p. 11)).
35. Anglicare's reasons for developing a RAP are captured in the Chief Executive Officer's introductory comments to Anglicare's Reconciliation Action Plan (RAP) 2017-2020:

'The Christian gospel and its message of reconciliation with God through Jesus Christ is at the heart of Anglicare Sydney ("Anglicare") and what it is we seek to do for people in God's grace. An important expression of the ministry of reconciliation we have been entrusted with is to seek practical ways to bring about real and lasting change in the way Aboriginal and Torres Strait Islander peoples and other Australians recognise the injustices of the past and together chart a new way forward characterised by justice, dignity, opportunity and hope for all Australians.'

36. Further, in the 'Our Business' section of the plan:

'As a Christian organisation with a heritage of service spanning more than 160 years we seek to serve the community, enrich lives and demonstrate the love of Jesus. We believe God calls us to care for and love one another, just as he cares for and loves us. It is this love, shown to us in the life and death of Jesus Christ, that motivates us to meet the physical, emotional, social, and spiritual needs of others. We exist to serve the vulnerable, poor, and socially excluded with respect, compassion, and love. We acknowledge that each person is created by God, and disregard racial, cultural, socio-economic, and man-made barriers that divide us from each other. Our faith in Jesus Christ compels us to act with compassion, help the vulnerable, and be a voice for the disadvantage.'

(Extracts from *Anglicare's Reconciliation Action Plan (RAP) 2017-2020*, <https://www.anglicare.org.au/about-us/our-reconciliation-action-plan/>).

37. Church parishes are different in nature, composition, and purpose to Anglicare but the principle remains: that the Anglican Church's and the individual Christian's mission is to spread and model the message of reconciliation with God through Jesus Christ to everyone. Within this context, the unique position of Australia's First Peoples should be acknowledged. As Attachment 2, a Reconciliation Australia-provided guide to 'inclusive and respectful language' demonstrates, this is not solely about acknowledging past injustice but devising engagement strategies that recognise Aboriginal and Torres Strait Islander peoples' strength and promote 'mutually respectful and genuine two-way relationships of shared significance.'
38. Last year (2018), the Synod reinforced its previous messages by requesting 'a report for Synod in 2020 detailing an appropriate outworking of the Bible's teaching on reconciliation, and providing recommendations as to how the Diocese (organisations, parishes and individuals) might acknowledge past failures in relationships with this nation's First Peoples, and find ways to become more intentionally involved with the ministry of the gospel to and with Indigenous peoples. (*See resolution 22/18*). (Summary of 22/18 Indigenous Ministry in the Diocese (*Synod Circular 2018*, p. 2)).

Involving Individual Parishes in Reconciliation with Aboriginal and Torres Strait Islander peoples

39. As previously noted, Anglicare is well-advanced in its consideration of these issues, with a RAP in place since 2014. A RAP is the equivalent of a specialised business plan, put in place by an organisation to further constructive engagement with Aboriginal and Torres Strait Islander staff and the broader community.
40. The RAP framework is overseen by Reconciliation Australia, whose website (reconciliation.org.au) advises that over 1,000 organisations have 'formally committed to reconciliation' through it. Reconciliation Australia offers an endorsement process, which allows an organisation to use the RAP logo, indicating compliance with the framework and standards.
41. The aim of the framework is to turn 'good intentions into positive actions, helping to build higher trust, lower prejudice, and increased pride in Aboriginal and Torres Strait Islander cultures' by developing a 'community of shared values, goals and a common language when it comes to reconciliation.' The overall goal is to create the 'right environment for Aboriginal and Torres Strait Islander peoples to access sustainable employment and business opportunities, and contributing to a just, equitable and reconciled Australia.' Further information about Reconciliation Australia and RAPs may be found at reconciliation.org.au.
42. The difficulties associated with asking all organisations within the Diocese to investigate and form such plans are recognised. This would be an ambitious first step to more organised, systematic commitment and action. Therefore, the committee recommends the process begins with parishes.
43. As its overall goal indicates, the RAP, in its formal form, was created by Reconciliation Australia for autonomous workplaces, organisations with employees. However, Reconciliation Australia has partnered with World Vision to create a similar resource for individual church use - the Church Action Plan (*Walk Alongside* - Church Toolkit for Reconciliation (1st Edition)).

Action Planning at Parish Church Level

44. The ideal and/or actual nature of Aboriginal and Torres Strait Islander peoples' reconciliation remains a contested subject. Further, churches should be encouraged to maintain reconciliation of the individual to God at the forefront of their efforts, given this is key to meaningful reconciliation here on earth.
45. Some parishes are unlikely to see an immediate connection to their parishioners or wider communities, and therefore consider other ministries of more immediate priority. So, the Diocese's explanation of, and visible support for, this project will be vital.
46. All parishes should be encouraged to be involved, against the background of Synod's evident belief in its importance and agreed Biblical injunctions to show God's love to others. The first step may be the relatively small one of creating basic plans that each church can continue to build on over time.
47. Parishes with statistically small numbers of Aboriginal and Torres Strait Islander people can be involved by establishing links with, and providing support to, those parishes that have larger proportions, as well as with Aboriginal and Torres Strait Islander peoples-focused ministries, or through partnering with organisations such as Anglicare or Anglican Aid. Parishes are encouraged to think broadly, beyond these suggestions, to other communication, engagement, and partnering arrangements, with the goal of aiding understanding, ministry and reconciliation. This is in keeping with the Synod's stated positions and goals for the Diocese, that all members be involved. In addition, the need to care for all in our community who may experience a sense of injustice, for whatever reason, will be highlighted and reinforced within parishes.

Creating Parish Action Plans

48. The Reconciliation Australia/World Vision guide and template for parish church action plans are at www.worldvision.com.au/docs/default-source/Church/walk-alongside-church-toolkit---1st-edition.pdf. As the following account of their aims and contents indicates, the primary goal of these action plans, as they were conceived, was 'positive and lasting social change' (p. 6), improvement of the social, economic, and political position of Aboriginal and Torres Strait Islander peoples in Australia. Whilst agreeing with these aims in principle, our focus falls, first, on individual reconciliation with God.

Why should churches get involved?

49. Reconciliation Australia and World Vision contend that: 'By acknowledging and creating greater understanding of Aboriginal and Torres Strait Islander cultures and histories; building stronger and more respectful relationships between non- Indigenous and Aboriginal and Torres Strait Islander peoples; and helping to close the gaps in life circumstances and expectancy, churches can contribute to positive and lasting social change within Australia.' (p. 6).
50. The *Walk Alongside Program* nominates the following Bible passages as supportive of its 'formula for reconciliation' (relationships, respect, opportunities) (p. 10). It proposes that:
- 2 Corinthians 5:18-9 supports 'the centrality of reconciliation to the message of the gospel and the life of your church.'
 - Galatians 3:26-8 supports 'creating the right environment for a deeper encounter with Aboriginal and Torres Strait Islander peoples in churches and across our communities.'
 - Ephesians 2:13-4 supports 'extending the ministry of the church to establishing and deepening the church's links with Aboriginal and Torres Strait Islander communities.'

See the 'Broader context for ministry' part of this paper. We would caution against using Bible passages intended to encourage evangelisation, or to mature and enrich relationships amongst Christians, to refer to reconciliation between Christians and non-Christians. We wish to spread the good news of the gospel to all peoples. It is rather the **approach** to Aboriginal and Torres Strait Islander peoples that requires careful and sensitive consideration, given the unique history involved.

How does the Walk Alongside Program help?

51. The Walk Alongside Program:
- 'provides a framework and suggested activity plan to help Christian churches build stronger and healthier relationships with Indigenous Australians.'
 - 'seeks to point to a whole range of faith based and non-faith based resources, potential partners and networks that can support a church on this reconciliation journey.'
 - 'embeds Reconciliation Australia's model for reconciliation - Relationships, Respect and Opportunities, within a faith context, focusing on elements of church life both within the church and in the broader community.' (p. 6).

What are the desired outcomes?

52. The desired outcomes of the program are that churches will:
- 'demonstrate greater cultural sensitivity and respect for Aboriginal and Torres Strait Islander peoples.'
 - 'create new pathways and opportunities for the building of stronger relationships with Aboriginal and Torres Strait Islander people.'
 - 'be better positioned to participate in advocacy initiatives alongside Aboriginal and Torres Strait Islander communities.' (p. 8).

'Getting Started' (p. 9 of the guide)

Step	Description	Notes
1. 'Take stock'	Evaluate the parish's (congregation and leadership) position in relation to reconciliation.	
2. 'Be inspired'	Watch a DVD about 'the shared story of Indigenous and non- Indigenous Australians.'	Link to DVD provided.
3. 'Yarn'	The leadership or a working group meet and talk about: a) the church's current level of understanding about, and engagement with, reconciliation, and b) ideas for 'ways to deepen relationships with and contribute to closing the gap for Aboriginal and Torres Strait Islander communities.'	The remaining steps (3 to 7) might need to be taken more than once. The resource encourages this if required, because it allows for 'deepening' of 'relationships'.
4. 'Commit'	Decide on the wording of a 'formal commitment to reconciliation with Aboriginal and Torres Strait Islander peoples and communities.'	The resource indicates that this statement should be shared with the 'congregation and community'. However, ideally, it would be developed in consultation with them, especially the congregation, as they will be taking responsibility for its outworking.
5. 'Act'	The church is encouraged to 'turn your faith and commitment into action' by solidifying the discussed intentions into a practical plan.	The resource provides a: a) 'Framework for Church Engagement' (pp. 11-5); and b) plan template (pp. 16-8).
6. 'Celebrate'	The resource recommends that churches hold a 'week of prayer for reconciliation' and 'spread the word' about the outcomes of the plan with its community.	See p. 31 of the resource for discussion of the 'week of prayer...' idea.
7. 'Reflect'	'on your commitment and all that you have achieved.'	'take stock and evaluate where you, your church leadership and your congregation are on their reconciliation journey.'

Resources provided to enact Step 5 - 'Act'

53. The 'Framework for Church Engagement' (pp. 11-5) explains, in general and then specific terms, how a church can work on the key concepts of 'Relationships', 'Respect', and 'Opportunities', both within the church itself and within its community. The process starts with understanding the culture and values of one's own church, before learning about and appreciating Aboriginal and Torres Strait Islander peoples' histories and cultures, and, finally, actively making connections, supporting, and partnering with them, and ministries that work alongside them. Tangible actions (and accessible resources) are suggested for each stage. These will illicit discussion and, potentially, disagreement at church level, for example suggested support for specific political actions such as changes to the Australian Constitution.

54. The 'Walk Alongside Church Action Plan' template is also grouped according to 'Relationships', 'Respect', and 'Opportunities' (pp. 16-7). A number of outcomes can be attached to each of these concepts. Unlike RAPs, there is no specific requirement to register church plans with Reconciliation Australia or report back to Reconciliation Australia on progress against these plans, although periodic reassessment by the parish is recommended, and can be shared with World Vision (if the church partners with World Vision - see p. 15).
55. It is suggested, instead, that Diocese of Sydney parish *Walk Alongside* plans (and other similar initiatives) be registered and held with the Diocesan Registrar, not for continual central follow up but so the Diocese has an ongoing picture of efforts being made toward Aboriginal and Torres Strait Islander peoples' ministry at the local level, in the form of these plans but also other projects.
56. pp. 21-47 of the pack contain additional resources, such as an executive summary for the church minister, information about World Vision, relevant church group activities and workshop ideas, information about National Reconciliation Week as a potential Week of Prayer for Reconciliation, information about the National Prayer Book, and, finally, a list of helpful websites.

Conclusion

57. The *Walk Alongside Program* resource is a well-considered, sensitively constructed, and easy-to-use package that, it is hoped, will help churches develop their own plans and projects to connect with and include Aboriginal and Torres Strait Islander people in their communities, as well as encourage churches to support similarly focused efforts elsewhere.
58. However, communication with parishes about Aboriginal and Torres Strait Islander ministry should be embedded within the gospel message, that reconciliation of the individual to God is our primary focus. Relationships on earth are fleeting and marked by sin. The best way we can show love to our neighbours, all of them, regardless of background, is to point them to Christ. This should be our intent, as we consider specific actions that might improve ministry to Aboriginal and Torres Strait Islander people.
59. Taking the above, as well as Synod's stated interest in progressing better understanding and connections, into consideration, churches may be asked to nominate a member with a particular interest in Aboriginal and Torres Strait Islander peoples' ministry to take responsibility for guiding the process of filling in the action plan template for their church, in consultation with a working group or the congregation as a whole. This would allow parishioners to have a say in their plans contents and adapt its suggestions to local conditions. If a volunteer is not forthcoming or other ministry priorities in a parish are considered more pressing, the senior pastor of the church could keep carriage of the issue until one of these circumstances changes.

This paper was authored by Ms Heather Christie and Dr Laurel Moffatt, Diocesan Researchers, under the direction of the Social Issues Committee.

Social Issues Committee

22 July 2019

Relevant Resolutions and Synod-related actions 1999 onwards

Resolution	Description
10/99 Document for Reconciliation (<i>Resolutions Passed 1999</i>).	'Synod, noting that the Council for Aboriginal Reconciliation has issued a draft 'Document for Reconciliation' comprising a declaration and four strategies, encourages parishes to - (a) obtain a reconciliation pack from the Council for Aboriginal Reconciliation, Locked Bag 14, Kingston ACT, 2604, telephone 02 6271 5120, fax 02 6271 5168, toll free 1800 807 071; (b) study the proposed draft; (c) participate in the consultative process; and (d) make submissions to the Council by 5 November 1999 if possible, or at latest by 6 December the extended deadline that the Council for Aboriginal Reconciliation has agreed for Anglican churches.'
<i>Sydney Anglican Indigenous Peoples' Ministry Ordinance 2002</i> , pp. 3-4.	Describes the creation of the Sydney Indigenous Peoples' Ministry Committee and Indigenous Peoples' Ministry Trust Fund in the late 1990s. These initiatives were designed to support the planting, funding, and staffing of 'indigenous churches and associated ministries', but also to raise 'education and awareness' about 'Indigenous Issues' in the Diocese.
25/02 Funding for indigenous peoples' ministry (<i>Resolutions Passed 2002</i>).	'Synod recommends to the Standing Committee that priority be given under the Mission Strategy to resourcing Indigenous peoples' ministry by directing that a percentage of the proceeds from all sales of church trust property per annum be added to the Indigenous Peoples' Ministry Trust Fund for Indigenous ministry within the Diocese or by allocating continuing funding through the Synod Appropriations and Allocations Ordinance. Synod further urges each parish of the Diocese to generously support Indigenous ministry in the Diocese any way it can, for example, by giving a percentage of any land sales to the Indigenous Peoples' Ministry Trust Fund or by giving 1% of their net income to the fund or supporting existing Indigenous ministries at a local level in every possible way.'
25/02 <i>Indigenous Peoples' Ministry Funding (A report of the Standing Committee)</i> No. 4 in 'Other Reports Received by the Synod 2004'.	The Standing Committee recommended that 1% of 'the total available income...be appropriated in each year from 2006 onwards...' to be 'applied as a capital addition to the Fund, before any other allocations are determined across mission policy areas.' Justice was among the issues considered in making this recommendation, as the report explains: 'the principle behind taking a percentage of the Synod's income is the link between income derived from land endowed to the Diocese, and the moral issues concerning the past injustice towards indigenous people and land that was taken from them...'
26/13 Thanksgiving for Indigenous churches and fellowships (<i>Synod Proceedings 2013</i> , p. 36).	'Synod – (a) thanks God for those who first brought the gospel to this land and proclaimed it to our first peoples, (b) thanks God for the thousands of Indigenous believers who in past days have faithfully run the race set before them, (c) thanks God for the leadership and members of the Indigenous churches and fellowships presently meeting in the Diocese at Glebe, Mt Druitt, Campbelltown and Nowra, and for plans to commence a work located in Redfern, (d) thanks God for efforts of the Sydney Anglican Indigenous Peoples' Ministry Committee is making to grow these and other ministries, (e) calls on parishes and members to join in prayer for the continuing growth of the gospel among the Indigenous communities in the Diocese, and

Resolution	Description
	(f) urges parishes to consider prayer, financial and other forms of partnership with our Indigenous churches and fellowships beyond the present funding and other support provided under the Sydney Anglican Indigenous Peoples' Ministry Ordinance.'
21/14 Reconciliation Action Plans (<i>Synod Circular</i> 2014, p. 11).	'That Synod – (a) notes the launch of Anglicare Sydney's inaugural Reconciliation Action Plan (RAP) in May 2014 as a significant indication of the organisation's commitment to the development of deeper understanding and closer relationships with Aboriginal and Torres Strait Islander people, (b) welcomes progress made to date as a result of Anglicare's Reconciliation Action Plan through direct service delivery, increased cultural awareness amongst staff and the provision of employment opportunities for Aboriginal and Torres Strait Islander people, and (c) encourages individual parishes as well as diocesan organisations and schools to develop their own Reconciliation Action Plans aimed at enhancing relationships, respect and opportunities for Aboriginal and Torres Strait Islander people in the Sydney Diocese.'
22/18 Indigenous Ministry in the Diocese (<i>Synod Proceedings</i> 2018, p. 55).	'Synod commends to the prayers and interest of Synod members the parishes, Diocesan schools, organisations, committees and individuals involved in ministry with Indigenous people, and in particular the particular the prioritisation to raise up the next generations of Indigenous Christian leadership. Synod – (a) requests the Diocesan Doctrine Commission, in consultation with Indigenous Christian leaders nominated by the Sydney Anglican Indigenous Peoples' Ministry Committee (SAIPMC), to bring a report to the next session of Synod on a theological framework for reconciliation, with special reference to the Indigenous peoples of Australia (providing progress reports to the task force established by the Synod in paragraph (b)), (b) hereby establishes a task force consisting of three Indigenous Christians appointed by the SAIPMC, and Dean Kanishka Raffel, the Rev Stuart Crawshaw and the mover (Mr Tony Wills), with power to co-opt, and (c) requests the task force to work with the Social Issues Committee to report to the 1st ordinary session of the 52nd Synod detailing an appropriate out-working of the Bible's teaching on reconciliation, and providing recommendations as to how the Diocese as a whole, including organisations, parishes and individuals, might - (i) acknowledge past failures in relationships with this nation's First Peoples, and (ii) find ways to become more intentionally involved with the ministry of the gospel to and with Indigenous peoples.'

Guide to terminology from the Reconciliation Australia Website

'RAP Good Practice Guide - Demonstrating inclusive and respectful language

Using respectful and inclusive language and terminology is an essential component of reconciliation. The ways we speak about reconciliation is just as important as the ways we act: language is itself active, and can impact on attitudes, understandings and relationships in a very real and active sense.

While they are guidelines only, below are some recommendations for using respectful and inclusive language and terminology throughout your RAP and other communications.

Seek guidance

Given the diversity of Aboriginal and Torres Strait Islander cultures and identities across Australia, you should always seek advice from your Aboriginal and Torres Strait Islander stakeholders regarding preferences and protocols around terminology.

Please consider these guidelines, alongside guidance from your Aboriginal and Torres Strait Islander stakeholders.

Referring to Aboriginal and Torres Strait Islander peoples

Aboriginal and Torres Strait Islander peoples

Using 'Aboriginal and Torres Strait Islander' is most often considered best practice.

- 'Aboriginal' (and less commonly accepted variants such as 'Aboriginals' or 'Aborigines') alone is also not inclusive of the diversity of cultures and identities across Australia, for which reason it should be accompanied by 'peoples' in the plural.
- Similarly, as a stand-alone term, 'Aboriginal' is not inclusive of Torres Strait Islander peoples, and reference to both Aboriginal and Torres Strait Islander peoples should be spelt out where necessary.
- The acronym ATSI should be avoided as this can be seen as lacking respect of different identities.

First Nations and First Peoples

Other pluralised terms such as 'First Nations' or 'First Peoples' are also acceptable language, and respectfully encompass the diversity of Aboriginal and Torres Strait Islander cultures and identities.

Acknowledging diversity

Pluralisation should extend to generalised reference to Aboriginal and Torres Strait Islander 'histories,' 'perspectives,' 'ways of being,' 'contributions,' and so forth. This acknowledges that Aboriginal and Torres Strait Islander peoples are not homogenous.

Indigenous

In some parts of the country, the term 'Indigenous' can be considered offensive. That is, it has scientific connotations that have been used historically to describe Aboriginal and Torres Strait Islander peoples as part of the 'flora/fauna' rather than the human population of Australia. It can be seen as a problematically universalising or homogenising label for what are, in reality, highly diverse identities.

An exception for the term 'Indigenous' is considered in some situations, for example:

- If an Aboriginal and Torres Strait Islander person or organisation prefers and/or has approved the word 'Indigenous' to be used;
- If an organisation has appropriately referred to a program or job title (e.g. "Indigenous Programs Unit" or "Indigenous Programs Manager");
- If the word 'Indigenous' has been appropriately embedded into an organisational policy e.g. Federal or State Governments, United Nations
- If referring to non-Indigenous (non-Aboriginal or non-Torres Strait Islander) Australians. Terms such as 'other Australians' or 'the wider community' may also be acceptable in this regard.

Unacceptable terms

Assimilationist terms such as 'full-blood,' 'half-caste' and 'quarter-caste' are extremely offensive and should never be used when referring to Aboriginal and Torres Strait Islander peoples.

Terms to avoid

Ensure that the following terms are avoided when describing/referring to Aboriginal and Torres Strait Islander peoples as they can perpetuate negative stereotypes:

- disadvantaged
- Aborigines
- native/native Australians
- lost (e.g. Lost language, cultures).

Showing respect

Capitalisation

As capitalisation demonstrates respect, 'Aboriginal' and 'Torres Strait Islander' should always be capitalised. Capitalisation conventions are often also considered appropriate to extend to terms such as:

- First Peoples/Nations/Australians;
- Indigenous (if it is used at all);
- Elders;
- Traditional Owners/Custodians;
- Country (and corresponding terms such as 'Land,' when it is used in place of 'Country'), as well as the names of particular Language Groups or geo-cultural communities;
- Acknowledgement of Country, Welcome to Country, and the names of other cultural practices (particularly if the Aboriginal and Torres Strait Islander meanings or perspectives behind the words used to describe the practices – such as 'acknowledge' or 'welcome' – may be distinct to their English definitions or connotations).

NB: It is not necessary to capitalise the term 'reconciliation,' unless making reference to the name of Reconciliation Australia, or the name of a formal program or document such as your Reconciliation Action Plan.

Avoiding deficit language

Acknowledging and addressing the historical – and often intergenerational – injustices and inequities experienced by Aboriginal and Torres Strait Islander peoples since colonisation is a critical component of reconciliation.

Nevertheless, it is simultaneously imperative to acknowledge the strengths and resilience shown by Aboriginal and Torres Strait Islander peoples, cultures and communities in the face of discrimination, and to celebrate the continued significance of Aboriginal and Torres Strait Islander contributions in shaping a shared sense of national unity and identity.

It is important to draw on empowering, strengths-based language, and to be careful not to perpetuate patronising or paternalistic rhetoric.

Aboriginal and Torres Strait Islander peoples and cultures have survived across the Australian continent for tens of thousands of years and, as such, are not 'in need' of being 'rescued' or 'saved.'

For example, there's a difference between a more deficit approach such as "helping disadvantaged Aboriginal and Torres Strait Islander students," and a more strengths-based alternative such as "providing meaningful opportunities for Aboriginal and Torres Strait Islander students to achieve at their full potential."

Avoiding language that divides

Reconciliation is about working with Aboriginal and Torres Strait Islander peoples and their strengths, not doing things for them or to them.

Reconciliation processes and aspirations should not be described through dichotomous 'us' and 'them' language, but instead concentrate on promoting mutually respectful and genuine two-way relationships of shared significance.

Closing the gap

Use of the term 'Closing the Gap'

The term 'Closing the Gap', is used frequently without much consideration. It is important to make the distinctions between the terms 'closing the gap' and the 'Close the Gap' campaign.

Closing the Gap: is a government strategy that aims to reduce disadvantage among Aboriginal and Torres Strait Islander peoples with respect to life expectancy, child mortality, access to early childhood education, educational achievement, and employment outcomes.

Close the Gap: Australia's peak Aboriginal and Torres Strait Islander and non-Indigenous health bodies, health professional bodies and human rights organisations operate the Close the Gap Campaign. The Campaign's goal is to raise the health and life expectancy of Aboriginal and Torres Strait Islander peoples to that of the non-Indigenous population within a generation: to close the gap by 2030. It aims to do this through the implementation of a human rights-based approach set out in the Aboriginal and Torres Strait Islander Social Justice Commissioner's [Social Justice Report 2005](#).

Organisations that make reference this term, should briefly explain what role their organisation plays in Closing the Gap. Whether it be health, early childhood development, life expectancy, education...etc., it is important to specify how the organisation is/will be contributing to this initiative.

Something not clear?

Check with the RAP team The above is a guide only, and should not replace the advice from your Aboriginal and Torres Strait Islander stakeholders. If, after consultations you find a difference in preferred terminology from the recommendations above, please contact us before submitting your RAP.

Eighteenth Session of General Synod: Outcomes of the 2022 General Synod in relation to matters moved at the request of the Sydney Diocese

(A report from the Standing Committee.)

Key Points

- Of the two Statements promoted by request of this Diocese –
 - Statement 1, “Marriage as the union of a man and a woman”, was supported by the majority of the Houses of laity and clergy, but narrowly failed in the House of Bishops and as a result was not carried.
 - Statement 2, “Definition of Unchastity”, was also put to a vote by Houses, and was carried.
- Of the three motions promoted by request of this Diocese, “Safe Churches” and “Affirming Singleness” were passed, and “Blessing of Same Sex Marriages” was withdrawn.
- Of the two Bills promoted at the request of this Diocese –
 - A Bill for the Canon Concerning Services (Amendment) Canon 2022 required a 2/3rd majority in each House, and was not carried.
 - “A Bill for a Rule to Amend Rule II – Standing Committee (Membership) 2022 was carried.

Purpose

1. The purpose of this report is to note the outcome on Statements, Motions and Bills moved at the request of the Diocese at the recent session of the General Synod.

Recommendations

2. Synod note this report.

Background

3. The eighteenth session of the General Synod was held 8-13 May 2022, at the RACV Royal Pines Resort, on the Gold Coast.
4. Attached as Annexure 1 is a letter circulated to all members of the (Sydney) Synod on 10 March 2022, showing the Statements, Motions and Bills (and their explanatory memoranda) related to the recent Appellate Tribunal decisions regarding the blessing of same sex marriage, as promoted to the General Synod Session at the request of this Diocese, being –
 - (a) Two statements as to the faith ritual ceremonial or discipline of this Church
 - (b) Three motions for General Synod 2022, and
 - (c) A Bill to amend the Canon Concerning Services 1992.
5. Attached as Annexure 2, is the Bill and explanatory memoranda also promoted at the request of this Diocese, being A Bill for a Rule to Amend Rule II – Standing Committee (Membership) 2022.
6. The remainder of this report documents the decisions of the General Synod on these matters.

Statements

Statement 1 – Marriage as the union of a man and a woman

7. The following Statement is shown incorporating amendments made during the General Synod session by Dr Jane Fremantle (being the insertion of new paragraphs 2 and 3, which were adopted by the General Synod by a vote of 195 for, and 49 against) –

Pursuant to the authority recognised in s.4 and s.26 of the Constitution to make statements as to the faith, ritual, ceremonial or discipline of this Church, and in accordance with the procedures set out in Rule V, the General Synod hereby states:

1. The faith, ritual, ceremonial and discipline of this Church reflect and uphold marriage as it was ordained from the beginning, being the exclusive union of one man and one woman arising from mutual promises of lifelong faithfulness, which is in accordance with the teaching of Christ that, “from the beginning the Creator made them male and female”, and in marriage, “a man will leave his father and mother and be united to his wife, and the two will become one flesh” (Matt 19:4-5).

2. In 2004 (Resolutions 62/04, 63/04) General Synod did ‘not condone the liturgical blessing of same sex relationships’ nor ‘the ordination of people in committed same sex relationships’ recognising that both matters were subject to ‘ongoing debate in this church and that we all have an obligation to listen to each other with respect.

3. In 2017 the Commonwealth Parliament amended the definition of ‘marriage’ in the Marriage Act (1961) to mean ‘the union of 2 people to the exclusion of all others, voluntarily entered into for life’, thereby making lawful the marriage of two persons of the same sex and presenting this church with a profoundly altered missional and pastoral context.

4. The solemnisation of a marriage between a same-sex couple is contrary to the teaching of Christ and the faith, ritual, ceremonial and/or discipline of this Church.

5. Any rite or ceremony that purports to bless a same-sex marriage is not in accordance with the teaching of Christ and the faith, ritual, ceremonial and/or discipline of this Church.

8. The proposed Statement (in that amended form) was put to a vote by houses on 11 May 2022, but lost with the voting results as follows –

House	For	Against	Result
Laity	63	47	Carried
Clergy	70	39	Carried
Bishops	10	12	Lost
	143	98	

9. It was apparent that there were two abstentions in the House of Bishops.
10. On the morning of 12 May 2022, the following petition signed by a majority of General Synod members was brought to the General Synod, with the principal petitioners being the Rev Canon Phil Colgan and Ms Fiona McLean –

Noting with regret that on 11 May 2022, despite clear support from the majority of General Synod (including majorities in the Houses of Laity and Clergy), the majority of the House of Bishops voted against Motion 20.3 “Statements as to the Faith, Ritual, Ceremonial or Discipline of this Church made under Section 4 of the Constitution”, the petitioners humbly pray that Synod commits to praying that all Members of the House of Bishops would clearly affirm and be united in their support for the teaching of Christ concerning marriage and the principles of marriage reflected in the Book of Common Prayer.

We also request that the petition be read to the Synod by one of the secretaries.

11. On the afternoon of 12 May, a motion affirming same-sex marriage was debated. When the motion was put, it received 95 votes in favour and 145 against. As we consider the potential polarity of the General Synod on these matters, it is worth noting that this result is almost the reciprocal result to the total results of the votes concerning Statement 1.

Statement 2 – Definition of Unchastity

12. The following Statement is shown incorporating an amendment proposed by Ms Fiona McLean (being to replace the word “activity” with the word “intimacy”, which was accepted by the movers) –

Pursuant to the authority recognised in s.4 and s.26 of the Constitution, to “make statements as to the... discipline of this Church”, and in accordance with the procedures set out in Rule V, the General Synod states that it continues to hold the historic view that unchastity means sexual ~~activity~~ intimacy outside a marriage relationship, defined in the *Book of Common Prayer* as the union of one man and one woman, in accordance with Jesus’ teaching about marriage in Matt 19:4-5.

13. The proposed Statement (in that amended form) was put to a vote by houses on 11 May 2022, and was carried with the voting results as follows –

House	For	Against	Result
Laity	62	48	Carried
Clergy	69	39	Carried
Bishops	12	11	Carried

14. It was apparent that there was one abstention in the House of Bishops.

Motions

Safe Churches

15. The following motion was moved by Bishop Peter Lin, and passed with simple majority as resolution R82/18 on 11 May 2022–

General Synod—

1. Deplores and condemns any behaviour that is disrespectful, hurtful, intentionally insensitive, bullying or abusive, and recognises and rejoices in the image of God as reflected in every human being, regardless of race, social circumstances, creed or sexual identity, and apologises to and seeks forgiveness from lesbian, gay, bisexual, transgender or intersex (LGBTI) persons whom we have treated in this way.

2. Commits itself to fostering churches and fellowships where compassion and grace abound and where the love of God is expressed to all, so that our churches and ministries are welcoming, safe and respectful of all people.

Affirming Singleness

16. The following motion was moved by the Rev Dr Danielle Treweek, and passed with simple majority as resolution R98/18 on 12 May 2022–

General Synod—

1. Notes that *Faithfulness in Service* was adopted by the General Synod in 2004 “as the national code for personal behaviour and the practice of pastoral ministry by clergy and lay church workers” (Resolution 33/04).
2. Notes that in *Faithfulness in Service* clergy and church workers are called to take “responsibility for their sexual conduct by maintaining chastity in singleness and faithfulness in marriage” (FIS 7.2).
3. Affirms that singleness is, like marriage, an honourable state for God’s people, in which the fullness of God’s blessings may be enjoyed. Singleness is highly commended in Scripture (1 Cor 7:8, 32-38; Matt 19:10-12).

Blessing Same Sex Marriages

17. The following motion was withdrawn by the mover (in consultation with the Archbishop and the Chair of the General Synod Relations Committee) –

General Synod—

1. notes that Resolution I.10 of the 1998 Lambeth Conference declared that it “cannot advise the legitimising or blessing of same sex unions”, and
2. notes that the blessing of same-sex marriages in Anglican jurisdictions overseas was a key catalyst for the “tear in the fabric of the Anglican Communion” that has widened over the past two decades, and is likely to have the same dire and potentially irreversible consequences for the Anglican Church of Australia, and
3. notes the Majority Opinion of the Appellate Tribunal in the Wangaratta Reference that the form of service proposed by the Wangaratta Regulation which permits the blessing of a same-sex marriage is not contrary to our Constitution or Canons, and notwithstanding this
4. continues to affirm GS Resolution 62/04, that “this General Synod does not condone the liturgical blessing of same sex relationships”, on the basis that this is contrary to the teaching of Christ (e.g., Matt 19:4-5) and the faith, ritual, ceremonial and/or discipline of this Church, and
5. calls on Diocesan Bishops and Synods to take the necessary steps to prevent the blessing of same-sex marriages and/or unions in their diocese, so as to uphold the teaching of Christ and preserve and protect the unity of the Anglican Church of Australia.

Bills

A Bill for the Canon Concerning Services (Amendment) Canon 2022

18. The Bill for the Canon Concerning Services (Amendment) Canon 2022 was put to a vote by Houses on 12 May 2022. Being a Bill for a special canon, it required a 2/3rds majority in all three houses to pass. The proposed Bill was not carried, with the voting results as follows –

House	For	Against	Result (2/3rds req’d)
Laity	61 (55%)	49 (45%)	Lost
Clergy	68 (62%)	42 (38%)	Lost
Bishops	11 (48%)	12 (52%)	Lost

A Bill for a Rule to Amend Rule II – Standing Committee (Membership) 2022

19. The Bill for the Rule to Amend Rule II – Standing Committee (Membership) 2022 was passed (by simple majority).

Additional Motions originating in the Diocese

20. In addition to those matters listed above that were moved at the request of the Diocese, motions on the following matters originating in the Diocese were also carried –
- (a) Religious Discrimination and Religious Freedom Act, moved by Bishop Michael Stead
 - (b) Exemptions Clauses for Religious Bodies, moved by Bishop Michael Stead
 - (c) State and Territory Gambling Reform and Federal Gambling Reform (being two motions moved and seconded between Canon Sandy Grant and the Rev Dr Michael Bird of the Diocese of Melbourne),
 - (d) The Great Commission, moved by Canon Sandy Grant,
 - (e) Coal-fired Power Stations, moved by Dr Laurie Scandrett,
 - (f) Euthanasia, proposed by Dr Karin Sowada and formally moved by Mr Greg Hammond OAM,
 - (g) Directors of Professional Standards, moved by Mr Lachlan Bryant.

For and on behalf of the Standing Committee.

DANIEL GLYNN
Diocesan Secretary

30 May 2022



Anglican Church Diocese of Sydney

The Rt Rev. Dr Michael Stead
Bishop of South Sydney

10 March 2022

Dear members of the Synod

I am writing at the request of the Standing Committee, to draw your attention to three items of business submitted by the Standing Committee to the forthcoming session of the General Synod (to be held 8-13 May 2022).

- Two statements as to the faith ritual ceremonial or discipline of this Church
- Three motions for General Synod 2022
- A Bill to amend the *Canon Concerning Services* 1992

You may recall that at the session of Sydney Synod in October 2019, Synod passed resolutions 43/19 (“the Doctrine of Marriage”), 44/19 (to seek to convene a special session of the General Synod to consider motions about marriage and the blessing of same-sex marriages) and 45/19 (entitled “Nine Motions for General Synod 2020”). Resolution 45/19 began with the words “In the event that an ordinary session, or a further special session, of General Synod is called in 2020, Synod requests that the following 9 motions be promoted to the next session of the General Synod at the request of the Synod of the Diocese of Sydney”. Those nine motions had been drafted to give the General Synod an opportunity to express its mind on various matters related to the Church’s “doctrine of marriage”, human sexuality and same-sex marriage. The text of these resolutions is available [here](#), on pp.13-17.

At that time, it was anticipated that the General Synod would be held in June 2020. However, this session of General Synod had to be cancelled because of COVID-19.

Since that time, a number of matters have occurred in the national church which required a revision to this approach. Most notably, in November 2020, the Appellate Tribunal published its responses to two matters that had been referred to it, both related to same-sex marriage. The Majority Opinion of the Appellate Tribunal held that the “doctrine of the church” is limited to those matters which are “of necessity to be believed for salvation”. Since in their view marriage is not such a doctrine, a liturgy to bless a same-sex marriage is not “a departure from the doctrine of the church”, and therefore permissible in accordance with section 5 of the *Canon Concerning Services* 1992.

As a consequence, it became apparent that the proposed motions, which were based on the premise that marriage was a “doctrine of our church”, needed to be recast.

A number of the motions have been reformulated into two “Statements as to the faith ritual ceremonial or discipline of this Church”, which is a special category of resolutions recognised by the Constitution of the Anglican Church of Australia, and which are required to be lodged with the General Secretary not less than 3 months prior to the General Synod. The other motions were amended in light of the changing circumstances in which we find ourselves more than two years later. In addition, a bill to amend the Canon Concerning Services in light of the Majority Opinion of the Appellate Tribunal is also being promoted. It should be noted, however, that the content of the statements and motions is wholly within the scope of the motions that Synod approved in 2019.

It was not possible to get the Synod’s endorsement for this revised package, because of the submission deadline (which was 8 February 2022). Instead, the Statements, Motions and Bill were approved at the Standing Committee at its meeting on 7 February 2022, and submitted to the General Synod office the next day. These statements and motions will appear on the General Synod Order of Business ‘at the request of the Diocese of Sydney’ (being submitted by a Diocesan Synod or Diocesan Council). The General Synod Rules do not distinguish between a resolution submitted by a Synod and a resolution submitted by its Diocesan Council/Standing Committee.

As this significant and sensitive matter for our community is brought to consideration at the session in May, the Standing Committee asks that all Synod members commit the matter to prayer, seeking respectful and faithful debate that results in the General Synod affirming and upholding marriage as the exclusive union of one man and one woman arising from mutual promises of lifelong faithfulness, which is in accordance with the teaching of Christ that, “from the beginning the Creator made them male and female”, and in marriage, “a man will leave his father and mother and be united to his wife, and the two will become one flesh” (Matt 19:4-5).

Yours in Christ,



The Right Reverend Dr Michael Stead
Bishop of South Sydney
mstead@sydney.anglican.asn.au

Attachments

Attachment 1 – Explanatory Memorandum and Two Statements

Attachment 2 – 3 Motions for General Synod 2022

Attachment 3 – Explanatory Memorandum and Bill for the Canon Concerning Services (Amendment)
Canon 2022

STATEMENTS 1 and 2

TWO STATEMENTS AS TO THE FAITH, RITUAL, CEREMONIAL OR DISCIPLINE OF THIS CHURCH

EXPLANATORY MEMORANDUM

General Background

1. The General Synod is empowered by s.4 and s.26 of the Constitution to make "statements as to the faith ritual ceremonial or discipline of this Church". The procedural steps in relation to statements of this type are set out in Rule V.
2. A statement may be made by resolution or by canon (see Rule V). The circumstances whereby the General Synod might choose one option over the other are discussed by Justice Cox (President) in his 1987 Opinion.

Presumably a statement will be made when the General Synod simply wants to express its mind on a particular question, perhaps to settle a controversy or to indicate a new area of Church activity, and there is no need to legislate on the subject. However, as Rule V contemplates, there may be occasions for giving a statement legislative force, or providing by way of legislation for matters ancillary to the policy declared in the statement, and it will then be appropriate to embody the statement in a canon (p.34).

3. According to Justice Cox, "a declaration of General Synod's mind on an authorised topic will be a 'statement' within the meaning of the Constitution" (p.35). Justice Cox was of the view that it was not appropriate to take a narrow view as the form a statement must take - "A typical statement would be the sort of declaration that sometimes is contained in an Act of Parliament to resolve an uncertainty about the law, but a statement need not be confined to that form or purpose" (p.35).
4. The purpose of statements was also discussed in 1987 by Archbishop Rayner

...a primary purpose would appear to be an interpretive one. As early as 1921 a report to General Synod on the basis of a Church Constitution for Australia listed reasons why autonomy was desirable and said inter alia: "It is felt that the Church should accept its proper responsibility of interpreting the formularies it has adopted" (Quoted in R.A. Giles, op.cit., p.302). I think the significance of statements authorised by s.4 is to be understood against this background. They may interpret the application of the doctrine and principles of the Church embodied in the formularies in respect of particular questions that might arise in the areas of faith, ritual, ceremonial or discipline, provided that no inconsistency with the Constitution is involved (p.51).

5. The November 2020 Appellate Tribunal Majority Opinion in the Wangaratta reference repeatedly affirms that it is for the General Synod - and not the Appellate Tribunal - to determine Church practice with respect to solemnisation of matrimony and the blessings of same-sex marriages. For example,

General Synod is the place to draw disciplinary or liturgical lines if it is the will of the Church to have uniformity in this particular matter or in the matter of what may or may not be blessed in worship (para 226)

(See similarly paras 179, 200, 214, 238, 258.)

6. In light of the controversy before our church raised by the blessing of same-sex marriages, it is appropriate to use statements to declare the mind of the General Synod on this matter.

7. It should be noted that a statement will not override the decision of a diocesan synod or diocesan bishop. It will, however, give guidance to diocesan synods and diocesan bishops who seek to act in ways which are consistent with the views of the General Synod.
8. Rule V requires a statement to be submitted to the General Synod office and circulated to General Synod members three months prior to the synod, so that there is sufficient opportunity for consideration prior to the session of Synod.
9. Rule V also provides a mechanism whereby the Statement can, if necessary, be referred to a select committee during the session of the Synod,
 - (ii) When the resolution is before the Synod it may appoint a select committee to examine and report upon it and fix the time for the report to be lodged with the Primate.
 - (iii) Upon resumption of the consideration of the statement the report shall be laid upon the table and at the discretion of the Primate may be printed or otherwise copied and circulated to members of Synod.
10. Given the extent of debate on these matters which has already occurred and the polarity of positions held (including a book of essays from the Doctrine Commission which canvasses the spectrum of views, and multiple opinions from the Appellate Tribunal), referring the **substance** of the matter to a Select Committee is unlikely to result in a “consensus report”. A Select Committee that produces a “majority report” and a “minority report” will not advance us beyond our present position, and the prospect of this will politicise the process by which the Select Committee is appointed.
11. The effect, however, of referring the substance of the Statements to a Select Committee will be to delay the discussion of this issue until a future session of the General Synod.
12. It may, however, be appropriate to refer the **form** of the Statement to a Select Committee, and “fix[ing] the time for the report to be lodged with the Primate” to be within (say) 24 hours, so that this matter can be considered by the session of the General Synod which has come prepared to debate this matter.

STATEMENT 1

Marriage as the union of a man and a woman.

Pursuant to the authority recognised in s.4 and s.26 of the Constitution to make statements as to the faith, ritual, ceremonial or discipline of this Church, and in accordance with the procedures set out in Rule V, the General Synod hereby states:

1. The faith, ritual, ceremonial and discipline of this Church reflect and uphold marriage as it was ordained from the beginning, being the exclusive union of one man and one woman arising from mutual promises of lifelong faithfulness, which is in accordance with the teaching of Christ that, “from the beginning the Creator made them male and female”, and in marriage, “a man will leave his father and mother and be united to his wife, and the two will become one flesh” (Matt 19:4-5).
2. The solemnisation of a marriage between a same-sex couple is contrary to the teaching of Christ and the faith, ritual, ceremonial and/or discipline of this Church.
3. Any rite or ceremony that purports to bless a same-sex marriage is not in accordance with the teaching of Christ and the faith, ritual, ceremonial and/or discipline of this Church.

Notes on Clauses – Statement 01

Clause 1 The definition of marriage in this clause is in line with a series of previous resolutions of the General Synod on marriage (64/04, 52/07, 156/10, 48/17 and 51/17). Its form derives from two resolutions in 2017 in particular:

“the doctrine of our Church, in line with traditional Christian teaching, is that marriage is an exclusive and lifelong union of a man and a woman” (48/17)

“... the doctrine of our Church and the teaching of Christ that, in marriage, “a man will leave his father and mother and be united to his wife, and the two will become one flesh.” (51/17)

However, as a result of the recent Majority Opinions of the Appellate Tribunal, it is necessary to distinguish between the “the Church’s doctrine of marriage’ [and] the Constitution’s term ‘doctrine’ (defined as meaning ‘the teaching of this Church on any question of faith’” (Para 130, Wangaratta Opinion). “Doctrine’ is a constitutional concept which (where it applies) has a quite different meaning to the non-constitutional concept of this Church’s (or the Church of England’s) ‘doctrine of marriage’” (para 142). While the recent Appellate Tribunal Majority Opinions do not invalidate the previous resolutions of the Synod about the “doctrine of our Church” with respect to marriage, that phrase now needs to be understood in a qualified sense, in that our “doctrine of marriage” is not “doctrine” in the narrow, Constitutional sense of that word.

The purpose of clause 1 is to reaffirm what has been already said about marriage in previous resolutions of the General Synod, but to do so in language that avoids the potentially ambiguous word “doctrine”. This has been replaced with “faith, ritual, ceremonial and discipline”, which is the formula from s.4 and s.26 of the Constitution.

In light of the Majority Opinions of the Appellate Tribunal, the statement declares that “the faith, ritual, ceremonial and discipline of this Church **reflects and upholds** marriage as it was ordained from the beginning”. That is, the faith, ritual, ceremonial and discipline of this Church – taken collectively – are based on an understanding of marriage as the union of man and woman.

In particular, the “ritual” and “ceremonial” aspects of marriage arise from the authorised marriage rites and ceremonies of the church. The authorised rites for the solemnisation of marriage for the Anglican Church of Australia are for – and only for – the exclusive union of one man and one woman arising from mutual promises of lifelong faithfulness. Furthermore, there are also “discipline” implications that flow from this, because if a minister were to solemnise a marriage other than in accordance with these principles, it would be contrary to the “discipline” of the church.

This understanding of marriage as the union of man and woman is affirmed to be “in accordance with the teaching of Christ” as expressed in Matt 19:4-5.

Clause 2 Clause 2 is the logical corollary of clause 1. If the teaching of Christ and the faith, ritual, ceremonial and discipline of this Church reflect marriage as a heterosexual union, then the solemnisation of a same-sex marriage is contrary to the teaching of Christ and the faith, ritual, ceremonial and/or discipline of this Church. The words “and/or” in the final clause are to recognise that different conclusions may apply in different circumstances. For example, in light of the opinions of the Appellate Tribunal, the solemnisation of a same-sex marriage *may* not be contrary to the “faith” of the church, but would be contrary to its “ritual”.

It is necessary for Clause 2 to state the corollary to clause 1 explicitly, to ensure that churches can continue to rely on the exemption in the Marriage Act that allows them to refuse to conduct a same-sex marriage on church property.

When the Marriage Act 1961 was amended in 2018 to permit same-sex marriage, Section 47B was added to ensure that churches and other religious bodies could not be compelled to make their premises available for the solemnisation of same-sex weddings. However, in order to rely on this section, the religious body must be able to demonstrate that the refusal to conduct a same-sex marriage “conforms to the doctrines, tenets or beliefs of the religion of the body”.

Clause 2 makes explicit that solemnisation of same-sex marriage is contrary to the “doctrines, tenets or beliefs” of Anglican Church of Australia.

Clause 3 Clause 3 provides the opportunity for the General Synod to “express its mind on a particular question, perhaps to settle a controversy” (Justice Cox, as cited in para 2 above).

In 2004, the General Synod passed resolution 62/04:

Recognising that this is a matter of ongoing debate and conversation in this church and that we all have an obligation to listen to each other with respect, this General Synod does not condone the liturgical blessing of same sex relationships.

The liturgical blessing of same-sex relationships is currently permitted in some dioceses, and not in others, but this issue has not been debated in substance at General Synod since 2004. In light of the current circumstances, it is now appropriate for General Synod to again express its mind on this issue.

The form of clause 3 differs from clause 2, to reflect that fact that the General Synod is expressing a view as to what is “in accordance with” the teaching of Christ and the faith, ritual, ceremonial and discipline of the church. A liturgical act of blessing purports to carry or declare the blessing of God. Since the teaching of Christ and the faith, ritual, ceremonial and discipline of this Church reflect marriage as a heterosexual union, is not in accordance with this to bless a relationship that is not within this definition of marriage.

STATEMENT 2

Definition of Unchastity

Pursuant to the authority recognised in s.4 and s.26 of the Constitution, to “make statements as to the... discipline of this Church”, and in accordance with the procedures set out in Rule V, the General Synod states that it continues to hold the historic view that unchastity means sexual activity outside a marriage relationship, defined in the *Book of Common Prayer* as the union of one man and one woman, in accordance with Jesus’ teaching about marriage in Matt 19:4-5.

Notes on Statement 02

The offence of “unchastity” appears in s.54(2A) of the Constitution and s.1 of the Offences Canon 1962.

The definition of unchastity is derived from the meaning of chastity. Chastity comes from the Latin word *castitas*, which originally meant “purity,” but came to refer specifically to sexual purity. In the Vulgate, the Latin word *castitas* translates words which refer to purity/holiness.

Across the Christian tradition (Roman Catholic, Orthodox and Protestant), the word chastity came to mean “sexual purity” in particular, and unchastity to mean “sexual impurity”. All Christians are called to be chaste, either in chaste marriage or chaste singleness – “Marriage should be honoured by all, and the marriage bed kept pure, for God will judge the adulterer and all the sexually immoral” (Heb 13:4).

“Unchastity” covers a broader field than adultery and fornication (each of which, strictly speaking, requires an act of sexual intercourse). Unchastity encompasses any form of sexual impurity or sexual activity outside the marriage relationship.

The RSV translates six instances of the Greek word πορνεία (*porneia*) as “unchastity”. For example, the RSV of 1 Thess 4:3 reads “For this is the will of God, your sanctification: that you abstain from unchastity (πορνεία)”. It is likely that the language of “unchastity” in the Offences Canon 1962 is a reflection of the RSV, which was the dominant translation used by the Church in the 1960s.

In the list of offences in the Offences Canon, the only offence of a sexual nature is unchastity, which demonstrates that unchastity has its historical meaning in this Canon, and encompasses any form of sexual impurity or sexual activity outside the marriage relationship, where marriage is as defined by the teaching of Christ and the faith, ritual, ceremonial and discipline of our Church.

Sex between two people of the same sex always was, and continues to be, an act of unchastity. A civil same-sex marriage does not change the status of the sexual act, because this is not a marriage relationship in accordance with the teaching of Christ or the faith, ritual, ceremonial and discipline of our Church.

3 Motions for General Synod 2022

A. Safe Churches

General Synod—

1. Deplores and condemns any behaviour that is disrespectful, hurtful, intentionally insensitive, bullying or abusive, and recognises and rejoices in the image of God as reflected in every human being, regardless of race, social circumstances, creed or sexual identity, and apologises to and seeks forgiveness from lesbian, gay, bisexual, transgender or intersex (LGBTI) persons whom we have treated in this way.
2. Commits itself to fostering churches and fellowships where compassion and grace abound and where the love of God is expressed to all, so that our churches and ministries are welcoming, safe and respectful of all people.

B. Affirming Singleness

General Synod—

1. Notes that *Faithfulness in Service* was adopted by the General Synod in 2004 “as the national code for personal behaviour and the practice of pastoral ministry by clergy and lay church workers” (Resolution 33/04).
2. Notes that in *Faithfulness in Service* clergy and church workers are called to take “responsibility for their sexual conduct by maintaining chastity in singleness and faithfulness in marriage” (FIS 7.2).
3. Affirms that singleness is, like marriage, an honourable state for God’s people, in which the fullness of God’s blessings may be enjoyed. Singleness is highly commended in Scripture (1 Cor 7:8, 32-38; Matt 19:10-12).

C. Blessing Civil Same-sex Marriages

General Synod—

1. notes that Resolution I.10 of the 1998 Lambeth Conference declared that it “cannot advise the legitimising or blessing of same sex unions”, and
2. notes that the blessing of same-sex marriages in Anglican jurisdictions overseas was a key catalyst for the “tear in the fabric of the Anglican Communion” that has widened over the past two decades, and is likely to have the same dire and potentially irreversible consequences for the Anglican Church of Australia, and
3. notes the Majority Opinion of the Appellate Tribunal in the Wangaratta Reference that the form of service proposed by the Wangaratta Regulation which permits the blessing of a same-sex marriage is not contrary to our Constitution or Canons, and notwithstanding this, and
4. continues to affirm GS Resolution 62/04, that “this General Synod does not condone the liturgical blessing of same sex relationships”, on the basis that this is contrary to the teaching of Christ (e.g., Matt 19:4-5) and the faith, ritual, ceremonial and/or discipline of this Church, and
5. calls on Diocesan Bishops and Synods to take the necessary steps to prevent the blessing of same-sex marriages and/or unions in their diocese, so as to uphold the teaching of Christ and preserve and protect the unity of the Anglican Church of Australia.

BILL 11

A BILL FOR THE CANON CONCERNING SERVICES (AMENDMENT) CANON 2022

EXPLANATORY MEMORANDUM

1. The object of the amendment in this proposed Canon is to ensure that services authorised pursuant to section 5 of the *Canon Concerning Services 1992* are constitutionally valid.
2. According to section 5 of the Constitution, the plenary authority and power of the Church to make canons for the order and good government of the Church, and to administer the affairs thereof, is “subject to the Fundamental Declarations and the provisions of [the Ruling Principles]”. The implication of this is that the General Synod lacks power to make a canon that authorises actions inconsistent with the Fundamental Declarations or the Ruling Principles of the Constitution.
3. Section 4 of the Constitution provides that the “Book of Common Prayer, together with the Thirty-nine Articles, be regarded as the authorised standard of worship and doctrine in this Church, and no alteration in or permitted variations from the services or Articles therein contained shall contravene **any principle of doctrine or worship** laid down in such standard.” Section 4 then gives a diocesan Bishop a limited power to authorise deviations from the services in the Book of Common Prayer, but that power is subject to the limit – “not contravening **any principle of doctrine or worship** as aforesaid”.
4. Canons to authorise new prayer books have each contained express provisions to limit the scope of deviations from that liturgy to ensure consistency with the aforementioned Constitutional limits. For example, section 5(3) of the Australian Prayer Book Canon 1977 provides
 - (3) Nothing in this section permits a deviation contravening **a principle of doctrine or worship** referred to in section 4 of the Constitution.Section 6(3) of the Prayer Book for Australia Canon 1995 is in identical terms.
 - (3) Nothing in this section permits a deviation contravening **a principle of doctrine or worship** referred to in section 4 of the Constitution.
5. In short, the effect of the Constitution and these two Canons is that a diocesan bishop has no power to permit a liturgy that contravenes any a principle of doctrine or worship laid down Book of Common Prayer or the 39 Articles.
6. When the *Canon Concerning Services* was passed in 1992, section 5(3) set out the limitation on the scope of deviations.
 - 5(3) All variations in forms of service and all forms of service used must be reverent and edifying and **must not be contrary to or a departure from the doctrine of this Church**.
7. Until recently, it had been assumed that the phrase “the doctrine of this church” in 5(3) was a shorthand for, and functionally equivalent to, the phrase “a principle of doctrine or worship referred to in section 4 of the Constitution”, and therefore that, consistent with the Constitution and every other Canon, no service could be authorised under the *Canon Concerning Services 1992* that contravened a principle of doctrine or worship in BCP or the 39 articles. That is, the assumption was that the “doctrine of this church” included both the fundamental declarations and the ruling principles.
8. However, the Majority Opinion of the Appellate Tribunal in the Wangaratta reference has determined that the phrase “doctrine of this Church” has a much more restricted meaning. “Doctrine” in the constitutional sense only includes those matters of faith which are required of

necessity to be believed for salvation. “Doctrine” does not extend to the principles of doctrine and worship in the Book of Common Prayer or the 39 Articles, and it does not even extend to matters in the Fundamental Declarations such as “[Christ’s] sacraments of Holy Baptism and Holy Communion” and “the three orders of bishops, priests and deacons”, since these are not required of necessity to be believed for salvation.

9. The implication of this is that subsection 5(3) of the *Canon Concerning Services* 1992 could – purportedly – be used to authorise a service which contravened a principle of doctrine or worship referred to in section 4 of the Constitution, and potentially even a contravention of the Fundamental Declarations – a service for rebaptism, for example. However, this would then call into question the Constitutional validity of *Canon Concerning Services* 1992, to the extent that it authorises something beyond the plenary power of the Synod, as circumscribed by section 5.
10. The Amendment in this Bill cures this defect in the *Canon Concerning Services* 1992, by reverting to the phraseology used in 1977 (in the Australian Prayer Book Canon) and in 1995 (in the Prayer Book for Australia Canon). This involves replacing the phrase, “doctrine of this Church”, with “any principle of doctrine or worship referred to in section 4 of the Constitution”. The amended form of Clause 5(3) is shown below in marked-up form.

CANON CONCERNING SERVICES 1992

5. (1) The minister may make and use variations which are not of substantial importance in any form of service authorised by section 4 according to particular circumstances.

(2) Subject to any regulation made from time to time by the Synod of a diocese, a minister of that diocese may on occasions for which no provision is made use forms of service considered suitable by the minister for those occasions.

(3) All variations in forms of service and all forms of service used must be reverent and edifying and must not be contrary to or a departure from ~~the doctrine of this Church~~ **any principle of doctrine or worship referred to in section 4 of the Constitution.**

(4) A question concerning the observance of the provisions of sub-section 5(3) may be determined by the bishop of the diocese.

BILL 11

A BILL FOR THE CANON CONCERNING SERVICES (AMENDMENT) CANON 2022

The General Synod prescribes as follows:

Title

1. This canon is the Canon Concerning Services (Amendment) Canon 2022.

Interpretation

2. In this canon, the principal canon is the Canon Concerning Services 1992.

Amendment to Section 5

3. Section 5 of the principal canon is amended by deleting the words at subsection (3) ‘the doctrine of this Church’, and instead inserting the words ‘any principle of doctrine or worship referred to in section 4 of the Constitution’.

A BILL FOR A RULE TO AMEND RULE II – STANDING COMMITTEE (MEMBERSHIP) 2022

The General Synod prescribes as follows:

1. In Rule II, in clauses 2 and 3, for “Chairman of Committees” substitute “Chair of Committees”.
2. In Rule II, in clause 2, for “The General Secretary for the time being of the Synod” substitute “The General Secretary for the time being of the Synod, but without the right to vote”.
3. In Rule II –
 - (a) in clause 2, omit “The Secretaries for the time being of the Synod”;
 - (b) in clause 3, omit “or a Secretary of Synod”.
4. This rule comes into effect as follows:
 - (a) section 1 has effect on the date this rule is made;
 - (b) section 2 has effect on the date on which the person who is the General Secretary when this rule is made ceases to be the General Secretary;
 - (c) section 3 has effect at the commencement of the 19th General Synod.

A BILL FOR A RULE TO AMEND RULE II – STANDING COMMITTEE (MEMBERSHIP) 2022

EXPLANATORY MEMORANDUM

General Background

1. This amendment to Rule II removes the Secretaries of Synod from membership of the Standing Committee (with effect from the 19th session of General Synod) and secondly removes the General Secretary's right to vote at meetings of the Standing Committee (with effect from the commencement of the next term of the General Secretary).
2. The present membership of the Standing Committee is determined by clause 2 of Rule II. There are 33 members consisting of 21 elected and 2 nominated members, with the remaining 10 members all ex-officio and all with full voting rights. In addition, the Treasurer, the Primate's assistant and the Primate's Chancellor are usually in attendance.

Membership of the Secretaries of Synod

3. The Secretaries of Synod, one clerical and one lay, are elected by the Synod pursuant to clause 4 of the Standing Orders of the Synod. Their duties are delineated in clause 5 of the Standing Orders. Those duties are concerned with the processes of Synod sessions and in particular legislation. The positions are not remunerated.
4. In the early days of the General Synod the office of the General Secretary was a part-time appointment. The assistance of the (voluntary) Synod Secretaries was a helpful support to the General Secretary in discharging the responsibilities of office.
5. The present work of the Standing Committee is facilitated by a full-time General Secretary assisted by the paid staff of the General Synod Office. The Secretaries of Synod play little part in the preparation for meetings of Standing Committee and no formal part in the deliberations of Standing Committee.
6. Removing the Secretaries of Synod from membership of the Standing Committee will reduce the size of Standing Committee without loss of critical function and bring a cost saving.
7. Part C of the proposed Rule will remove the Secretaries of Synod from membership of the Standing Committee with effect from the first day of the 19th session of the General Synod.

The General Secretary's right to vote

8. The General Secretary is effectively the 'CEO' of the General Synod and the position is remunerated. While the General Secretary's membership of the Standing Committee can be consistent with good governance principles, the right to vote is not.
9. Further, section 15 of the Constitution provides that the General Secretary is entitled to propose motions and speak at Synod, but not vote. It stands to reason that the same principles should apply to meetings of the Standing Committee.
10. Part B of the proposed Rule will remove the right of the General Secretary to vote at meetings of the Standing Committee, with the commencement of this change deferred during the current term of the General Secretary.

Chair of Committee

11. Part A of the proposed rule modernises and corrects the title 'Chairman of Committees', so that 'Chairman' is replaced by 'Chair'; and 'of Committees' is replaced by 'of Committee' (since "Committee" in this setting is "a Committee of the Whole General Synod", and there is only ever one committee).

Eighteenth Session of General Synod: The Diocese and the National Church

(A report from the Standing Committee.)

Key Points

- The eighteenth session of General Synod met from 8 to 13 May 2022. Among other outcomes, the debates on matters related to human sexuality demonstrated a deep division in the General Synod, most obvious in the failure of 'Statement 1', which would have confirmed previous resolutions of the General Synod regarding the biblical teaching on marriage being 'the exclusive union of one man and one woman'.
- A number of positive outcomes also emerged from the recent session of the General Synod, including the success of Statement 2 (the confirmed orthodox understanding of "unchastity"), the increase in orthodox representation in General Synod members, and strong majorities of orthodox members elected to General Synod bodies.
- In this context, some comments are provided regarding the place of this Diocese in the national church and options for episcopal discipline; and motions are provided for the consideration of the Synod of the Diocese of Sydney, as set out in the Recommendations of this report.

Purpose

1. The purpose of this report is to recommend motions for promotion to the forthcoming session of Synod.

Recommendations

2. Synod receive this report.
3. Synod consider the following motions to be moved at the forthcoming session of the Synod, "by request of the Standing Committee" –
 - (A) The Synod of the Diocese of Sydney notes with godly grief the deep breach of fellowship in our church exposed at the eighteenth session of General Synod on matters of doctrine and human sexuality, and –
 - (a) supports any decision by the Archbishop of Sydney, along with the assistant bishops, to withdraw from fellowship in particular national or provincial church contexts, and
 - (b) recommends that the Archbishop, with the assistant bishops, engage other orthodox bishops and convene a meeting with a view to how they may act in concert with one another in response to the broken fellowship.
 - (B) The Synod of the Diocese of Sydney notes with godly grief the deep breach of fellowship in our church exposed at the eighteenth session of General Synod on matters of doctrine and human sexuality and requests the Standing Committee to consider –
 - (a) our future approach as a Diocese to meetings of the General Synod, and
 - (b) how our financial contributions to the national church may be directed more effectively towards faithful and orthodox gospel ministry,and provide a report on the outcomes of these considerations to the Synod prior to the nineteenth session of General Synod.

- (C) The Synod of the Diocese of Sydney notes the broken state of our national church and resolves, in humility, to invest wisely, in faithful obedience to Jesus' Great Commission, all across the country, in –
- (a) the raising up of Christian leaders who can proclaim the gospel clearly and are prepared to go out in mission, and
 - (b) establishing and supporting churches that faithfully proclaim the gospel and defend the truth of God's word.

Background

Outcomes of the recent General Synod session

4. The eighteenth session of General Synod met from 8 to 13 May 2022. Among other outcomes, the debates on matters related to human sexuality demonstrated a deep division in the General Synod, most obvious in the failure of 'Statement 1', which would have confirmed previous resolutions of the General Synod regarding the biblical teaching on marriage being 'the exclusive union of one man and one woman'.
5. Statement 1 was supported by the majority of General Synod representatives if counted in aggregate (143 for and 98 against), but failed to gather majority support in the house of Bishops (10 for, 12 against and 2 abstentions) and therefore was not carried. It is anticipated that the failure of Statement 1 will be used in some dioceses as a further justification, alongside the decision of the Appellate Tribunal, to undertake blessings of same-sex marriages. (A detailed report on the outcomes of General Synod in relation to matters moved at the request of the Sydney Diocese is printed separately.)
6. However, three promising outcomes of the session in particular suggest that the division in General Synod and the direction suggested by the failure of Statement 1, need not be viewed as determinative of the future of the General Synod and the National Church –
 - (a) 'Statement 2' was carried as a Statement of the General Synod, which confirmed that the General Synod "continues to hold the historic view that unchastity means sexual intimacy outside a marriage relationship, defined in the *Book of Common Prayer* as the union of one man and one woman, in accordance with Jesus' teaching about marriage in Matt 19:4-5". This Statement in itself confirms previous resolutions of the General Synod on marriage and makes explicit the definition of unchastity and expectations upon clergy.
 - (b) Orthodox representation at General Synod has increased, evidenced by the consistent majority of support for matters of orthodoxy at the recent session. The number of representatives from the Sydney Diocese has only increased by 6 members (out of 251 members in total) over the most recent three sessions. The increase of orthodox representation therefore demonstrates the continued presence, and growing prevalence, of faithful, biblical ministry in other dioceses.
 - (c) Elections undertaken at the recent session to various General Synod bodies and the General Synod Standing Committee in particular, resulted in the election of strong majorities of orthodox members. As a result, the commissions, committees and other bodies of the General Synod may be expected to align more fruitfully with orthodox expectations and initiatives in coming years.
7. Given the deep division in the General Synod, it may be helpful to consider the context of this Diocese in the National Church, and the options for episcopal discipline.

Discussion

The Diocese and the National Church

8. In October 1872 ten Bishops with clerical and lay representatives convened the first General Synod of the Church of England in Australia and Tasmania. Decisions of the synod, 'Determinations', were only binding on dioceses if adopted by ordinance of the diocese. It then took some ninety years for

a new national constitution to be developed and accepted in the synods of the church. The States and Territories all legislated to give 'force and effect' to the new constitution, generally referred to as the '1961 Constitution', which took effect on 1 January 1962. The adoption of the constitution severed the legal nexus with the Church of England. A diocese became part of this new federal structure by passing an ordinance assenting to the provisions of the constitution.

9. The doctrinal position of a diocese was safeguarded by the provision that no canon of the General Synod concerning ritual, ceremonial or discipline takes effect in a diocese unless adopted by ordinance of that diocese. In the forty years since the adoption of the constitution, the appetite of the General Synod to raise assessments on dioceses, pursuant to section 32 of the constitution, has markedly increased. Given that the spending priorities of General Synod may not coincide with the priorities of a diocese, this a source of significant frustration. In addition, when the Appellate Tribunal issues an opinion which is markedly at variance from what was assumed by the original drafters of the constitution and more importantly endorses conduct contrary to biblical standards, the question is asked: why do we stay with this association? This question will become more acute if the blessing of same sex marriages becomes common practice.
10. The answer to the question posed has complexities and difficulties. What majorities are needed to change provisions of the constitution? Is resort to parliament unthinkable? Articulating the necessary questions and policy considerations and stating answers and choices is beyond the scope of this report.

Episcopal Discipline

11. The Constitution of the Anglican Church of Australia creates a framework of tribunals to deal with offences committed by clergy. Thus, Chapter IX of the Constitution provides in section 53 for 'a diocesan tribunal of each diocese, the Special Tribunal and the Appellate Tribunal, and there may be a provincial tribunal of any province.
12. The Special Tribunal, by section 56 (6), is given jurisdiction over: any member of the House of Bishops; any bishop assistant to the Primate in his capacity as Primate; any former member of the House of Bishops and any former bishop assistant to the Primate of such offences as may be specified by canon in respect of conduct while a member of the House of Bishops or assistant to the Primate of breaches of faith, ritual, ceremonial or discipline and of such offences as may be specified by canon.
13. The Special Tribunal consists of: a person qualified to be a lay member of the Appellate Tribunal (who shall be the President); a diocesan bishop; and a priest of at least seven years' standing.
14. Appeals may be made from the Special Tribunal to the Appellate Tribunal.
15. The *Offences Canon 1962*, adopted by all dioceses, gives jurisdiction to the Special Tribunal to hear charges against a Bishop for the offences listed in section 2 of the canon. In short, the offences are: Unchastity; Drunkenness; Wilful failure to pay just debts; Conduct which would be disgraceful if committed by a member of the clergy, and at the time the charge is preferred is productive, or if known publicly would be productive, of scandal or evil report; Wilful violation of the constitution or canons or of the ordinances of provincial synod or of his diocesan synod; Any conduct involving wilful and habitual disregard of his consecration vows; various offences relating to child abuse.
16. *The Special Tribunal Canon 2007* provides for the investigation of matters which may become the subject of a charge before the Special Tribunal and to provide for the appointment and procedure of the Special Tribunal.
17. By section 43 (1), a charge against a Bishop in the Special Tribunal may be brought: 1. by the Episcopal Standards Commission; 2. by another Bishop; or 3. in respect of a Bishop holding office in a diocese, in accordance with the provisions of an ordinance of the synod of that diocese.
18. The canon establishes the Episcopal Standards Commission which is responsible for investigating complaints against Bishops who are subject to the jurisdiction of the Special Tribunal.
19. By section 43 (2), a diocese may exclude the Commission's power to promote a charge against a Diocesan Bishop in the Special Tribunal. As at 4 December 2020, the Commission's power to

promote a charge under section 43 (1), has been excluded by: Adelaide, Bendigo, Canberra and Goulburn, Perth, Sydney, Tasmania, Wangaratta and Willochra.

20. The *Episcopal Standards (Child Protection) Canon 2017* has been adopted by all dioceses following recommendations of the Royal Commission into child sex abuse in institutions. Complaints under the canon are restricted to 'child sex abuse' matters.

Motions for consideration by the Sydney Synod

21. In the context of the deep division of the General Synod demonstrated by the failure of Statement 1, but also noting the positive outcomes of the General Synod session listed in paragraph 10 (the confirmation of the orthodox understanding of "unchastity", the increase in orthodox representation at General Synod, and strong majorities of orthodox members elected to General Synod bodies), the General Synod Relations Committee has drafted the three motions (A), (B) and (C) in paragraph 3 of this report, for the consideration of the Synod of the Diocese of Sydney. Some comments on the motions are included below.
22. Motion (A) acknowledges that the Archbishop and Assistant Bishops of Sydney may feel it appropriate to withdraw from fellowship in particular national or provincial church contexts and recommends a meeting of orthodox bishops to determine how they may best mutually respond to the broken fellowship in the national church. If passed by the Synod, the Archbishop and assistant bishops may then act in such ways with the knowledge of support of the Synod, and better demonstrate that any such actions are made in concert with the Synod.
23. Motion (B) is recommended in a context of clear division resulting in a keenly felt breach of fellowship, and yet with recognition of several positive outcomes of the General Synod. The motion is intended to provide for a faithful and reasonable navigation of matters related to the breach in fellowship, as well as the promising outcomes in Statement 2, the emerging orthodox majority in the National Church, and the increasing orthodox presence upon General Synod bodies. The motion requests the (Sydney) Standing Committee to provide recommendation to the (Sydney) Synod prior to the next session of General Synod (anticipated to be May 2025) on the approach of the Diocese to the next session of General Synod, with particular consideration for how our financial contributions to the national church may be directed more effectively towards faithful and orthodox gospel ministry.
24. Motion (C) provides for the Synod to refocus our attention on the Great Commission (Matthew 28:18-20) given by Christ, to members of the church, reflecting on our continuing need, in humility, to see the gospel faithfully proclaimed and the truth of God's word honoured, across the country, regardless of institutional failure where it occurs.

For and on behalf of the Standing Committee.

DANIEL GLYNN
Diocesan Secretary

25 July 2022

Review of the Governance Policy for Diocesan Organisations

(A report from the Standing Committee.)

Key Points

- In August 2021, the Standing Committee received a report entitled *Diocesan Organisations' Conformity with the Governance Policy (Conformity Report)* and published a version of the Conformity Report for the (subsequently cancelled) February 2022 session of the Synod.
- The Standing Committee also appointed a Governance Policy Review Committee (**GPRC**) to undertake a more thorough review of the Synod's *Governance Policy for Diocesan Organisations (Governance Policy)*.
- Following the cancellation of the February 2022 session of Synod, the Standing Committee amended the Governance Policy in accordance with one of the recommendations in the Conformity Report, being to amend the definition of a 'diocesan organisation' to clarify the organisations to which the Governance Policy applies. The Conformity Report was updated accordingly and the revised version is set out at **Appendix 1**.
- The GPRC has commenced its work and has received further submissions on the operation of the current Governance Policy. The GPRC will continue to consult with diocesan organisations regarding its review (including, in particular, with the Heads and Chairs of diocesan schools, and in relation to the form of the Statement of Personal Faith).
- The requirement for diocesan organisations to provide a further report in 2023 which assesses their conformance to the Governance Policy and explains any areas of non-conformity should be deferred, and a further report on the review of the Governance Policy be brought to Synod in 2023.

Purpose

1. To report to the Synod about a review of the *Governance Policy for Diocesan Organisations*.

Recommendations

2. Synod receive this report.
3. Synod, noting the report 'Review of the Governance Policy for Diocesan Organisations' and its attached updated form of the report 'Diocesan Organisations' Conformity with the Governance Policy' (**Conformity Report**) –
 - (a) notes in particular –
 - (i) the extent to which the constituting ordinances of diocesan organisations (including schools) conform to the Policy Guidelines in Appendix 2 to the *Governance Policy for Diocesan Organisations (Governance Policy)*, as outlined in the Conformity Report,
 - (ii) that the Standing Committee has amended the definition of a 'diocesan organisation' in clause 12 of the Governance Policy by omitting the previous version and inserting instead –

“diocesan organisation” means a body which has an Australian Business Number and –

 - (a) is constituted by ordinance or resolution of the Synod, or
 - (b) in respect of whose organisation or property the Synod may make ordinances,

but excludes –

 - (i) the Synod, the Standing Committee and any of their subcommittees,
 - (ii) parish councils,
 - (iii) the chapter of a cathedral, and

- (iv) entities that perform an administrative function under ordinance or resolution rather than conduct an enterprise in its own right.’
- (iii) that the Standing Committee has approved a suitable schedule of diocesan organisations that meet the definition adopted in the Governance Policy which has been appended to the Policy (and which will be maintained as up-to-date), and
- (iv) that, in consultation with each affected diocesan organisation, the constituting ordinances of diocesan organisations are progressively being updated to ensure greater conformity to the Policy Guidelines in Appendix 2 to the Governance Policy (including the inclusion or updating of the Statement of Personal Faith as set out in Appendix 3 to the Governance Policy),
- (b) requests the Standing Committee to provide opportunities for members of diocesan organisations to undertake governance training, where not otherwise provided, and consider the provision of suitable subsidies,
- (c) confirms that the Synod recognises that for some diocesan organisations it may not be appropriate to conform to all the Policy Guidelines (as stated in the opening paragraph in Appendix 2 to the Governance Policy),
- (d) notes that the Standing Committee –
 - (i) has appointed a Governance Policy Review Committee (**GPRC**) to undertake a more thorough review of the Governance Policy including -
 - (A) the relationship of the Governance Policy with other relevant Diocesan policies and guidelines, and
 - (B) a review of changes in law and regulation, and developments in not-for-profit governance policies and practices since the Governance Policy was first adopted in 2014, and
 - (ii) had requested comments from Synod members and diocesan organisations on the operation of the Governance Policy by no later than 30 June 2022, and that a significant number of the comments received related to the revised form of the Statement of Personal Faith, and that the GPRC is continuing to consult with diocesan organisations regarding the GPRC’s review of the Governance Policy (including, in particular, with the Heads and Chairs of diocesan schools, and in relation to the form of the Statement of Personal Faith),
- (e) since diocesan organisations are currently required to provide a further report which assesses their conformance to the Governance Policy and explains any areas of non-conformity in 2023, requests the Standing Committee to take any necessary steps (including the amendment of any ordinances) to defer the requirement for such a report until after any recommendations of the GPRC have been considered by the Standing Committee, and
- (f) requests a further report on the Governance Policy be brought to Synod in 2023.

Background

4. At its meeting on 9 August 2021, the Standing Committee –
 - (a) received the Conformity Report from the GPRC and approved the printing of a suitable form of the Conformity Report for the next ordinary session of the Synod. The Conformity Report was included in Book 1 *Annual Report of the Standing Committee and Other Reports and Papers* for the (cancelled) Second Ordinary Session of 52nd Synod (pages 91-137), and
 - (b) agreed to appoint a committee to review the Synod’s Governance Policy, including –
 - (i) the relationship of that policy with other relevant Diocesan Policies and policy guidelines,
 - (ii) the conclusions of the Conformity Report,
 - (iii) changes in charity law and regulation since 2014 (including changes to the ACNC Governance Standards and the introduction of the ACNC External Conduct Standards), and
 - (iv) any relevant issues arising from the current debate on religious freedom,
 and to report to the October 2022 Standing Committee meeting.
5. At its meeting on 6 September 2021, the Standing Committee appointed Bishop Chris Edwards (Chair), Mrs Stacey Chapman, Mr Greg Hammond OAM, the Rev Matt Heazlewood, Ms Anne Robinson AM, Dr Laurie Scandrett, Ms Nicola Warwick-Mayo and Mr Robert Wicks to the GPRC. The Standing Committee had regard to the need for the GPRC to have a balance between those previously involved in the development of the Governance Policy and those who could bring fresh insights based on their

experience in the governance of diocesan organisations, as well as knowledge of changes in relevant law and practice since the adoption of the Governance Policy in 2014.

6. In view of the cancellation of the February 2022 session of Synod and the establishment of the GPRC, at its meeting on 7 February 2022, the Standing Committee –
 - (a) decided to implement one of the recommendations of the Conformity Report, being to amend the definition of a 'diocesan organisation' in the Governance Policy to clarify the organisations to which the Governance Policy applies,
 - (b) agreed that a schedule of diocesan organisations which meet the new definition be appended to the policy. The schedule has been approved by the Standing Committee and will be maintained as up-to-date,
 - (c) requested the Conformity Report be updated to reflect these decisions having been taken by the Standing Committee. The revised Conformity Report is set out at **Appendix 1**, and
 - (d) requested the Diocesan Secretary to write to Synod members, diocesan organisations and schools to invite them to provide comments to the Diocesan Secretary on the operation of the current Governance Policy by no later than 30 June 2022.
7. The GPRC has met three (3) times (December 2021 to July 2022) and its work is ongoing. This report provides an update on the matters being considered by the GPRC.

Discussion

Consultation

8. The Diocesan Secretary wrote to Synod members, diocesan organisations and schools on 13 April 2022 to invite them to provide comments on the operation of the current Governance Policy.
9. As at 5 July 2022, ten (10) submissions have been received: four (4) from individual Synod members and six (6) from organisations. Some of the submissions are expressed to be confidential.
10. The original deadline for submissions was 30 June 2022, but two (2) organisations have requested an extension to this timeframe.
11. In addition to the submissions received in 2022, comments about the operation of the current Governance Policy were contained in some of the 38 statements from diocesan organisations reporting to Synod under the *Accounts, Audits and Annual Reports Ordinance 1995* in 2020 and/or in the ten (10) subsequent submissions made to the Governance Gap Analysis Committee.
12. A significant number of the submissions in 2020 raised concerns with the requirement for various persons to sign, and content of, the Statement of Personal Faith (**SoPF**) including, in particular, a lack of consultation with diocesan organisations prior to Synod approving changes to the SoPF in 2019. In this context, the GPRC notes that the proposal to amend the SoPF was set out in a report included in Book 3 *Supplementary Report of the Standing Committee and Other Reports and Papers* for the 2019 Session of Synod (pages 433-439).
13. In the context of the recruitment for a new Head of St Catherine's School, in May and June 2022, media attention was given to the requirement that Heads and Council members of diocesan schools sign the SoPF, as revised in 2019, and this media attention has been referred to in some 2022 submissions (not just those from diocesan schools).
14. The GPRC intends to –
 - (a) consider the comments about the operation of the current Governance Policy unrelated to the SoPF separately from the comments related to the SoPF; and
 - (b) liaise with the Archbishop with a view to convening a suitable forum with the Heads and Chairs of diocesan schools to discuss the comments related to concerning the SoPF.

Matters for consideration

15. The GPRC is giving consideration to re-framing the Governance Policy to better –
 - (a) reflect the identity of the Diocese as a fellowship of approximately 270 parishes, the Synod, incorporated diocesan organisations and schools, and the wide range of other unincorporated organisations, committees, boards and councils, all working in partnership to further the mission of the Diocese by promoting and proclaiming the gospel of the Lord Jesus Christ, and
 - (b) represent the Synod’s expectations that diocesan organisations be empowered to achieve their purpose and be good stewards of their assets, have appropriate standards of governance and enabled to further the mission of the Diocese (with a lesser focus on how Synod intends exercising its powers).

16. As part of such a re-framing, the GPRC is considering the following matters unrelated to the SoPF –
 - (a) Is a corporate governance model still the best approach? What would a stakeholder governance model require (e.g., Anglicare consumer engagement, Moore College student engagement)?
 - (b) Is the Governance Policy simply about core, minimum requirements? To what extent is the Policy aspirational versus a minimum standard?
 - (c) Is it appropriate to continue to have a ‘one-size-fits-all’ Governance Policy that applies equally to all diocesan organisations? For example, is it clear and appropriate that Appendix 2 only applies to bodies corporate, and should a tiered approach be adopted for different types of diocesan organisations (including those not currently covered by the Governance Policy)?
 - (d) Does the definition of ‘diocesan organisation’ in the Governance Policy include and exclude the appropriate entities? Should Anglican organisations in the Diocese also be included?
 - (e) Setting aside comments related to the SoPF, should the Governance Policy say more about the character and competence of Board members (e.g., integrity, diversity, commitment etc.)?
 - (f) Should the primary focus of the Governance Policy shift to be about supporting diocesan organisations and the development / adoption of processes, activities and relationships that make sure a diocesan organisation is effectively and properly run, and contributing to the mission of the Diocese?
 - (g) Is it still necessary and/or desirable to re-state the ACNC Governance Standards (as opposed to including a statement of expectation of compliance with the ACNC Governance Standards and, now, the ACNC External Conduct Standards if applicable)?
 - (h) What are the unique aspects of the governance of diocesan organisations (e.g., the role of the Archbishop, possibly as a Visitor)?
 - (i) Should the Governance Policy be expanded to cover what policies should the board of a diocesan organisation be expected to adopt (without the Governance Policy being prescriptive) – for example, a Code of Conduct (*Faithfulness in Service*), Board skills matrix, conflicts of interest, complaints management, whistle-blower policies, remuneration of staff etc?
 - (j) Are some of the guidelines a matter for Board policy rather than required content for an Ordinance?
 - (k) How should conflicts of interest be managed in a diocesan context?
 - (l) What governance standards are applicable to parishes, the Synod, Standing Committee and their subcommittees? Should any aspects of the Governance Policy apply in this context?
 - (m) What role does the Synod wish to take with respect to the governance of diocesan organisations? How can a culture of collaboration between the Synod and diocesan organisations and schools be fostered? Does the membership of Synod reflect the role of diocesan organisations in the life of the Diocese?
 - (n) What changes are required to the Governance Policy in light of developments in external governance standards or community expectations since the Governance Policy was adopted, such as in relation to the ACNC External Conduct Standards, or participation in the National Redress Scheme?
 - (o) Are there any efficiencies to be achieved within the suite of Synod policies and policy guidelines?
 - (p) Are any changes required in view of the current debate on religious freedom?

17. The scope of the Committee’s further work in relation to matters related to the SoPF is yet to be determined in consultation with the Archbishop, and the Heads and Chairs of diocesan schools.

For and on behalf of the Standing Committee.

DANIEL GLYNN
Diocesan Secretary

25 July 2022

Diocesan Organisations' Conformity with the Governance Policy

(A report from the Standing Committee.)

Key Points

- In 2020, diocesan organisations and schools that report to Synod under the *Accounts, Audits and Annual Reports Ordinance 1995* were required to report a statement which assesses their conformity with the *Governance Policy for Diocesan Organisations* and explains any areas of non-conformity. A Committee was established to review these statements and independently review the relevant constituting ordinances.
- As at 29 July 2021, twenty two (22) of thirty eight (38) diocesan organisations and schools had indicated that they intend to amend their ordinance to achieve greater alignment with the Governance Policy.
- In particular, attention was given to the Statement of Personal Faith at Appendix 3 of the Governance Policy, and its implementation in diocesan organisations and schools.
- The Committee's gap analysis also highlighted the need for clarity in the definition of a diocesan organisation, and governance training for board and council members.
- The Standing Committee initially prepared a version of this report for consideration by the Synod at its session planned for February 2022. Following the cancellation of that session, the Standing Committee decided to implement one of the recommendations of that report, being to amend the definition of a 'diocesan organisation' to clarify the organisations to which the Governance Policy applies. **Accordingly, this version of the report replaces the version circulated in December 2021 as part of Synod Book 1.** Please note –
 - Paragraph 3 of the previous report was omitted, and paragraphs 50 and 67 of this report were updated.
 - In order to reduce printing, the (unchanged) Attachments A and B to this report have not been reproduced here; but are set out at pages 100 – 137 of Synod Book 1.

Purpose

1. The purpose of this report is to inform the Synod on diocesan organisations' and schools' conformance with the *Governance Policy for Diocesan Organisations* (**Governance Policy**).

Recommendations

2. Synod receive this report.

Background

The Standing Committee initially prepared a version of this report for consideration by the Synod at its session planned for February 2022. Following the cancellation of that session, the Standing Committee decided to implement one of the recommendations of that report, being to amend the definition of a 'diocesan organisation' to clarify the organisations to which the Governance Policy applies. Accordingly, this version of the report replaces the version circulated in December 2021.

3. Subclause 14(e) of the *Accounts, Audits and Annual Reports Ordinance 1995* requires that –

“Within 6 months after the end of a Financial Year, each Organisation must submit to the Standing Committee for tabling at the next ordinary session of the Synod a report on that Financial Year signed by 2 duly authorised members of the Organisation which contains –

 - (e) if the report is being submitted for tabling at the first ordinary session of a Synod, a statement which –
 - (i) assesses the extent to which the Organisation’s governance arrangements conform with the standards and guidelines in the Governance Policy for Diocesan Organisations passed by the Synod on 20 October 2014 as amended from time to time, and
 - (ii) explains any areas of non-conformity.”
4. 2020 was the first year in which organisations were required to assess their conformity with the Governance Policy and include an explanatory statement in their annual reports.
5. The Standing Committee, recognising that it would have a consolidated view across organisations, established a committee to consider the reports.

Terms of reference

6. At its meeting on 24 August 2020, the Standing Committee constituted a Governance Gap Analysis Committee and asked it to –
 - (a) consider the report of the Finance Committee [summarising the conformity (or otherwise) of Diocesan Organisations with the Governance Policy, as reported in the organisations’ annual reports to Synod in 2020] along with the reports received from diocesan organisations and schools in accordance with subclause 14(e) of the *Accounts, Audits and Annual Reports Ordinance 1995*,
 - (b) perform a gap analysis of each organisation against the Governance Policy, and
 - (c) provide a report to Standing Committee on their findings.
7. At the same meeting, the Standing Committee constituted a Governance Policy Compliance Committee and asked it to –
 - (a) consider what action, if any, should be taken in the event that any organisation or school governed by an ordinance of the Synod does not comply with the relevant Diocesan Policies and policy guidelines (and any other related document), and bring recommendations to a future meeting of the Standing Committee, and
 - (b) consider the proposed motion referred by the Standing Committee: “Standing Committee requests the Diocesan Secretary to bring a draft ordinance to a future meeting of the Standing Committee that would make changes to the current ordinances for each of the seven Diocesan schools that have members of their school councils elected by the school’s alumni association such that the right of the alumni associations to so elect or appoint such persons is removed and instead allow specifically for a number of former students of the school to be elected by the Synod.”
8. The two committees met separately at first; however, given their largely shared membership and similar areas of focus, the committees later agreed to meet jointly and combine functions. The following report is from the joint Governance Policy Conformity Review Committee (the **Committee**).

How the Committee responded to the terms of reference

9. The Committee’s terms of reference were to consider ‘diocesan organisations and schools’. The Committee adopted the definition of a diocesan organisation included in the Governance Policy –

“diocesan organisation” means a body –

 - (a) constituted by ordinance or resolution of the Synod, or
 - (b) in respect of whose organisation or property the Synod may make ordinances, but excludes the Synod, the Standing Committee and any of their subcommittees.’

10. The Committee further limited itself to diocesan organisations which report to Synod under the *Accounts, Audits and Annual Reports Ordinance 1995*, because these organisations had reported their self-assessed conformity with the Governance Policy.
11. The terms of reference also broadly refer to 'relevant Diocesan Policies and policy guidelines'. Conceivably, this could include the Property Use policy, Gender Identity Policy, among others.
12. Given the potential breadth of this task, the Committee did not consider it feasible to investigate all relevant policies, but rather focussed on the Governance Policy, which was understood to be the primary goal of the Standing Committee in establishing the Committee.

Discussion

13. The Committee considered the statements provided by diocesan organisations and schools, as reported to the Synod in 2020 in relation to their conformity (or otherwise) with the Governance Policy. This included –
 - (a) 11 bodies corporate,
 - (b) 13 unincorporated entities,¹ and
 - (c) 14 diocesan schools².
14. For ease of reference, the entities reviewed by the Committee are hereafter referred to in this report as "diocesan organisations and schools", notwithstanding that this is not an exhaustive list of all possible diocesan organisations.

Gap analysis

15. The Committee undertook a gap analysis of diocesan organisations and schools with the Governance Policy in order to test the self-assessments.
16. The principles governing that analysis are set out at **Attachment A**, which is included in Synod Book 1 at page 100.
17. In most cases there was a substantial divergence between diocesan organisations' and schools' self-assessments and the Committee's gap analysis.
18. The Governance Policy contemplates a consultation process as follows –

'Where it is proposed to amend the constituting ordinance of a diocesan organisation to conform with the Policy Guidelines, a full consultation process will be undertaken with the board of the organisation before any such amendments are made. Where a board of a diocesan organisation believes that a particular Policy Guideline should not apply, it would usually be appropriate for the board to provide a brief explanation of its position as part of the consultation process.'
19. The Committee Chair wrote to all diocesan organisations and schools on 23 October 2020, outlining the results of the Committee's gap analysis and inviting comment.

¹ The five Regional Councils, which are all governed by the same ordinance, are counted as separate entities for these purposes due to the range of responses received from the Councils.

² For the purposes of this analysis, a 'diocesan school' is one that is constituted by an ordinance of the Synod. This definition excludes –

- (a) schools under the auspices of the Anglican Schools Corporation, which is itself a diocesan organisation,
- (b) schools that are companies limited by guarantee, such as SCEGGS Darlington, and
- (c) other Anglican and affiliated schools, such as Meriden.

See also paragraphs 45-50 regarding the list of organisations and schools to which the Governance Policy applies.

20. Every diocesan organisation and school was invited to nominate any areas of divergence with the Governance Policy which they wished to rectify by way of an omnibus ordinance amendment. This omnibus amendment is expected to be considered by the Standing Committee in October 2021.

Results of gap analysis

21. The results of the gap analysis are provided at **Attachment B**, which is included in Synod Book 1 at pages 101 – 137. In summary –

n=38	Self-assessments				Committee's gap analysis			
	All	Bodies corp	Unincorp	Dio School	All	Bodies corp	Unincorp	Dio School
Nil areas of divergence identified	15	5	7	3	0	-	-	-
Fewer than 5 areas of divergence identified	19	5	5	9	0	-	-	-
5 - 9 areas of divergence identified	4	1	1	2	4	3	-	1
10 or more areas of divergence identified	0	-	-	-	34	8	13	13

22. The responses from diocesan organisations and schools to the Committee's gap analysis were –

n=38	All	Bodies corp	Unincorp	Dio School
Pursuing an amendment to their constituting ordinance independently	11	3	3	5
Agreed to participate in an omnibus ordinance amendment	11	4	3	4
No action deemed necessary by the organisation	7	3	2	2
Nil response / being considered further	9	1	5	3

Matters arising from the gap analysis

Statement of personal faith

23. It is evident from the feedback received by the Committee that changes by the Synod to the Statement of Personal Faith (**SOPF**) at Appendix 3 of the Governance Policy have resulted in some board and council members feeling the need to resign from their positions rather than sign the new form of the SOPF. This was not necessarily because the members disagreed with the content of the clause added by the Synod, but because they felt it changed the nature of the statement from being a SOPF to being something else.
24. At the time of conducting the gap analysis, 10 out of 11 bodies corporate, 6 out of 13 unincorporated entities, and 8 out of 14 diocesan schools required a SOPF under their constituting ordinance for newly elected or appointed members –

	SOPF prescribed by ordinance			SOPF not prescribed by ordinance
	Total	2019 form of SOPF	Previous form of SOPF	
Bodies corporate	10	3	7	1
Unincorporated entities	6	0	6	7
Diocesan schools	8	0	8	6

25. A key question is whether all the members of boards and/or councils of diocesan organisations and school should be required to sign a SOPF.

Should a Statement of personal faith be a requirement, and how can this be achieved?

26. One purpose of the Governance Policy is to maximise the extent to which a diocesan organisation meets the object for which it is constituted. The object of any diocesan organisation is to advance one purpose or another of the Diocese. Ultimately such purposes seek to promote the kingdom of Christ and give glory to God.

27. It was noted that the introduction to the Policy Guidelines at Appendix 2 of the Governance Policy states:

‘The Synod considers that the constituting ordinances of diocesan organisations which are bodies corporate should usually conform to the following Policy Guidelines. However the Synod recognises that for some diocesan organisations it may not be appropriate to conform to all these Policy Guidelines. This will be the case particularly for those Policy Guidelines which go beyond the Governance Standards.’

28. It was also noted that Clause 12 of the Policy Guidelines at Appendix 2 of the Governance Policy states:

‘Any person who wishes to be elected, appointed or to remain as a board member must sign a statement of personal faith in a form determined by the Synod.’

29. There is a strong consensus within the Standing Committee that all the members of boards and/or councils of diocesan organisations and schools must be required to sign a SOPF.

30. The Committee’s analysis was based on an organisation’s constituting ordinance and did not consider other governance documents. Many, if not all, of the diocesan organisations and schools whose ordinances do not prescribe a SOPF have nonetheless adopted a policy or practice that requires a SOPF.

31. There are also mechanisms in place that require a SOPF to be signed at the time of a member’s election, even if it is not required by an organisation’s constituting ordinance. The *Synod Elections Ordinance 2000* requires that any nomination for a vacancy for a Synod-elected member of a body corporate must include a certification that the nominee is willing to sign the SOPF in the Governance Policy.

32. Additionally, the Standing Committee has adopted a policy that, notwithstanding an organisation’s ordinance, requires that any nomination for a vacancy for a Standing Committee-elected member of a body corporate must include a certification that the nominee is willing to sign the SOPF in the form set out in Appendix 3 of the Policy as amended from time to time.

33. The effect of this policy is to require a SOPF to be signed even if the organisation does not require it in its constituting ordinance. However, this does not apply to non-Synod/Standing Committee appointments, such as alumni representatives for a school council or Archbishop’s appointments.

34. It was considered whether the Governance Policy is the appropriate place for the SOPF. Other options considered included extracting the SOPF to a separate policy or ordinance.

35. Ultimately, the only way for the Synod to ensure that the members of a diocesan organisation or school are required to sign a SOPF is for it to be included in the relevant constituting ordinance.

Should all members of diocesan and Anglican entities (beyond Synod-elected members of diocesan organisations and schools) sign a Statement of personal faith?

36. It is noted that that members of the Synod, the Standing Committee and their subcommittees, parish councillors and wardens are not required to sign a SOPF. Whilst these office-bearers are not subject to the Governance Policy as a whole (and no assessment is offered as to whether this may or may not be appropriate), some members of diocesan organisations and schools have expressed that this appears to be an inconsistent standard.
37. The question of whether alumni-appointed members on the boards of diocesan schools should be required to sign a SOPF was debated and decided by the Synod in 2014.
38. By resolution 23/14 (d) and (e), the Synod determined that an alternative form of statement, a Statement of support for the organisation's Christian ethos, would be an option for alumni members until 1 July 2020 and thereafter, any person appointed as an alumni representative on the governing board or council of a diocesan school must sign the SOPF instead.
39. Whilst the period allowing an alternative statement has now ceased, this does not affect existing alumni-appointed members until they reach their next end of term. It may therefore become an issue over the coming years as these existing members retire and seek reappointment.

What form should a Statement of personal faith take?

40. There is a view that a SOPF is a document that should not be updated, since we believe the word of God is unchanging and presented once for all. The tradition of our church is to hold to a statement of faith in the triune God. Conversely, there is a view that it is appropriate to update a SOPF since the church needs to be explicit about matters that were assumed or unsaid in the past.
41. In 2019, the Synod amended the Statement of Personal Faith in the Governance Policy to include –

 'In particular, I believe ... (d) that this faith produces obedience in accordance with God's word, including sexual faithfulness in marriage between a man and a woman, and abstinence in all other circumstances.'
42. Of the diocesan organisations and schools whose ordinances require a SOPF, only three (3) organisations at the time of the gap analysis had updated their ordinances to align with the form of SOPF adopted by the Synod in 2019.
43. The amendment in 2019 has created an undesirable situation whereby there are multiple forms of SOPF in circulation. That is, when the SOPF in the Governance Policy was amended, the SOPF in the schedule of many constituting ordinances became out of date. Having multiple forms of SOPF in circulation appears to have led to a number of challenges –
- (a) Some existing members of diocesan organisations and schools expressed that it seemed that the 'goalposts had moved' while they were already members;
 - (b) Following the 2019 amendment, the onus was upon diocesan organisations and schools to implement the revised form of SOPF by amending their ordinance, leaving it open for them to decline to do so;
 - (c) It is administratively challenging for the Standing Committee to maintain multiple forms of SOPF for diocesan organisations and schools to which it elects members.
44. The Standing Committee has attempted to consolidate the versions of SOPF by, when the constituting ordinance of a diocesan organisation or school is amended, revising the relevant clause(s) to cross reference to the Governance Policy rather than include the SOPF as a schedule to the ordinance. However, this does not address the concern of some members that the Synod may further amend the SOPF and thereby 'move the goalposts' yet again.

List of organisations

45. In the course of the Committee's work, it was identified that no single consolidated list of organisations to which the Governance Policy applies exists.
46. At the time the Governance Policy was introduced, there were about 60 diocesan organisations constituted by the Synod. There were also a number of bodies not constituted by the Synod in respect of whose organisation or property the Synod is nonetheless empowered to make ordinances. About 20 of these were incorporated by or under legislation including the *Anglican Church of Australia Trust Property Act 1917* or the *Anglican Church of Australia (Bodies Corporate) Act 1938*.
47. The Gap Analysis was undertaken on entities that report to Synod via their annual reports. However, this does not include all possible entities which could be considered as diocesan organisations (for example, the Anglican National Superannuation Board or the Sydney Anglican Pre-School Council).
48. The Gap Analysis highlighted that the definition in the Governance Policy of a 'diocesan organisation' would benefit from further parameters. For example, the definition should exclude –
 - (a) parish councils,
 - (b) the chapter of a cathedral, and
 - (c) entities that perform an administrative function under ordinance or resolution rather than conduct an enterprise in its own right.
49. Another threshold question could be whether the entity has an Australian Business Number (**ABN**). If it does not, this indicates it is not conducting an enterprise and is merely fulfilling an administrative function on behalf of another. Unincorporated bodies are not subject to the Policy Guidelines in Appendix 2 of the Governance Policy and Appendix 1 is geared towards compliance with the Australian Charities and Not-for-profits Commission's Governance Standards which, but for the Basic Religious Charities exemption, apply to charities that have ABNs. Therefore it would make sense to exclude bodies without ABNs.
50. The Standing Committee has agreed to amend the definition of a 'diocesan organisation' in clause 12 of the Governance Policy, and to maintain a schedule of diocesan organisations based on this expanded definition, to avoid misinterpretation.

Director skills and qualifications

51. The Synod has a responsibility to facilitate proper and effective governance as part of its oversight of all diocesan organisations. It seeks to discharge this responsibility by, among other things, electing board members and by articulating its governance expectations in the Governance Policy.
52. The Governance Policy requires the board of a diocesan organisation to 'develop effective processes to ensure... the induction of new members and the ongoing training and development of existing members.'
53. Whilst it is appropriate for each board or council to provide a suitable induction as well as continuing development for its members, the Synod could do more to ensure that the members it elects are properly equipped to serve as members.
54. For example, members of a diocesan organisation providing services in highly regulated industries such as aged care and education are exposed to significant personal liability and risk. Such members are not currently remunerated nor do they receive any training from the Diocese for their important role.
55. It is recognised that members of diocesan schools are subject to minimum professional learning requirements by the NSW Education Standards Authority, and so diocesan schools will already have processes in place to ensure their members are appropriately trained.
56. Nonetheless, the Synod should consider how it can support directors of diocesan organisations and schools, including through relevant and appropriate governance training.

Actions to be taken in response to divergence

57. The Committee's terms of reference include consideration of ' what action, if any, should be taken in the event that any organisation or school governed by an ordinance of the Synod does not comply' with the Governance Policy.
58. In response, it was noted that, if conversation and conferencing prove fruitless in finding an agreed remedy, Synod has wide legal powers available. Those powers are located in the provisions of the *Anglican Church of Australia Constitutions Act 1902*, the *Anglican Church of Australia Trust Property Act 1917* and the *Anglican Church of Australia (Bodies Corporate) Act 1938*. In short: Synod can require a full accounting of the management of an organisation; board or council members can be removed and replaced; the constituting ordinance of the organisation can be amended; and, the purpose trusts on which the organisation operates can be varied to other purposes.
59. While the Synod has the power to amend the constituting ordinance of a diocesan school or organisation unilaterally, the convention has been to work collaboratively, or at least obtain consent for such amendments. Consent however is not a necessity.
60. In the case of a school or organisation that is incorporated under the *Anglican Church of Australia (Bodies Corporate) Act 1938 (the Act)*, the Synod's ongoing power to control the constitution of the body is expressly recognised in section 10 of the Act. That a school or organisation has been incorporated under the Act does not in any way take away from the Synod's power to determine its constitution.
61. Notwithstanding the Synod's power to amend a constituting ordinance unilaterally, the Governance Policy contemplates that, where a board of a diocesan organisation believes that a particular Policy Guideline should not apply, it would usually be appropriate for the board to provide a brief explanation of its position. Attachment B ('3. Organisation's response') indicates which diocesan organisations and schools provided an explanation of their position.
62. There may be further, untested implications of the Synod forming a view about the appropriateness of an organisation's governance arrangements. However, this is not considered to be a significant issue.

Conclusion

63. The Governance Policy, adopted by the Synod in 2014, has now been in place for seven (7) years. In that time, contemporary governance thinking and practice has evolved and new 'best practice' guidelines have been released, such as the AICD's updated *Not For Profit Principles* and the ASX Corporate Governance Council's 4th Edition *Corporate Governance Principles and Recommendations*. It is timely for the Synod to consider if the Governance Policy is still appropriate and working as intended.
64. As at 29 July 2021, twenty two (22) of the thirty eight (38) diocesan organisations and schools included in the Committee's gap analysis had agreed to take further action to improve the alignment of their constituting ordinance with the Governance Policy.
65. It is recommended that the Synod continue to monitor diocesan organisations and schools' alignment with the Governance Policy. The next appropriate opportunity will be at the first ordinary session of the 53rd Synod (in 2023), when diocesan organisations and schools submit their annual reports and again assess the extent to which they align with the Governance Policy.
66. The Synod should also continue to monitor the implementation of the SOPF in the Governance Policy. In the Committee's view, all members of diocesan organisations and schools should be required to sign a SOPF. Synod should ask diocesan organisations and schools that do not already require a SOPF in their constituting ordinance to amend their ordinance accordingly.
67. For the sake of clarity, the definition of a 'diocesan organisation' in the Governance Policy has been updated and a schedule of diocesan organisations and schools will be appended to the Policy.

68. To assist members of diocesan organisations and schools to exercise the governance responsibilities with which they have been entrusted, it is recommended that the Synod commit to providing governance training, where not already provided.

For and on behalf of the Standing Committee.

DANIEL GLYNN
Diocesan Secretary

29 July 2021

Amended 25 July 2022

Review of Diocesan Investment Strategy

(A report from the Standing Committee)

Key Points

- Currently the three key pools of central investments in the Diocese are governed by two separate entities – the Glebe Administration Board (**GAB**) and the Anglican Church Property Trust (**ACPT**).
- Creating a single trustee investment vehicle with the capability of providing varied investment options offers the opportunity to provide improved governance and accountability, together with more effective use of resources.
- The board of the trustee investment vehicle should have significant investment governance expertise and periodic and robust accountability to Synod for its governance, performance and risk management.
- The GAB is the most appropriate organisation to act as trustee of the centralised investment vehicle.

Purpose

1. The purpose of this report is to recommend the creation of a centralised investment vehicle for the Diocese with the GAB as trustee.

Recommendations

2. Synod receive this report.
3. Synod, noting the report *Review of Diocesan Investment Strategy*, request the Standing Committee to establish the Glebe Administration Board as the centralised investment vehicle for the Diocese, including responsibility for the assets of the Diocesan Endowment, the Diocesan Cash Investment Fund and the Long Term Pooling Fund.

Background

4. The Diocese's investment resources are governed by two separate entities: the Glebe Administration Board (**GAB**) overseeing the investments of ~\$225m in the Diocesan Endowment (**DE**) and the Diocesan Cash Investment Fund (**DCIF**); and the Anglican Church Property Trust (**ACPT**) overseeing investments of ~\$80m in the Long Term Pooling Fund (**LTPF**). Currently the GAB and the ACPT use the same investment manager (Mercer) to manage both investments.
5. The creation of a single investment vehicle for the Diocese was one of the recommendations of the Archbishop's Strategic Commission (**ASC**) in 2011. At that time further consideration of this matter was deferred pending the implementation of a number of other structural changes and resolution of issues relating to the creation of a centralised investment body.
6. There were a number of issues raised by the ASC that have been addressed through restructuring and enhanced processes of central Diocesan organisations –
 - (a) There is now a high degree of cooperation between the GAB and ACPT in their governance of the DE and the LTPF. Investment objectives and policy, structure and asset allocation are now similar, and joint meetings with the investment manager (Mercer) are held.
 - (b) Regular reporting on investment performance against long term objectives is provided to Standing Committee by the GAB in relation to the DE.
 - (c) The GAB as trustee for the DE and the DCIF provides comprehensive reporting to Synod on its investment governance and performance, risk management as well as its conformity with the Governance Policy.
 - (d) Financial statements are provided annually to Synod by the GAB as trustee for the DE and DCIF and the ACPT as trustee for the LTPF in accordance with the *Accounts, Audits and Annual Reports Ordinance 1995 (AAARO)*.

7. However, a number of issues remain outstanding from the initial recommendations of the ASC –
 - (a) Scarce investment resources are still being split between the two primary organisations charged with governance of significant amounts of funds. Investment governance is a specialist area with significant skills required to provide the appropriate amount of oversight and challenge to asset consultants and investment managers. The ACPT is predominantly focused on real property related matters, including oversight and administration of building projects, heritage matters, insurance and administering government grants. The investment portfolio it is trustee for is of a relatively smaller size and dealing with its investment management could be seen as a diversion from the expertise required to govern the more complex property side of its operations.
 - (b) While the ACPT provides quarterly reporting on performance against long term objectives to investors in the LTPF (predominantly parishes), there is little investment governance accountability provided by the ACPT to Standing Committee or Synod. Brief reporting on investment performance and compliance with the ethical investment policy is provided to Synod as part of its Annual Report.
 - (c) Risk management reporting (one of the components of the previous enhanced reporting) is no longer required under the AAARO and accordingly there is no formal requirement for reporting of how investment-related and other risks are identified and managed by the boards of these organisations. However, the GAB currently provides reporting on its risk management framework as part of its annual report to Synod.

Proposal for a single investment vehicle

8. More recently the GAB has been re-examining the recommendation for a centralised investment body, particularly as the issues that previously existed surrounding its creation have been resolved. The potential to amalgamate the (liquid) investments of the DE and the LTPF was in particular focus. The GAB has held discussions with the ACPT in relation to both the practicalities of a single investment vehicle and the options for the structure and trusteeship of such a vehicle.
9. However, while the GAB sees advantages in moving the liquid assets of the Diocese to a single investment vehicle, the ACPT is of the view that would be undesirable and the current arrangements for investing those funds should continue. The Standing Committee received submissions from the GAB and the ACPT, and commissioned an analysis of these submissions from the Finance Committee. The principal report of each submission is attached as **Attachments 1 and 2** respectively, and the analysis provided by the Finance Committee as **Attachment 3**.
10. After considering both submissions we invited each body to provide a further submission addressing a number of particular matters. The Endowment of the See Corporation (**EOSC**) was also invited to comment but chose not to make a submission. [*The further submissions are available on the [Synod webpage](#) as Attachment 4 and 5.*]
11. The GAB's further submission ([Attachment 4](#)) can be summarised as follows –
 - (a) Single diocesan investment vehicle: the GAB provided reasons why a single diocesan investment vehicle should be preferred, noting that had been the recommendation of the ASC and is consistent with the approach taken in relation to short-term cash investments through the DCIF, and respectfully disagreed with or rebutted each of the counter arguments offered by the ACPT.
 - (b) LTPF or new trust: the GAB noted while it did not have a strong view, cost considerations would indicate an expanded LTPF would be the preferred option.
 - (c) Corporate trustee and member skills: the GAB provided reasons why the ACPT should not be the trustee given their significant other responsibilities and noted while there would be some synergies and cost advantages in using GAB there would also be some potential (but manageable) conflict of interest issues.
 - (d) Different investor objectives: the GAB noted that historically there was a very high commonality of objectives and this was likely to continue, but even if that were to change in future there are simple mechanisms available to accommodate different objectives within one investment vehicle.
 - (e) Open to other investors: the GAB noted a single investment vehicle would facilitate this possibility, but the business case is not dependent on other investors.

12. The ACPT's further submission ([Attachment 5](#)) stressed that –
- (a) best practice governance demands that a trustee retain direct oversight and accountability of its assets,
 - (b) governance will be more effective if representatives of 3 different trustees (ACPT, GAB and EOSC) meet collectively with the asset manager,
 - (c) the status quo with two separate funds managed by different trustees is optimal, efficient and sensible,
 - (d) the marginal benefits (of a single investment vehicle) do not outweigh the risk associated with having a single trustee board, and
 - (e) the formation of single diocesan investment vehicle would be of such significance that the matter would need to be referred to Synod.

Comments on specific concerns raised

13. During the course of consideration of this matter, a number of concerns were raised by members of the Standing Committee and the ACPT. The following paragraphs provide comment on these specific concerns.

ACPT duty as trustee of parish funds

14. The ACPT was primarily concerned about its duty as trustee of parish funds if investment decisions are made by another organisation and how this could be fulfilled under an alternative structure. The separation of ACPT duties could be achieved by Ordinance. The relevant Ordinance could provide that –
- (a) if client funds are placed in the LTPF by the ACPT, the ACPT is not accountable for the investment performance of the LTPF; and
 - (b) the trustee of the LTPF is directly accountable to parishes (and other diocesan entities which are currently invested in the LTPF through the ACPT) for the investment performance of the LTPF (in the same way as the GAB is accountable to Synod / Standing Committee as trustee of the DE, and to investors in relation to the DCIF).
15. In addition, the Ordinance could also confirm that the ACPT is not responsible for those aspects of its management that fall outside its duties. A similar approach has been taken in relation to the ACPT's responsibilities in respect to Anglican Church Growth Corporation Pilot Program developments.

Determination of distribution policy and communication with parishes

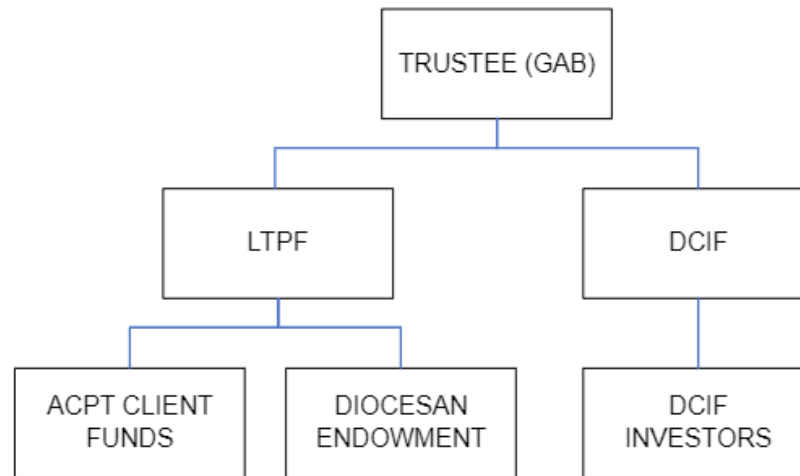
16. It is expected that the trustee of the LTPF will determine its distribution policy, taking into account the objectives of the LTPF and its investors. As outlined above, the Ordinance could prescribe appropriate reporting to the underlying investors in the LTPF, including in relation to matters such as the Synod-endorsed approach to environmental, social and governance criteria. It is anticipated that SDS would provide services to the trustee of the LTPF and continue to answer questions from parishes.

If the GAB were trustee, how could the more frequent investments and withdrawals of funds be managed?

17. The GAB currently oversees the DCIF and the DE. These are managed for the GAB by SDS, the same service provider that serves the LTPF. The GAB is therefore confident the skills to manage the LTPF continue to exist within SDS irrespective of the model. The DCIF is managed to ensure individual accounts for all 220-odd investors are maintained and that unit prices are calculated for each account on a weekly basis. There are between 2,200 and 2,800 unitholder transactions per year in the DCIF. SDS advises that there are 30-60 unitholder transactions in the LTPF every year. The GAB is confident that the board can oversee, and SDS can manage, the increased number of transactions that would be created by LTPF clients.

Proposed structure and steps to implement

18. The proposed legal structure is shown in the following diagram.



19. The GAB would be trustee of the LTPF. The ACPT would invest in the LTPF in each of its various trustee capacities in much the same way as it does now. The GAB would also be an investor as trustee of the DE. It is expected that the DCIF would sit alongside the LTPF and that investors could allocate assets between each fund depending on liquidity and growth/defensive investment objectives. The steps required to implement the changes would include the following –
- (a) The Synod deciding to establish GAB as the centralised diocesan investment vehicle and requesting Standing Committee to pass an ordinance and suggested motions to put that decision into effect.
 - (b) Standing Committee reviewing GAB's membership and policy settings to ensure they account for the proposed changes to its functions. This may include amending the *Glebe Administration Board Ordinance 1930*.
 - (c) Standing Committee amending the *Long Term Pooling Fund Ordinance 2012* to facilitate the new structure and GAB's appointment as trustee, and appointing GAB as trustee of the Long Term Pooling Fund under section 14 of the *Anglican Church of Australia Trust Property Act 1917*.
 - (d) GAB lodging an identification statement for the LTPF with the Australian Securities and Investments Commission and developing an offer document that complies with the requirements of *ASIC Corporations (Charitable Investment Fundraising) Instrument 2016/813*. This will mean that GAB does not require an Australian Financial Services Licence (**AFSL**) and that the LTPF is granted relief from the fundraising provisions of the *Corporations Act 2001*. It would be very similar to the process the GAB has undertaken for the DCIF.
 - (e) GAB as trustee for the DE buying units in the LTPF.
 - (f) The agreements with Mercer and reporting arrangements being varied consequent to the new investment vehicle.
 - (g) (Optional) GAB applying to the Australian Transaction Reports and Analysis Centre (**AUSTRAC**) for an exemption from the *Anti-Money Laundering and Counter Terrorism Act 2012*. AUSTRAC have already granted an exemption for the DCIF and the considerations would be much the same.
 - (h) Notifying the Australian Charities and Not-for-profits Commission and the Australian Business Register of the 'change of details'.

Financial services licence

20. As noted above, an exemption would be sought with respect to the requirements for an AFSL and an application would be made to grant relief from the fundraising provisions of the Corporations Act.

Charging of management fees by the ACPT

21. The ACPT management fee structure is currently under review. Initial discussions indicate the merits of ensuring parishes are charged for the services they receive from the ACPT. If services and associated costs are transferred to another entity, the parishes and other organisations receiving those services will pay the relevant fee to the new entity. *[Subsequent to the Standing Committee considering this matter, the ACPT management fee matter was resolved with the result that ACPT management services from 2023 will be charged to all parishes through Parish Cost Recoveries, reflecting the reality that all parishes benefit from the ACPT services. This will replace the current ACPT percentage fee on LTPF investment returns.]*

What difference does it make to parishes?

22. It is not expected there will be any diminishment in value or service level for parishes from the change. However, there is the potential for improved investment governance with a more specialised board responsible for all Diocesan long term investments, together with more transparent risk management and accountability.

The ACPT's ongoing objection to the change

23. The ACPT's view is that there is no need to change the current arrangement as there are no underlying issues with the way parish funds are currently invested in the LTPF under the trusteeship of the ACPT; the investment performance of the fund has been sound; there are no significant cost reductions likely to come about because of the amalgamation; and the benefits of having one trustee board do not outweigh the risks.

Summation

24. Most of the factors identified in the ASC's report as supporting the creation of a central investment management board remain applicable today. The existence of a single diocesan investment vehicle offers the opportunity to achieve operational and financial efficiencies and a single point of accountability and governance.
25. The proposal for a single investment vehicle is not intended to cast doubt on the levels of expertise of the current boards of the ACPT or the GAB. This is more a question of putting resources available to the most effective use for the benefit of the whole Diocese.
26. A simplification of the investment structures and processes would drive a range of efficiencies at both an operational and governance level. In particular –
- (a) Effective use of scarce investment expertise – the duplication and spreading of effort by GAB and ACPT board members in investment governance is rationalised and experienced specialists are freed up to volunteer their time and expertise in other areas of service,
 - (b) Clear accountability and governance – clear governance and accountability for funds invested and reporting by one special-purpose investment body to Standing Committee and Synod,
 - (c) Operational savings – direct cost savings in the order of \$50k pa are likely (due to efficiencies in the transaction costs related to investment rebalancing trades and the accounting and investment work undertaken by SDS staff), and
 - (d) Opportunity – for increased scale to provide lower cost investment management and wider investment opportunity.
27. Additionally, there is potential to leverage the benefits of the simplified structure if funds presently under the control of other bodies and organisations in the Diocese were to be added in the future. (However, the proposal is still beneficial with only the investments managed by the GAB and ACPT.)
28. A single investment vehicle would not reduce the range of investment options available, as a single vehicle could support and manage multiple pools of investments with differing objectives. It is noted that currently the GAB is trustee for two quite distinct investment pools: the DCIF (~\$115m) as well as the DE (~\$110m).

29. The amalgamation would require some one-off implementation effort, and may carry some (small) additional risk as a result of the concentration of decision making. However, if this was considered a concern it can be managed by addressing governance and accountability. It should be noted that it may be perceived that there currently exists a concentration of decision making with the use of the same asset consultant and investment manager by the two funds.
30. Each of the reasons noted in 2012 as warranting deferral of any action on this matter no longer apply. In particular –
 - (a) the relief now available from ASIC means that an AFSL would not be required,
 - (b) the DE and the LTPF currently have the same investment objective,
 - (c) the conflicts associated with managing, financing and owning St Andrew's House have been removed,
 - (d) the current proposal does not depend other Diocesan organisations to support a diocesan-wide investment solution,
 - (e) other pre-requisite reforms have proved effective, and
 - (f) the current proposal does not depend on a level of investment expertise within Standing Committee.
31. The vehicle should have a board with significant investment governance expertise and the capability to provide appropriate challenge to external investment professionals.
32. The vehicle should provide periodic and robust reporting appropriate to its varying stakeholders (investors / beneficiaries, Synod / Standing Committee) in order to provide accountability of its investment governance and investment performance, as well as risk management and administrative efficiencies.

Conclusions

33. While the explicit benefits of creating a single investment vehicle are not large, the proposal has a number of appealing factors:
 - (a) Simplicity – having multiple organisations with virtually identical objectives and operations is, on the face of it, not the most effective structure,
 - (b) Clearer governance and accountability,
 - (c) Some reduction in operational costs, and
 - (d) Potential for scale related benefits.
34. There are some potential risks, primarily related to governance, however these can be mitigated through effective reporting and oversight.
35. Accordingly, the Standing Committee agreed in principle at its meeting on 6 December 2021 –
 - (a) to establish a centralised investment vehicle, initially with responsibility for the assets of the DE, DCIF and the LTPF,
 - (b) that the vehicle should have robust accountability and reporting to Synod for its governance, performance and risk management,
 - (c) that the members of the trustee board have substantial and appropriate investment governance expertise, along with other skills and qualifications in line with the Synod's Governance Policy, and
 - (d) that the GAB, subject to a review of its membership criteria to ensure suitability of qualifications, is the most appropriate organisation to act as trustee of the proposed investment vehicle.
36. Noting the ACPT's position that if any change in the present trusteeship of the LTPF is to occur then the matter must be referred to the Synod, the Standing Committee requested the preparation of this report and its recommendation for Synod.

For and on behalf of the Standing Committee.

Standing Committee of Synod

Diocesan Investment Strategy

(A paper from the Glebe Administration Board.)

Key Points

- In 2011 the Archbishop's Strategic Commission ("ASC") recommended that a central investment management board ("CIMB") be created for the Diocese. For various reasons the Standing Committee deferred further consideration of this recommendation until after the end of 2013.
- Upon substantially completing a rationalisation and simplification of operations and assets, the Glebe Administration Board ("GAB") commenced a re-examination of this recommendation in late 2017 in the context of looking at a diocesan investment strategy. GAB sought comments from The Anglican Church Property Trust ("ACPT") on this matter.
- Initial discussions between the GAB and the ACPT contemplated the (liquid) investments of the Diocesan Endowment ("DE") and of the Long Term Pooling Fund ("LTPF"), being the only 2 significant central pools of investment in the Diocese, being amalgamated into a single diocesan investment vehicle. Different options for the most appropriate structure and trusteeship of such a vehicle were also discussed.
- Ultimately the ACPT formed the view that it would be undesirable to amalgamate the liquid assets of the DE and LTPF and that the current arrangements for investing those funds should continue to apply.
- It is appropriate that the Standing Committee be given the opportunity to form its own view regarding the establishment of a CIMB or other single diocesan investment vehicle and, possibly, broader strategic questions concerning the investment of diocesan assets.

Purpose

1. To enable the Standing Committee to determine whether it wishes to further consider the establishment and attributes of a single diocesan investment vehicle as a means of revisiting the recommendations made by the Archbishop's Strategic Commission ("ASC") in 2011 concerning the establishment of a central investment management board ("CIMB").

Recommendations

2. The Standing Committee note this report.
3. The Standing Committee, noting its decision to reconsider after the end of 2013 the recommendations made by the ASC concerning the establishment of a CIMB, request the Finance Committee to –
 - (a) review the material set out in this report concerning the possible establishment and attributes of a single diocesan investment vehicle,
 - (b) invite submissions from the Glebe Administration Board ("GAB"), the Anglican Church Property Trust ("ACPT") and other interested diocesan bodies on the establishment of such a vehicle and on any broader strategic questions concerning the investment of diocesan assets that the Finance Committee considers are relevant to this enquiry, and
 - (c) report its findings and recommendations to the Standing Committee by the end of 2019.

Background

4. The final report of the ASC of 15 August 2011 made a number of recommendations (4, 5, 6 and 8) in relation to the creation of a CIMB. The Standing Committee's response to these recommendations was reported to the Synod in 2012. Extracts of the Standing Committee's response to these recommendations are attached (Attachment A).
5. For various reasons, the Standing Committee decided not to pursue these recommendations at that time. Instead, the Standing Committee determined to reconsider the recommendations after the end of 2013 to allow a number of governance reforms made in response to the ASC to be assessed against performance indicators such as risk, performance, cost and administrative efficiency.
6. Despite the end of 2013 being over 5 years ago, the Standing Committee has yet to reconsider these recommendations.

Re-consideration of the CIMB recommendations

7. Upon substantially completing a rationalisation and simplification of operations and assets in late 2017, the GAB commenced a re-examination of the CIMB recommendations in the context of looking at a diocesan investment strategy. In particular the GAB considered whether the reasons which prevented the Standing Committee from pursuing a CIMB in 2012 continued to apply. In short, it found they did not.
8. A summary of this assessment is set out in Attachment B.
9. In early 2018, the GAB engaged the ACPT in a discussion on ways they might co-operate more closely in the management of the Diocesan Endowment ("DE") and the Long Term Pooling Fund ("LTPF"), being the only 2 significant pools of invested funds in the Diocese.
10. Initial discussions between the GAB and the ACPT contemplated a strategy which involved the liquid investments of the DE and the LTPF being amalgamated into one investment fund. For this purpose, liquid investments are non-cash assets, such as holdings in Australian or overseas share funds, which are capable of being redeemed on short notice. Different options for the most appropriate structure and trusteeship of such a fund were also discussed with a view to the GAB and ACPT preparing a joint paper on these matters for the Standing Committee.
11. In April 2019 the ACPT formed the view that it would not be desirable to amalgamate the liquid assets of the DE and LTPF and that the current arrangements for investing those funds should continue to apply. As a consequence, the ACPT was unable to support the provision of a joint paper to the Standing Committee.
12. Nevertheless, the GAB considers its discussions with the ACPT over the last 18 months have been helpful in identifying the matters to be considered in relation to the establishment of a single diocesan investment vehicle based on the amalgamation of the liquid assets of the DE and LTPF.
13. It is appropriate that these matters are brought to the Standing Committee's attention to give the Standing Committee an opportunity to decide whether it wishes to pursue the recommendation of the ACS to establish a CIMB given the primary reasons to defer doing so no longer exist.
14. If the Standing Committee were minded to do so, the GAB considers that the Standing Committee would be best served by asking its Finance Committee to -
 - (a) review the material set out in this report concerning the possible establishment and attributes of a single diocesan investment vehicle,
 - (b) invite submissions from the GAB, the ACPT and other interested diocesan bodies on the establishment of such a vehicle and on any broader strategic questions concerning the investment of diocesan assets that the Finance Committee considers are relevant to this enquiry, and
 - (c) report its findings and recommendations to the Standing Committee by the end of 2019.

15. Attachment C to this report provides some observations on the following questions which were identified by the GAB in considering the most appropriate structure and trusteeship of single diocesan investment vehicle -
 - (a) Should the two significant pools of central diocesan investment, namely the DE and LTPF, be amalgamated into a single diocesan investment vehicle?
 - (b) Should a diocesan investment vehicle be formed using an expanded version of the LTPF or a new trust established for this purpose?
 - (c) Who should be the trustee of a diocesan investment vehicle?
 - (d) Should a diocesan investment vehicle be open to other diocesan and Anglican investors?
16. The GAB is able to provide such further information as the Standing Committee or the Finance Committee requires to complete its review.

ROSS SMITH
Chair, Glebe Administration Board

30 June 2019

Extracts from the Standing Committee's report to the Synod in 2012 indicating its response to those of the ASC on Structure, Funding and Governance recommendations relating to a CIMB

Recommendation 4 – Creation of a central investment management board

19. Recommendation 4 of the ASC proposed the establishment of a central investment management board ("CIMB") and that diocesan bodies be encouraged to work towards ensuring that all investment activity for assets in excess of \$5 million in aggregate be undertaken through the CIMB or an external manager appointed by CIMB.
20. In its Final Report dated 15 August 2011, the ASC made the following comments in support of the proposal –
 - The ASC observed that the greatest financial expertise serving the Diocese was within SDS and GAB and, while it was evident there were some very able and financial aware people serving on other boards, there was (in the ASC's view) a general scarcity of committed Christians with a genuine depth of financial management experience and insight who were willing to serve. In the ASC's view, this meant that this limited resource was spread too widely, too thinly and ineffectively. The ASC believed that a CIMB would consolidate this limited resource and would consist largely of those within the Diocese who have investment and financial acumen, particularly from GAB and SDS.
 - The ASC noted that if the CIMB was the sole body making investment decisions, there would be no need for other boards to have investment expertise. There would be no reason (in the ASC's view) why the investment assets of other diocesan bodies (such as Anglicare and Anglican Retirement Villages) could not be invested by the CIMB on behalf of those bodies. Indeed, the ASC considered that there would be a strong preference for this to occur.
 - The ASC considered that while the recommendation that diocesan bodies undertake investments through a CIMB is contrary to the recent tendency for division of effort, the division of effort was not justifiable from the perspective of the overall diocesan financial interests.
21. The ASC acknowledged the significant reforms undertaken by GAB since late in 2009 to reform its investment processes. In the ASC's view, the creation of the CIMB would further enhance the investment processes in the Diocese.
22. The Working Group noted that since early 2010 GAB had undertaken a series of major reforms to enhance its investment processes for the Diocesan Endowment. Those reforms included reviewing the investment objective of the Diocesan Endowment, reviewing the strategic asset allocation and investment policies (particularly having regard to risk), and outsourcing the investment management and investment accounting functions to professional external service providers. These reforms had been reported to the Standing Committee and to the Synod. The Property Trust has undertaken similar reforms in relation to the investment processes for its Long Term Pooling Fund ("LTPF").
23. There is now a high degree of co-operation between GAB and Property Trust in relation to their investment processes which allows the relevant expertise on both boards to be pooled. For example, both GAB and Property Trust have appointed the same asset consultant and investment manager for the funds they respectively manage and joint meetings are held with the consultant and manager to discuss investment strategy and performance. However, while there is a high level of co-operation, the processes allow GAB and Property Trust to each adequately weigh and serve the distinct investment objectives of the funds they respectively manage.
24. GAB has also enhanced its reporting to both the Synod and the Standing Committee. By way of example, GAB now reports to the Standing Committee quarterly about the investment performance of the Diocesan Endowment, and those reports are widely available.
25. The Working Group understood that this co-operative model adopted by GAB and the Property Trust has reduced the complexity and cost of their investment management processes. Previously, GAB and the Property Trust undertook the investment of their funds through a central investment vehicle known as the Glebe Group. Among other things, that vehicle required an Australian

- Financial Services Licence (“AFSL”) to undertake the investment management function. However, the Glebe Group has subsequently been effectively closed because of the burdensome and costly administrative and external regulatory requirements associated with holding such a licence. The present co-operative model minimises those burdens and costs.
26. The reforms which GAB has undertaken have also sought to address conflicts of interest which existed in relation to St Andrew’s House. Prior to early 2010 GAB was the manager of St Andrew’s House (on behalf of the Corporation), as well as being the lender and the “beneficial owner” of part of that property. This created a number of conflicts which are likely to have contributed to many of the recent issues associated with the management and finances of St Andrew’s House. GAB sought to deal with these conflicts by initiating the withdrawal of its authority to undertake the day to day management of the building (which has been assumed by the Corporation).
 27. The Working Group advised the Standing Committee that the ASC’s proposals for a CIMB required more thought if some of the complexities, costs and conflicts of past processes were to be avoided –
 - The Working Group advised that it is likely that a CIMB, in the form proposed, would need to hold an AFSL. As mentioned, holding an AFSL is burdensome and costly.
 - Care needed to be taken to ensure that a CIMB was aware of, and effectively manages, the distinct investment objectives of the underlying funds invested in it.
 - A CIMB would also need to ensure that conflicts (such as the conflicts associated with the management, financing and ownership of St Andrew’s House) are avoided or effectively managed. In relation to St Andrew’s House, the model proposed by the ASC appeared to the Working Group to reinstate the structure which GAB sought to unwind, which gave rise to the conflicts of interest.
 28. If it was only the funds of GAB, the Property Trust and the Corporation which were invested through a CIMB the Working Group was doubtful, at the present time, that the benefits of a CIMB would outweigh the benefits of the present arrangements which involve a high level of co-operation between these bodies. Rather, the Working Group was concerned that a CIMB would add to the cost and complexity with little net benefit. The Working Group acknowledged that there would be greater force in the argument for a CIMB if it was a diocesan investment vehicle through which all organisations invested. However, the Working Group understood that informal soundings with members of other diocesan organisations suggested that it is unlikely that those organisations would want to utilise the investment services of a diocesan entity such as a CIMB.
 29. Accordingly, while the Working Group recognised the possible merits of a CIMB, it did not support the creation of a CIMB at this time. In coming to this view it was influenced by the significant reform in existing investment processes which appeared to have been effective and ought be further encouraged. But the Working Group was conscious that such reforms may not be maintained and, over time, unhelpful practices of the past might re-emerge.
 30. Accordingly, the Working Group recommended that the proposal for the CIMB be reconsidered after the end of 2013, being 3 years after the initial reforms, to allow such reforms to be assessed against performance indicators such as risk, performance, cost and administrative efficiency. This recommendation was adopted by the Standing Committee.
 31. The Working Group also recommended that, in the meantime, GAB, the Property Trust and the Corporation should be requested to report to the Standing Committee each 6 months in terms of such performance indicators to enable the Standing Committee to monitor the ongoing effectiveness of the reforms until such time as the proposal for a CIMB is reconsidered. This recommendation was also adopted by the Standing Committee, and the first of such reports is to be provided by the end of 2012.

Recommendation 5 – Investment strategy and related matters

32. Recommendation 5 of the ASC proposed that –
 - the Standing Committee approve the CIMB’s investment strategy at the level of asset allocation and material variations of asset mix, and
 - the CIMB be subject to a borrowing limit approved by the Standing Committee, and
 - the constituting ordinance of the CIMB be amended to clarify that the objective should be to first preserve the real value of the assets invested, and then provide a reasonable income.

33. Since Recommendation 5 was tied to the creation of a CIMB the Working Group considered that this recommendation ought also be deferred and reconsidered when the proposal for a CIMB was reconsidered. The recommendation of the Working Group that further consideration of Recommendation 5 be deferred was adopted by the Standing Committee.
34. However, in relation to the specific issues raised in this recommendation, the Working Group flagged that at the appropriate time further consideration needs to be given to the major practice and governance issues which would arise if members of Standing Committee were to be involved in decisions about asset allocations and asset mixes.
35. The Working Group considered that it was questionable whether the members of the Standing Committee would have expertise in such complex matters, and whether the Standing Committee's involvement would diminish the responsibility and accountability of the CIMB for undertaking the investment function. It was noted that questions as to whether members of Standing Committee so acting may be 'shadow directors' (with responsibilities under the Corporations Act) needed further reflection.
36. In the meantime, the Working Group considered that the present approach whereby the Standing Committee appoints the members of boards, regularly reviews investment strategy, and if not satisfied informs the relevant body, remains a good one. If still not satisfied, Standing Committee can change the members of the board. The Working Group's suggestion that GAB, the Property Trust and the Corporation report regularly to the Standing Committee was thought to assist the Standing Committee in monitoring the work of those bodies, particularly in relation to reviewing investment strategy.
37. The Working Group also flagged that enshrining the principle that the real value of the capital of a fund must be preserved before any distributions can be made by the fund is not without difficulty. This issue required more detailed consideration at the relevant time. Taken to the extreme the principle could mean that no distributions can be made from the fund if, for example, capital levels declined because of a decline in investment markets as has been experienced in recent times. An alternative approach, and one which GAB and the Property Trust have followed in recent years, is to recognise that there is risk inherent in investment activities, but the key issue is not to try and eliminate risk (as a requirement to maintain the real value implies) but to identify acceptable risk tolerances for the maintenance of the real value, and manage the investments according to those tolerances. GAB reported in some detail to the Synod in 2011 about its approach to maintaining the real value of the capital of the Diocesan Endowment. The Working Group believed that the proposed periodic reports to the Standing Committee will continue to allow this issue to be discussed.

Recommendation 6 – Endowment of the See

38. Recommendation 6 of the ASC was that the Endowment of the See Ordinance 1977 be amended to –
 - Insert a clause that establishes the objective to preserve the real value of the EOS.
 - Enable the trustee of the CIMB to be responsible for managing the EOS investments and allocate income from those investments to the EOS Committee.
 - Enable the EOS Committee to be responsible for budgeting and expenditure, within the amount allocated (as determined by the CIMB, on the recommendation of the Archbishop).
 - Clarify that all real property transactions, including mortgages, sales or leases are to be endorsed by the Synod or the Standing Committee.
39. On the basis that the ASC's recommendations for a CIMB are not being further pursued at this time, the Working Group considered that the Property Trust was the appropriate trustee for these purposes.
40. The Working Group proposed that the 1977 Ordinances be repealed and that 2 ordinances, namely the Endowment of the See Capital Ordinance 2012 and the Endowment of the See Expenditure Ordinance 2012, be passed to address the governance matters raised by the ASC and other related ordinances. Both the EOS Committee and the Property Trust were consulted in the course of the preparation of these proposed ordinances.
41. The Standing Committee adopted the recommendation of the Working Group and has passed the 2 ordinances.

42. The basic framework of the ordinances is as follows –
- (a) There are now 2 funds. The existing EOS fund (Fund 301) is now the Capital Fund. A new fund has been created which is known as the Expenditure Fund.
 - (b) The Property Trust is the trustee of the Capital Fund. The principal objects of the Capital Fund are –
 - to maintain the real value of the investments of the EOS, and
 - to receive distributions from the St Andrew's House fund (in respect of the EOS's 50% interest in that fund), and
 - to care for, repair, renovate and refurbish the real property of the Endowment of the See to an appropriate standard having regard to the age and use of that property (the real property of the EOS consists of the residences of the Archbishop and those assistant bishops provided with housing owned by the EOS).
 - (c) The Property Trust is to provide for distributions from the Capital Fund to the Expenditure Fund in accordance with the Capital Ordinance.
 - (d) The mechanism for the calculation and payment of the distributions is as follows –
 - The Property Trust is to determine before 30 June each year the amount which may be distributed to the Expenditure Fund after taking into account its costs and expenses of administering the Capital Fund, the retention of an appropriate amount from the returns of the Invested Property to maintain the real value of that property, and the retention of an appropriate amount to undertake the repair of the real property of the Fund.
 - The Property Trust is to give notice of its determination to the EOS Committee as soon as is practical after the making of the determination and, in any event, by 30 June.
 - The amount determined by the Property Trust is to be paid to the Expenditure Fund by 4 equal instalments due on 1 January, 1 April, 1 July and 1 October in the calendar year following the year in which the determination is made.
 - (e) The Expenditure Fund comprises an initial sum of \$3 million, the distributions made by the Property Trust from time to time, and other sums paid into the Fund from other sources. The purpose of the Expenditure Fund is to pay the expenses of the Endowment of the See. The Endowment of the See Committee will administer the Expenditure Fund.
 - (f) The purpose of providing an initial sum for the Expenditure Fund is to provide adequate working capital for the EOS Committee.
 - (g) The Property Trust will report each year about the Capital Fund under the Accounts, Audits and Annual Reports Ordinance 1995. The EOS Committee will provide a copy of the financial statements of the Expenditure Fund each year to the Standing Committee.
 - (h) The 1977 Ordinance has been repealed.

Recommendation 8 – Property Trust's investment function

54. Recommendation 8 of the ASC proposed that the Property Trust's investment function be passed over to the CIMB, and that the board of the Property Trust be comprised of members with the skill set to conduct its core business.
55. Since Recommendation 8 was also tied to the creation of a CIMB, the Working Group recommended that Recommendation 8 ought to be reconsidered when the proposal for a CIMB is reconsidered. In any event the Working Group said it was not aware of any suggestion that the present membership of the Property Trust does not collectively possess the skill set required to conduct its core business. The Working Group has been informed that a review of the skills of the members of the Property Trust is part of the annual review of board performance undertaken by the Property Trust.
56. The Standing Committee accepted the recommendation of the Working Group to reconsider Recommendation 8 when the proposal for a CIMB is reconsidered.

Reasons why a CIMB was not pursued in 2012

1. In its report to the Synod in 2012, the Standing Committee gave a number of reasons for not pursuing a CIMB at that time.
2. In general, it appears that the reasons given in 2012 for not pursuing the creation of a CIMB no longer apply.
3. The following table sets out the reasons given in 2012 for not pursuing a CIMB, and comments on why these reasons no longer apply.

	Reasons given in 2012 for not pursuing a CIMB	Why these reasons no longer apply
1.	The strong likelihood that a CIMB, in the form proposed would need to hold an Australian Financial Services Licence ("AFSL") which would be burdensome and costly.	<p>In view of the relief now available under the <i>ASIC Corporations (Charitable Investment Fundraising) Instrument 2016/813</i> (the "ASIC relief"), a diocesan entity could act as the trustee of an investment vehicle without an AFSL and the costs and complexities associated with such a licence. This is the same instrument under which the GAB obtains relief from licensing and other Corporations Act requirements as trustee of the short-term investment vehicle, the Diocesan Cash Investment Fund ("DCIF"). However, it would be unnecessary to obtain the ASIC relief to operate a diocesan investment vehicle if all investments in the vehicle were made in the name of the same corporate trustee (as is currently the case with ACPT client fund investments in the LTPF). This would be the situation if –</p> <ul style="list-style-type: none"> • the LTPF formed the basis of the diocesan vehicle, • the trustee of the vehicle was the ACPT, • the investments in the vehicle were limited to the liquid assets of the DE and the LTPF, and • the trusteeship of the DE's liquid assets was transferred from the GAB to the ACPT to enable such assets to be invested in the LTPF in the name of the ACPT.
2.	Concern regarding the differing investment objectives of the LTPF and the DE.	<p>The LTPF and the DE have shared the same investment objective (CPI + 3.5% p.a.) since September 2017.</p> <p>However, see paragraphs 2, 6, 8 and 9 of Attachment C.</p>
3.	Conflicts associated with the management, financing and ownership of St Andrew's House.	<p>At GAB's instigation, the St Andrew's House Corporation ("SAHC"), took back management of St Andrew's House from the GAB in May 2011. In March 2015 the SAHC replaced the GAB as the trustee and legal owner of St Andrew's House. In September 2017 the DE's 50% interest in the St Andrew's House Trust was removed and is now held by the SAHC directly for the Synod. GAB's loan to the SAHC remains in place but is due to be repaid in full by 31 December 2022.</p>

	Reasons given in 2012 for not pursuing a CIMB	Why these reasons no longer apply
4.	Concerns that the CIMB would not be a diocesan-wide investment solution.	The diocesan investment strategy considered in this paper involves the creation of a diocesan investment fund through the amalgamation of the liquid assets of the DE and the LTPF. This would not depend on investment by other diocesan entities and, unlike the original CIMB recommendation, would not mandate such investment. However if the ASIC relief referred to above was obtained it would be possible for other diocesan (and possibly Anglican) entities to invest in the fund directly in their own name.
5.	Acknowledgement that further reform was needed before the CIMB would be effective.	In 2012 the Standing Committee requested the GAB, SDS, ACPT, EOS, and SAHC to report every 6 months against certain performance indicators in order to monitor the on-going effectiveness of reforms taken by those organisations. In February 2014 the Standing Committee discontinued this reporting requirement on the basis that it was no longer necessary.
6.	Possible lack of expertise within Standing Committee to approve the asset allocation and other investment policy matters concerning the CIMB.	The diocesan investment strategy considered in this paper would not involve the Standing Committee approving asset allocations and other investment policy matters. Such decisions would be made by the trustee of the fund - with the advice of an external specialist consultant, assuming the trustee was a diocesan body, as is already the case for the GAB and the ACPT.

Questions for consideration

Question 1

Should the two significant pools of central diocesan investment, namely the DE and LTPF, be amalgamated into a single diocesan investment vehicle?

1. The primary rationale for a diocesan investment strategy must depend on achieving operational and financial efficiencies through the investment of the liquid assets of the DE and LTPF into a single long-term, diversified investment vehicle.
2. Although the DE and the LTPF have different investment horizons (the DE measures its investment objective over 20 years whereas the LTPF uses a 10 year timeframe), the other key characteristics of these funds are now shared –
 - investment objective (CPI + 3.5%),
 - defensive/growth asset split (35%:65%),
 - measure of maintaining real value (70%),
 - liquid assets (except for modest holdings in unlisted infrastructure and direct property), and
 - compliance with the Diocesan Ethical Investment Policy.
3. Taking a diocesan-wide view, these shared characteristics present an opportunity to achieve a simplification of our investment structures and processes which in turn would drive a range of efficiencies at both a governance and operational level. For example, it is estimated that direct cost savings in the order of \$50k pa are likely to be achieved through efficiencies in the transaction costs related to investment rebalancing trades and the accounting and investment work undertaken by SDS staff.
4. However not all efficiencies are capable of ready quantification. For example, no attempt has currently been made to quantify what are likely to be the significant direct and indirect cost savings achieved by minimising the time spent by volunteer board members in duplicate governance structures. In addition to the direct costs of maintaining duplicate governance structures themselves, the involvement of volunteers, all of whom are highly experienced specialists in their fields and competent board members, represents a significant opportunity cost for the Diocese insofar as it prevents the use of their time and expertise in other areas of service.
5. Despite the efficiencies that are expected through the amalgamation of the liquid assets of the DE and LTPF, there are a number of reasons not to support such an amalgamation.
6. Firstly, the amalgamation would reduce the capacity for the investment objectives and other characteristics of the DE and LTPF being differentiated in the future. While the investment objective and other characteristics of the DE and LTPF currently reflect the very similar requirements of their underlying beneficiaries (i.e. the Synod and parishes respectively), it is conceivable, although unlikely, that these requirements may diverge in the future. Such a divergence could be managed through the allocation process to this or other investments. Nonetheless, a reduction in the capacity to differentiate the characteristics of those funds in the future should be taken into account in assessing the net benefit of amalgamating those funds.
7. Secondly, the net benefit likely to be achieved from the amalgamation may be insufficient to justify the effort involved in implementing amalgamation. In considering this matter, regard should be had to both the readily quantifiable net cost savings likely to be achieved through the amalgamation as well as the less tangible, but no less real, efficiencies achieved by removing the duplication of volunteer board member effort in overseeing the investments of the DE and LTPF.
8. Thirdly, the benefits of amalgamation of the two funds may not outweigh the risk in having the 2 significant central pools of investment of the diocese governed by a single board. There is an argument, based in part on managing risk through separation and diversity in decision-making, to continue the current practice where members of both the GAB and the ACPT Insurance

Investment and Finance Committee (“IIFC”), and the senior executive team of SDS meet together for a quarterly update from the investment manager, Mercer, and continue to collaborate together in this quarterly review for the mutual benefit of each fund gained from the collective skills and experience delivered by the membership of the two boards.

9. However, if this is indeed an issue, consideration should properly be given as to whether there are similar, or even greater, concerns with both the GAB and the ACPT using the same asset consultant and investment manager (and as a result having very similar asset allocations, investment objectives and underlying investments) notwithstanding the current separate decision-making processes.

Question 2

Should a diocesan investment vehicle be formed using an expanded version of the LTPF or a new trust established for this purpose?

10. A diocesan investment vehicle could be established using an existing diocesan fund. Alternatively, a new fund could be created for this purpose.
11. In terms of an existing diocesan fund, it would be possible to use the LTPF as the basis for a diocesan investment vehicle since the LTPF is an investment product in which underlying investors, namely the ACPT Client Funds, acquire units. By comparison, the DE is capital held on trust by the GAB with no underlying investors. The capital of the DE cannot therefore be used as the basis of a unitised investment product. Rather, if the DE is to form part of a diocesan investment vehicle, the capital of the DE must be invested in a unitised investment product.
12. Accordingly, the decision as to the most appropriate trust fund structure for a diocesan investment vehicle becomes a choice between using the existing LTPF or establishing a new unitised trust fund for this purpose.
13. Diagrammatic representations of a diocesan investment vehicle based on the LTPF and a new trust fund are shown in Attachment D.
14. There is some attraction in starting with a new trust fund. The main drawback is that a new fund would involve an extra layer of administration which would involve additional cost, including the establishment and maintenance of a unitised trust fund structure (in addition to that of the LTPF). Current estimates suggest that the additional on-going costs associated with a new fund could be in the order of \$100k pa. However, these additional costs would need to be offset against the expected cost savings associated with the amalgamation itself (see the response to question 1 above).
15. The use of the LTPF as the basis of the diocesan vehicle would avoid the extra level of administration. It is expected that the marginal cost of maintaining the LTPF as the vehicle for broader diocesan investment would be negligible.
16. Mercer has indicated, informally at this stage, that its fees are not expected to increase significantly regardless of the chosen structure as these are largely a function of invested assets.

Question 3

Who should be the trustee of a diocesan investment vehicle?

17. There are a number of possibilities as to who the trustee of a diocesan investment vehicle should be. The 3 main possibilities are –
- An external investment manager (e.g. Mercer).
 - A third party professional trustee (e.g. Perpetual).
 - A diocesan body (e.g. GAB or ACPT).
18. Using an external investment manager of diocesan investments (e.g. Mercer) as trustee of a diocesan investment vehicle has the advantage of avoiding the possible reputational issues that

may be associated with a diocesan body acting as trustee. This is notwithstanding that the investment management component of the vehicle is outsourced to the investment manager.

19. Mercer has indicated it could act as trustee of an Anglican-specific investment solution, open only to approved investors nominated by a diocesan body such as SDS or the Standing Committee (who could be paid a "finder's fee").
20. However, there are some significant impediments to an investment manager acting as trustee. For example, Mercer has indicated its involvement would require a minimum of \$250 million of funds under management (the total funds under management across the DE and the LTPF is currently around \$157 million). This would mean that the "Mercer as trustee" model is dependent on other investors, and also on the ongoing maintenance of minimum funds under management in perpetuity. From a governance perspective, to have Mercer as both trustee and investment manager would not be ideal.
21. For these reasons, it is suggested that this option not be pursued.
22. A third party such as Perpetual could construct an Anglican-specific investment solution and be the trustee. They would appoint the investment manager.
23. This option would help in the "outsourcing" of risk and cost associated with using a diocesan trustee; and also provide a clear separation between the trustee and the manager. However, the risk and cost associated with using a diocesan body as trustee may not be significant, particularly if it were to operate with the benefit of the ASIC relief referred to in Attachment B.
24. A third party professional trustee would be required to exercise its fiduciary responsibilities as trustee. Unless such responsibilities were expressly qualified in the trust deed, it is possible that over time diocesan interests in matters such as investment objective, investment allocation and ethical policy considerations would be diluted.
25. For these reasons, it is suggested that this option not be pursued.
26. Either the ACPT or (a reconstituted) GAB could be the trustee of the diocesan investment vehicle. A third possibility is that a new diocesan entity could be established to act as trustee, although there are no significant advantages in this option to (a reconstituted) GAB acting as trustee.
27. Most of the issues relating to a diocesan entity acting as trustee of a diocesan investment vehicle are canvassed in the response of the Standing Committee in 2012 to the recommendations of the ASC (see Attachment A).
28. There are some pros and cons relevant to assessing whether (a reconstituted) GAB or ACPT is better placed to be the trustee of a diocesan investment vehicle. These are summarised in the matrix in Attachment E which also summaries the pros and cons associated with the two main structural options (new trust or LTPF). However, in summary, the main issue in terms of the trusteeship of a diocesan investment vehicle is whether a specialist trustee for this role (a reconstituted GAB) is better placed for this rather than a generalist trustee (ACPT). It should be noted that if the ACPT were the trustee of a diocesan investment vehicle, it would continue to have a specialist subcommittee, currently the ACPT's IIFC, to advise on the management of the diocesan investment vehicle, with its decisions being ratified, amended or overruled from time to time by the full board of the ACPT. This is how the LTPF is currently managed.
29. There are different opinions about whether a trustee of a diocesan investment vehicle should be a specialist trustee or a generalist trustee, and the resulting steps that would need to be taken if (a reconstituted) GAB or the ACPT were to become the trustee. These matters are outlined as follows.

ACPT as trustee of a diocesan investment vehicle

30. The view which prefers the ACPT as a generalist trustee of a diocesan investment vehicle would point to the fact that the current arrangements for trusteeship of the LTPF (held by the ACPT) and the DE (held by the GAB) have not given rise to any material difference in the investment performance of the LTPF and the DE. Further, whether the trustee is regarded as "specialist" or not does not focus on the trusteeship aspect, which is arguably more important. On this view the GAB experience as

trustee is seen as narrow, with one beneficiary only, in contrast to the ACPT which has extensive experience as trustee of a range of trusts with different beneficiaries, particularly parishes.

31. If the ACPT were to become the trustee of the diocesan investment vehicle using the LTPF as the basis of such a vehicle, consideration would need to be given to the following –
- (a) GAB resigning as trustee of at least that part of the DE comprising its liquid assets and Standing Committee appointing the ACPT as trustee of such assets. The part of the DE held by the ACPT as trustee would become another ACPT client fund invested in the LTPF.
 - (b) The resulting confinement of the role of the GAB as trustee of –
 - (i) the DCIF (the short-term diocesan cash investment vehicle),
 - (ii) any residual illiquid assets then held by the DE, and
 - (iii) the Margaret Herron Trust.
 - (c) Appointing the ACPT as trustee of each of the “residual” trusts referred to in (b) and winding up the GAB’s operations completely.
 - (d) Including some members of the GAB as advisors on the ACPT’s IIFC, which at present is the Committee of the ACPT which more closely deals with the trusteeship of the LTPF (noting that joint quarterly meetings of members of the ACPT’s IIFC and members of the GAB with Mercer already exist).

GAB as trustee of a diocesan investment vehicle

32. The view which prefers (a reconstituted) GAB as a specialist trustee of a diocesan investment vehicle would point to the opportunity to make the greatest use of the best investment specific expertise available to oversee, and possibly even develop, the management of investments for the Diocese. This would in turn enable the ACPT as a generalist trustee to focus its attention and effort in the oversight of parish property (and insurance cover for diocesan entities and parishes) which is already an extensive and complex area in itself. The reasons for using a specialist trustee such as (a reconstituted) GAB for a diocesan investment vehicle are similar to those articulated by the ASC in 2011 when recommending the creation of a CIMB (see Attachment A). The reasons for not pursuing that recommendation at that time arguably no longer apply (see Attachment B).
33. If (a reconstituted) GAB were to become the trustee of the diocesan investment vehicle using the LTPF as the basis of such a vehicle, consideration would need to be given to the following –
- (a) ACPT resigning as trustee of the LTPF and Standing Committee appointing (a reconstituted) GAB as trustee of the LTPF.
 - (b) Obtaining relief from ASIC to enable the ACPT to continue to invest its various client funds in the diocesan investment vehicle in its own name as trustee. This would be the same kind of relief which the GAB currently has as trustee of the short-term investment vehicle, the DCIF. Legal advice obtained by the GAB indicates that obtaining this relief in respect to a diocesan investment vehicle should not be a problem.
 - (c) Authorising (a reconstituted) GAB as trustee of the DE and the ACPT as trustee of its various client funds to invest in the diocesan investment vehicle.
 - (d) Continuing with (a reconstituted) GAB as the trustee of –
 - (i) the new long-term diocesan investment vehicle (based on the LTPF),
 - (ii) the DCIF (the short-term diocesan cash investment vehicle),
 - (iii) the DE, and
 - (iv) the Margaret Herron Trust.
 - (e) Drawing from across the existing membership of the GAB and the ACPT’ persons who possess the most relevant skills and experience for a reconstituted GAB membership.

Question 4

Should a diocesan investment vehicle be open to other diocesan and Anglican investors?

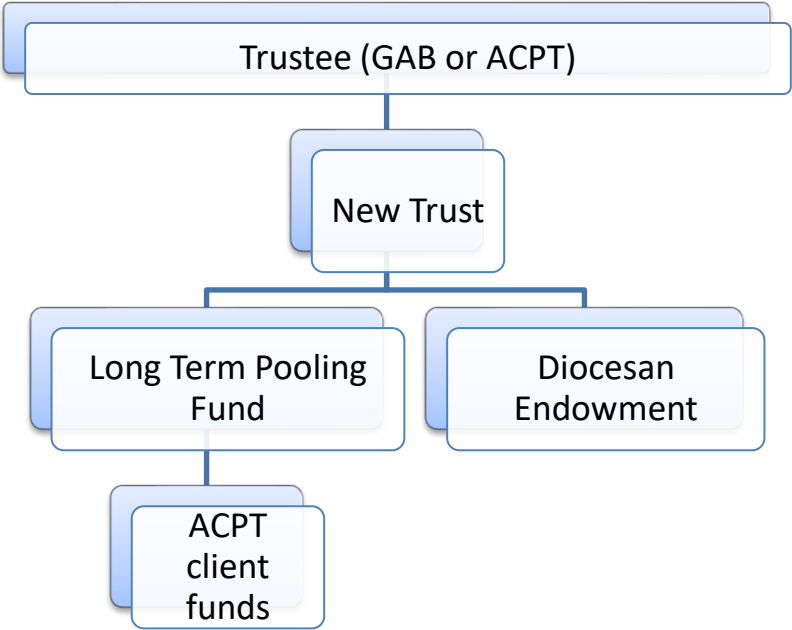
34. There is a further possible attribute of a diocesan investment strategy which may be worthy of consideration. That is, the vehicle for combining the investments of the DE and the LTPF could be

set up in a way which gives other diocesan and Anglican entities the opportunity to invest in the vehicle if they choose to do so.

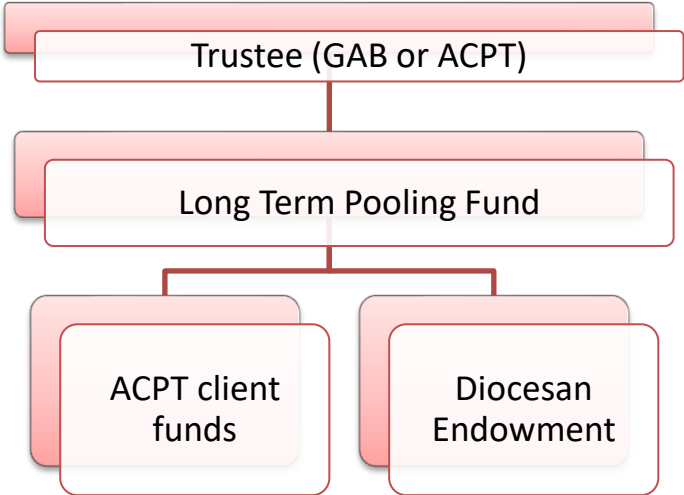
35. There are different views as to whether this attribute is worth pursuing.
36. Those that support opening the diocesan investment vehicle to other diocesan and Anglican investors would want to look beyond how diocesan investments are currently managed and at least be in a position to create further scale and efficiencies for diocesan investments in the future if other diocesan and Anglican entities wished to invest in a diocesan investment vehicle.
37. Those that do not support opening the diocesan investment vehicle to other diocesan and Anglican investors doubt that other diocesan Anglican entities would want to invest in a diocesan investment vehicle, particularly if those entities had different investment objectives or requirements to those of the DE and LTPF. They consider there is no evidence at present to indicate that it is at all likely.
38. The potential attraction of such an investment vehicle for other diocesan and Anglican entities would be access to a long-term diversified investment vehicle which –
 - complies with the Diocesan Ethical Investment Policy,
 - would be unattainable for those with smaller investment pools, and
 - offers fees lower than those available to such entities if they sought to invest on a stand-alone basis.
39. The increase in scale achieved through the addition of other investors in a diocesan fund could be of further benefit to the DE and LTPF due to the fixed natures of some of the administration costs. The total portfolio for the DE and LTPF currently invested with Mercer is just below \$157 million. In order to achieve a greater rate of fee rebate from fund managers an additional \$143 million would need to be invested.
40. If other diocesan and Anglican entities decided to invest in the diocesan vehicle, it is expected that the key features of the vehicle would continue to be set and reviewed by reference to the investment requirements of the DE and LTPF as its core or founding members.
41. An ideal product for the investments of diocesan and Anglican entities is likely to have the following features –
 - (a) compliance with the Diocesan Ethical Investment Policy (screens and carbon footprint targets),
 - (b) suitable for longer term investment (greater than 5 years, ideally 10+),
 - (c) diversified by asset class and fund manager to reduce market volatility,
 - (d) suitable for tax-exempt investors,
 - (e) suitable risk parameters and investment objective which are reviewed at least yearly,
 - (f) regular distributions of income (which can be received in cash or via re-investment),
 - (g) liquid,
 - (h) managed by a reputable fund manager,
 - (i) regular reporting with yearly strategic reviews,
 - (j) sound governance structure, and
 - (k) efficient way for clients with less than \$10 million to participate in a global, well managed product.
42. Initial research by SDS management suggests a product which has all these features is not available in the marketplace.
43. In view of the relief now available under the *ASIC Corporations (Charitable Investment Fundraising) Instrument 2016/813*, a separate diocesan entity could act as the trustee of an investment vehicle without an AFSL and the costs and complexities associated with such a licence. This is the same instrument under which the GAB currently obtains relief from licensing and other Corporations Act requirements as trustee of the short-term investment vehicle, the DCIF.

**Structure of a diocesan investment vehicle
New trust or LTPF**

Structure 1



Structure 2



Structure of a diocesan investment vehicle - Pros and Cons

		GAB or ACPT as TRUSTEE		
		GAB	Either GAB or ACPT	ACPT
New Trust or the LTPF as INVESTMENT VEHICLE	New Trust	<i>Pros:</i> <ul style="list-style-type: none"> • – 	<i>Pros:</i> <ul style="list-style-type: none"> • Simpler investment administration for DE and LTPF (due to single investment holding in new trust). 	<i>Pros:</i> <ul style="list-style-type: none"> • –
		<i>Cons:</i> <ul style="list-style-type: none"> • – 	<i>Cons:</i> <ul style="list-style-type: none"> • Cost of establishing and maintaining new trust. • Extra level of administration for ACPT client fund investors (DE has no clients). 	<i>Cons:</i> <ul style="list-style-type: none"> • –
	Either New Trust or LTPF	<i>Pros:</i> <ul style="list-style-type: none"> • GAB is a specialist trustee for investment management. • GAB retains expertise as the trustee for both the long-term and short-term diocesan investment vehicles. • Strong performance history since 2010. 	<i>Pros:</i> <ul style="list-style-type: none"> • Increased efficiencies with respect to managing one investment pool. • Cost savings with respect to rebalancing, asset consulting fees and other administration costs. • Potential to grow FUM to gain benefit of scale and reduced costs for all investors (with additional investors beyond the DE and LTPF). 	<i>Pros:</i> <ul style="list-style-type: none"> • IIFC retains responsibility for investment oversight on behalf of the ACPT. • Strong performance history since 1996.
		<i>Cons:</i> <ul style="list-style-type: none"> • Additional costs associated with retaining specialist trustee for investment management. • Cost of obtaining ASIC relief to permit pooling of associated wholesale 	<i>Cons:</i> <ul style="list-style-type: none"> • Reduced scope for differentiating between DE and LTPF objectives in the future. • GAB would retain separate residual trusteeship of non-liquid assets of DE (GAB may consider realising these assets and invest the proceeds in the chosen 	<i>Cons:</i> <ul style="list-style-type: none"> • ACPT is not a specialist trustee for investment management. • Different trustees for long-term and short-term diocesan investment vehicles. • Residual trustee roles of GAB may need to be reassigned if GAB was to be wound up.

		investments (being ACPT client fund investments in the vehicle held on trust by GAB).	investment vehicle). <ul style="list-style-type: none"> • Cost of obtaining ASIC relief to permit pooling of associated wholesale investments (for additional investors beyond the DE and LTPF). 	
	LTPF	<i>Pros:</i> <ul style="list-style-type: none"> • – 	<i>Pros:</i> <ul style="list-style-type: none"> • Simpler investment administration for DE with single investment holding in LTPF. • No extra level of administration (costs) for ACPT client fund investors. 	<i>Pros:</i> <ul style="list-style-type: none"> • –
		<i>Cons:</i> <ul style="list-style-type: none"> • – 	<i>Cons:</i> <ul style="list-style-type: none"> • – 	<i>Cons:</i> <ul style="list-style-type: none"> • –

Assumptions –

1. The ACPT retains its role as trustee of the underlying client funds.
2. The asset allocation of the diocesan investment vehicle (whether a new trust or the LTPF) is similar to the current asset allocation of the LTPF (i.e. the vehicle will be made up of liquid assets).

Standing Committee of Synod

Diocesan Investment Strategy

(An outline by the Anglican Church Property Trust)

Key Points

- The GAB as trustee for the Diocesan Endowment (“DE”) and the ACPT as trustee for the Long Term Pooling Fund (“LTPF”) are the only significant central pools of investment in the Diocese.
- The ACPT considers that the status quo trustee structures of two distinct separate legal trustees of each fund continues to be the optimal, efficient and sensible structure for holding and managing these two funds.
- While the GAB proposes the amalgamation of the DE and the LTPF into one investment fund, the ACPT’s view is that the benefits of amalgamation do not outweigh the risk in having the two significant central pools of investment of the diocese governed by a single board.
- As the funds held in the LTPF are Church Trust Property any decision to amalgamate the DE and the LTPF and to change the trustee should be made by the Synod.

Purpose

1. To brief the Standing Committee about ACPT’s position in respect to a potential amalgamation of the Diocesan Endowment (DE) and Long Term Pooling Fund (LTPF) as a single diocesan investment vehicle.
2. To enable the Standing Committee to consider the choices that may be made for the trusteeship of those invested funds.

Recommendations

3. The Standing Committee notes this outline.
4. If any change in the present trusteeship of the LTPF is to occur, the ACPT’s position is that the matter must be referred to the Synod as this involves the trusteeship of parish funds. If there is to be a change of trusteeship so that the LTPF and the DE has one trustee, then, again, the ACPT’s position is that that matter needs to be referred to the Synod.

Background

5. GAB as trustee of the Diocesan Endowment (DE) and the ACPT as the trustee for the LTPF hold the two significant central pools of investment for the diocese which are invested for the long term. The LTPF provides a means for ACPT to pool funds held by it in separate trusts for parishes and other diocesan organisations.
6. In 2011, the Archbishop’s Strategic Commission recommended that a central diocesan investment management board be created for the Diocese. Consideration of this was deferred by the Standing Committee until after the end of 2013; a reporting requirement from the ACPT and the GAB was dispensed with. This proposal appears to have died a natural death.
7. In more recent times, the role of the GAB has changed with the removal of its banking function and its ownership of one half of St Andrew’s House Corporation being transferred to the Synod. As a consequence, the investment profiles of the DE and the LTPF are basically similar.
8. In late 2017 the GAB commenced a re-examination of these recommendations in the context of looking at a diocesan investment strategy. In early 2018, the GAB initiated discussions with ACPT in respect to evaluating whether there might be merit in amalgamating the LTPF and DE into a single fund under the management of a single trustee.

9. The ACPT and GAB consider that the primary rationale for a diocesan investment strategy must depend on achieving operational and financial efficiencies through the investment of the liquid assets of the DE and LTPF into a single long-term, diversified investment vehicle, while not compromising the clear governance benefit of the current two trustee structure.
10. Currently there is one investment manager, Mercer, for both the DE (\$85 million under management) and the LTPF (\$64 million under management). This means there are already economies achieved in terms of discounted fees as both funds are notionally aggregated by Mercer and joint meetings of GAB and ACPT's investment sub-committee are held quarterly with Mercer.
11. The ACPT considers that when looking back at the hard financial and governance lessons learned from the diocesan experience in negotiating the global financial crisis, and of course noting that none of the current GAB members were present when the decisions of the then GAB were taken that led to a material diminution in the value of the DE, it is considered that there is a compelling argument to continue the current practice. At present both boards and the senior executive team of SDS meet together for a quarterly update from Mercer and continue to collaborate together in this quarterly review for the mutual benefit of each fund gained from the collective skills and experience delivered by the membership of the two boards.
12. If a conservative approach is taken in relation to investments, there is much to be said for maintaining the present position, so that the major liquid investments funds of the Diocese have two boards considering them rather than having the opinion of one board only prevail.
13. An amalgamation would prevent the investment objectives and other characteristics of the LTPF and DE being differentiated in the future. While the investment objective and other characteristics of the DE and LTPF currently reflect the very similar requirements of their underlying beneficiaries (i.e., the parishes and synod respectively), it is conceivable, that these requirements may significantly diverge in the future. Accordingly, the inability to differentiate the characteristics of each fund in the future should be taken into account in assessing the net benefit of amalgamating those funds.
14. The net financial benefit estimated to be achieved from the amalgamation is relatively nominal to justify the effort involved in implementing amalgamation. Mercer have indicated that there would not be a reduction in their fees as they are based on funds under management, which will not change as a result of the amalgamation. Mercer already notionally aggregate the funds.
15. If there was to be a change, there does not seem to be any sound basis for determining trusteeship by reference to the particular asset that is held rather than having the appropriate trustee hold the funds. In other words, there is no logical basis for the ACPT holding assets which, for example, happen to be real estate but if the real estate was sold and invested, for the proceeds then to be held and invested by a different trustee.
16. If there was a change from the present position so that there was only one trustee of a combined LTPF and DE, then the ACPT is of the view that the matter should be referred to the Synod because of the history noted above and the implications of having one board only responsible for oversight of all of the Diocesan invested funds. As the funds in the LTPF are largely Parish funds the Synod needs to make the decision in regard to the funds of the parishes.
17. If the LTPF and the DE were amalgamated into one fund with one trustee, legislation would be required and the legal position would need to be clarified.
18. It follows from the above that the ACPT is particularly of the view that if the notion of having a separate supposedly specialist trustee for the holding of invested funds was to be taken further, that step is of such significance that the ACPT believes that it must be referred to the Synod.

RICHARD NEAL
Chairman
Anglican Church Property Trust Diocese of Sydney
Sydney

MELINDA WEST
Deputy Chair
Anglican Church Property Trust Diocese of
Sydney

8 July 2019

Analysis of GAB and ACPT arguments for and against amalgamating the Long Term Pooling Fund (LTPF) and the Diocesan Endowment (DE)

Cost and efficiency

ACPT view

1. There are already economies achieved in terms of discounted fees as both funds are notionally aggregated by Mercer and joint meetings of GAB and ACPT investment sub-committee are held quarterly with Mercer.
2. The net additional financial benefit from amalgamation of the two funds would be relatively small, after allowing for the cost of implementation. Mercer have indicated there would be no reduction in their fees since they are already based on the aggregate value of funds under management.

GAB view

3. The impediments to a single diocesan investment vehicle identified in 2012 no longer exist.
4. Estimated direct cost savings of \$50,000 pa through efficiencies in transactions costs.
5. An amalgamation would enable the non-financial efficiencies identified by the Archbishop's Strategic Commission to be realised –
 - (a) Most efficient use of scarce resource (committed Christians with genuine depth of investment and financial acumen willing to serve of Boards),
 - (b) Removes need for other Boards to have investment expertise,
 - (c) The separation of investments is not justifiable from overall Diocesan financial interests.

Finance Committee conclusion

6. Even if the financial savings from an amalgamation are modest the other efficiencies are significant and make the amalgamation worthwhile.

Board expertise

ACPT view

7. Having input from members of three Boards or Committees (ACPT, GAB and EOS Corporation) with direct accountability for the performance of its underlying investments is likely to be more effective governance than having a [single] trustee holding funds for the benefit of others.

GAB view

8. A single Board comprising members with the best skills and experience in investment management oversight would provide focus and the value-add of a specialist group. This structure would also avoid duplication of effort and opportunity cost in the membership of other volunteer Boards.
9. This approach is consistent with the rationale used in other aspects of the Diocesan structure, such as the 2016 merger of the Sydney Anglican Home Mission Society Council and Anglican Retirement Villages to consolidate the provision of residential aged care home and services and retirement accommodation.

Finance Committee conclusion

10. A single specialist Board focussed on investment management oversight is the preferred governance structure.

Ordinance amendments required and legal process

ACPT view

11. Legislation would be required and ACPT's legal position must be clarified. ACPT is unsure if steps have been taken to seek such advice.
12. The ACPT considers the notion of having a separate specialist trustee for invested funds to be of such significance that the matter would need to be referred to Synod.

GAB view

13. The GAB has not expressed a view on any ordinance amendments that may be required.

Finance Committee conclusion

14. Discussions with SDS Legal indicate there is no reason why funds under the trusteeship of the ACPT cannot be invested in a vehicle not under its control. This is already the case with funds invested in the Diocesan Cash Investment Fund (**DCIF**).
15. Legal advice will be sought as to the specific ordinance amendments required and the appropriate approval process once a preferred structure has been agreed.

Governance – multiple trustees v one trustee

ACPT view

16. The ACPT considers a conservative approach to investments is better served by having the opinion of two Boards to consider the issues, rather than having only one Board.
17. The DE suffered a material diminution in value during the Global Financial Crisis (**GFC**), therefore the ACPT should retain responsibility for the LTPF.

GAB view

18. The GAB supports the recommendations of the Archbishop's Strategic Commission and agrees for the reasons noted above (most efficient use of scarce specialist investment skills and experience, as well as allowing other Boards to focus on their core activities) that a single Diocesan investment vehicle is the preferred structure.
19. Standing Committee's report to Synod in 2012 in response the recommendations of the Archbishop's Strategic Commission noted that since early 2010 GAB had undertaken a series of major reforms to enhance its investment processes for the Diocesan Endowment.

Finance Committee conclusion

20. Having two separate trustees for investments with essentially the same key characteristics is inefficient.
21. The lessons learned from the GFC have resulted in a number of changes to the GAB so that the cause of the magnitude of the loss of value during the GFC has been removed. In addition, governance and accountability of the GAB has been enhanced.
22. The LTPF also suffered a material, although somewhat less, diminution in value during the GFC.
23. There is currently limited accountability of the ACPT to Synod for its governance or investment management of the LTPF and a centralised investment vehicle would overcome this shortcoming.
24. A centralised investment vehicle would also overcome any governance questions about the appropriateness of an entity that is trustee of assets also being trustee of their investment.

Amalgamation would prevent differentiation of investment objectives/characteristics in the future

ACPT view

25. The ACPT assert that an amalgamation of the funds would prevent the application of different investment objectives and characteristics in the future, should that ever be needed.

GAB view

26. The GAB believe, should a differentiation ever be necessary, it could be managed through the allocation process. However, if a lack of diversity at the level of Board oversight was considered an issue, then consideration could also be given to having different asset consultant and investment managers.

Finance Committee conclusion

27. There is no reason why a single investment vehicle can't manage multiple portfolios with different investment objectives. Currently the GAB is trustee for the Diocesan Endowment and the Diocesan Cash Investment Fund – two portfolios with distinctly different objectives.

The risks outweigh the benefits

ACPT view

28. The net financial benefit to be achieved from the amalgamation is relatively nominal and may not justify the effort to implement.

GAB view

29. There are modest direct cost savings of \$50,000 pa and an amalgamation would enable the non-financial efficiencies identified by the Archbishop's Strategic Commission. \

Finance Committee conclusion

30. Appropriately managed there are no substantive new or additional risks from amalgamation, but there are significant efficiencies.

Assets should not be held by another trustee for investment purposes

ACPT view

31. The asset, whatever its form at the time (eg land or cash) should be held by the one trustee and not moved to another trustee just because the form in which the investment is held has changed.

GAB view

32. The GAB supports recommendation 4 of the Archbishop's Strategic Commission for a single central investment management Board.

Finance Committee conclusion

33. Investments are best managed by a specialist trustee with skills and expertise in that area.
34. Creating a single investment vehicle doesn't derogate from the position of the ACPT as trustee of the funds being invested. It potentially creates greater governance clarity.
35. For a number of years now the ACPT has chosen to invest client funds in the DCIF (the trustee of which is the GAB).

Review of the *Nomination Ordinance 2006*

(A report from the Standing Committee.)

Key Points

- The process prescribed by the *Nomination Ordinance 2006* (the **Ordinance**) is broadly considered to be effective and efficient in achieving its implied objective – the Archbishop's appointment of good men into suitable places at the right times.
- Some refinements to the nomination process are recommended to improve clarity and manage expectations of all the parties in the process. These refinements comprise amendments to the *Nomination Ordinance 2006* and improvements to the process and communication outside the Ordinance.
- It is recommended that the eligibility requirements of parish nominators be refined, and additional certifications from the Professional Standards Unit be inserted into the process.

Purpose

1. To explain proposed amendments to the *Nomination Ordinance 2006* and improvements to the nomination process outside the Ordinance.

Recommendations

2. Synod receive this report.
3. Synod, noting the report 'Review of the *Nomination Ordinance 2006*', requests that the Standing Committee implement the changes to the *Nomination Ordinance 2006* and nomination process generally as suggested in the report.

Background

4. At its meeting on 21 June 2021, the Standing Committee resolved as follows –

Standing Committee agrees to appoint Canon Craig Roberts (Chair), the Registrar, Mrs Kirsty Bucknell, Bishop Chris Edwards, Canon Sandy Grant, Mr Greg Hammond OAM and Ms Yvette McDonald to a committee to review the *Nomination Ordinance 2006*, in consultation with the Archbishop.

The review should include comment on –

- (a) whether the present balance of interests/responsibilities of stakeholders, Archbishop, parish, synod and nominee should be adjusted,
- (b) whether the time frames in the nomination procedure should be adjusted,
- (c) whether, after 13 months have elapsed, a process should be in place to communicate the prior work of the Nomination Board to the Archbishop,
- (d) whether there is merit in formalising conditional appointments for clergymen, for example by including recommendations for further theological study, or setting time limits on tenure,
- (e) options to update the Ordinance relating to meeting options utilising technology,
- (f) how any relevant insights from appropriate HR practices may be incorporated,
- (g) in what ways communication with stakeholders can be enhanced,
- (h) the implications of the future directions of parochial structure that are under consideration, including appropriate competencies for rectors, and

- (i) appropriate findings from the 'Rector Workforce Study' that may enhance matches of parishes with rectors.

The committee is encouraged to consult as appropriate with the Regional Bishops, the Diocesan nominators and Bishops Davies and Jensen.

5. At the request of the Committee, on 9 August 2021 the Standing Committee appointed the Deputy Registrar as an additional member of the Committee.
6. The Committee met 6 times (July 2021 to July 2022) and, in the course of its work, consulted with the Archbishop, Regional Bishops, Bishops Davies and Jensen, and the Synod-elected members of the Nomination Board. The Committee, in partnership with the Strategy & Research Group, also surveyed parish-elected members of the Nomination Board (see paras 14-15 below) and ultimately provided a report with recommendations to the Standing Committee at its meeting on 25 July 2022.
7. At its meeting on 25 July 2022, the Standing Committee authorised the publication of this report, and requested that a motion be moved at Synod with the effect that the Synod ask the Standing Committee to implement the changes outlined below to the *Nomination Ordinance 2006* (the **Ordinance**) and the related processes outside the Ordinance.

Discussion

Overview of the Ordinance and nomination process

Nomination Ordinance 2006

8. The Ordinance is primarily procedural and sets out the following matters –
 - (a) the circumstances in which a parochial vacancy occurs and the notification requirements,
 - (b) pre-conditions for obtaining benefits under the Ordinance and the certification process for application of the ordinance,
 - (c) convening of meetings and how the process may be suspended,
 - (d) the principal function of the Nomination Board and procedural matters regarding the functioning of the Nomination Board,
 - (e) rights of the Archbishop, and
 - (f) membership matters for the Nomination Board.
9. The Ordinance includes a diagrammatic summary of the nomination process (**the process**). This is reproduced for convenience at Attachment 1.
10. The Ordinance does not deal in detail with licensing requirements, nor provide any mechanism to enable other than a standard offer be made. Matters concerning licensing and conditions on which a licence may be offered are the responsibility of the Archbishop.
11. The Nomination Board has no role in licensing of clergy to provisional parishes nor any role in licensing of clergy to a parish after right of nomination has lapsed.

Nomination process and timeframes

12. The process can be characterised as having two main stages:
 - (a) determination of whether a parish has nomination benefits (42 days + 1 month), and
 - (b) the nomination board process (13 months).
13. The specific timeframes are as follows –
 - (a) 42 days for the Archbishop to certify whether a parish will have the benefit of nomination (cl 6),
 - (b) 1 month to convene the first meeting of the Nomination Board (cl 9),
 - (c) 21 days for a clergyman to accept or decline an offer (cl 22),
 - (d) 6 months after the first meeting of the Nomination Board in which to make a nomination (cl 24),

- (e) 3 months in which to make a further nomination (cl 25),
- (f) total period of 13 months after the date for which the first meeting of the Nomination Board was convened in which to make a nomination (cl 27).

Key feedback and considerations regarding the current process

14. The Committee, in partnership with the Strategy & Research Group, undertook a survey of Parish Nominators in November 2021. An executive summary is provided at Attachment 2.
15. The key findings were as follows –
 - (a) There is evidence that, whatever improvements may be needed, the existing process appears to be delivering satisfactory results in most parishes. Following completion of a nomination process –
 - (i) 93% of nominators were either extremely/very satisfied with the new rector (81%) or quite satisfied (12%),
 - (ii) similarly, 86% believed that all or most of their fellow parishioners were satisfied with the new rector,
 - (iii) 94% of nominators were still in the same parish after the nomination process had ended; only 3% left for reasons to do with the nomination process.
 - (b) Both current and previously activated nominators feel well equipped to handle key parts of the role, which may reflect –
 - (i) having been activated as a nominator before, or their occupational background, and
 - (ii) the diversity of people nominators can turn to for advice, the most consulted group (58%) being ministers inside or outside the parish.

Nevertheless, a key theme which emerged from the survey is that nominators feel the Diocese could do more to support nominators, specifically the provision of better information and training.
 - (c) The survey found that many nominators had difficulty understanding the various aspects of the nomination process when using the Ordinance as their primary reference. This suggests the need for a short, plain English version of the Ordinance or explanatory commentary within the Ordinance which addresses the main issues that a prospective nominator would be required to know.

Recommended Amendments to the *Nomination Ordinance 2006*

16. The following paragraphs outline the recommended amendments to the Ordinance, grouped according to the structure of the Ordinance.

Part 1: Preliminary

17. A common theme of feedback received from parish nominators and the diocesan nominators alike was that a lack of clarity about the role of each group in the process can lead to mismatched expectations. The Ordinance currently does not provide detail about the purpose of each role, and whose interests they serve.
18. One way to improve clarity is to change the names of the roles. In particular, it is felt that that the name “diocesan nominator” does not reflect the actual role of those members to represent the interests of the Synod. Instead, the following titles are proposed –
 - (a) Parish-elected Nominator (currently ‘parish nominator’)
 - (b) Synod-elected Nominator (currently ‘diocesan nominator’)
19. The Ordinance should include a statement as to the purpose and interests of the main parties in the process. In our view, these are –

‘All members of the Nomination Board are to act in the interests of the parish by considering a range of clergymen in seeking to nominate one or two of them to fill a vacancy in its office of rector, in line with all applicable ordinances and policies of the Synod.

In seeking this end, and within the fellowship of all parishes in the Diocese, it is expected –

- (a) each **Parish-Elected Nominator** will reflect their understanding of the needs and aspirations of their local parish.
- (b) each **Synod-Elected Nominator** will reflect the convictions, character and culture of the Synod.
- (c) the **regional bishop or archdeacon**, as non-voting Chair, will bring a unique combination of pastoral wisdom together with local and diocesan knowledge.

The **Archbishop** is to act consistently with his requirements for licensing rectors in the Diocese and all applicable ordinances and policies of the Synod.

Each **Parish-Elected Nominator** is encouraged to engage with the Nominator Training Workshop within three months of their first appointment as a Nominator.’

20. As recommended by the survey of Parish Nominators, it is intended that plain English explanations be provided regarding the purpose of each section of the Ordinance.
21. It is proposed to update the process flow diagram in the Ordinance as required to reflect any changes to the Ordinance from the present review.

Part 2: Occurrence of a parish vacancy

22. Further to the notification and reporting provisions in cl 4, a more robust certification process should be undertaken for a vacant parish prior to the Nomination Board being convened within 42 days and one month to enable readily foreseeable issues (financial, relational, and any other significant matters) to be addressed prior to nomination process commencing. This should be provided to the regional bishop to use at his discretion. It should not affect right of nomination but should equip the bishop for his role in the process.
23. Such certification should involve obtaining a statement from the Professional Standards Unit as to whether there are any historical or current issues involving the parish on record with the PSU.
24. In light of the contemporary practice of parish nominators preparing a precis of their parish for prospective rectors, it is recommended that any such precis be provided to the Diocesan nominators no later than the time that it is made available to potential candidates. It is anticipated that this will inform the Nomination Board of what the parish is seeking in a new rector, and of any matters the Nomination Board should be aware.

Part 3: Entitlement to benefits under this Ordinance

25. No changes are recommended.

Part 4: Nomination to the Archbishop

26. The Ordinance currently allows the Nomination Board to nominate more than 2 clergymen (see cl 10(2)(c), cl 15, and cl 18). It is understood that this provision is rarely used, and may in fact be unhelpful, as it may indicate that the Nomination Board has not done the expected work to reduce the number of people on the list. It is therefore recommended that the Nomination Board be required to recommend one or two names, with or without an order of priority.

Meeting options utilising technology

27. The Ordinance already includes provision for –
 - (a) participation in meetings of the Nomination Board by telephone or video conferencing (clause 17), and
 - (b) resolution of matters otherwise than at a meeting (i.e. by circular resolution) (clause 18).

These provisions are considered sufficient, and no changes are recommended.

Part 5: Archbishop's response to Nomination

28. Presently, the language in the Ordinance is inconsistent about whether the Archbishop 'is to' (cl 21(1)-(3)) or 'may' (cl 21(4)) make an offer. We recommend the language of cl 21(4) be made consistent with the language of the prior subclauses in cl 21.
29. Should a clergyman to whom an offer is made under cl 21(3) decline or neglect to accept appointment within the time limited for acceptance, it is recommended that cl 25 require the Archbishop to consult with the regional Bishop or Archdeacon before making a further offer of appointment.

Period in which to make a nomination

30. Most respondents to the survey of parish nominators (72%) found it easy to understand the timeframes as set out under the Ordinance. Almost two-thirds (65%) of respondents who had read the Ordinance felt that the adequacy of the timeframes was about right; another 21% felt that the timeframes needed to be longer.
31. Further consultation revealed that the timeframe warranting attention was in cl 24 (6 calendar months to make the first nomination) though this period may be extended by the Archbishop if he is satisfied that due diligence has been shown by the Nomination Board.
32. It is recommended that cl 24 be omitted. While it originally may have been intended to keep the nomination process moving, it unnecessarily constrains the Nomination Board. The ordinance already makes provision to suspend the process at any time if the parish nominators are unable to do their work.

Certification from the Director of Professional Standards

33. In a report to the Standing Committee from the Professional Standards Oversight Committee dated 3 November 2021, it was recommended that the nomination process include a certification from the Director of Professional Standards (**DPS**) about relevant matters in relation to a potential nominee. It is recommended that the Ordinance provide a mechanism for the Archbishop to seek this certification from the DPS prior to making an offer of appointment.

Ultimate lapsing of right of Nomination

34. The Ordinance should provide for the Nomination Board to communicate its prior work to the Archbishop after 13 months have elapsed.

Part 6: Constitution of the Nomination Board

Parish Nominators

Eligibility criteria

35. Cl 32 sets out the eligibility criteria for parish nominators. The criteria should be amended to –
 - (a) use the same qualification criteria as for a warden, detailed at cl 2.12(1) of the *Parish Administration Ordinance 2008 (the PAO)*: viz.
 - (1) *A parishioner of a church of the parish who is not less than 18 years of age and who is a communicant member of the Anglican Church of Australia.*
 - (2) *The spouse of a person in Holy Orders licensed to the parish is not qualified to be elected or appointed as a [parish nominator].*
 - (3) *At any one time, a husband and wife may not both be [parish nominators] of a church.*
 - (4) *A person who is engaged as an employee and who is paid from the funds of the church or parish may not be appointed or elected as a [parish nominator]*
 - (5) *A person who is bankrupt or a person who is mentally incapacitated may not be appointed or elected as a [parish nominator] of a church.*
 - (6) *A person who is convicted of a disqualifying offence listed in Schedule 2 of the Child Protection (Working with Children) Act 2012 may not be appointed or elected as a [parish nominator].*

- (b) retain the existing disqualification of those in holy orders, and
- (c) adopt the definitions provided in other ordinances for the following terms, and include explanatory notes within the ordinance so the reader does not need to cross-reference with said other ordinances –
 - (i) 'communicant member' - as defined in the PAO: viz. *in relation to the Anglican Church of Australia, includes a person who is a member of the Anglican Church of Australia and who partakes regularly in the Holy Communion or the Lord's Supper.*
 - (ii) 'lay person' - as defined in the *Interpretation Ordinance 1985*: viz. *a person who is not at the relevant time – a) ordained as a bishop, presbyter or deacon by a bishop of – (i) the Anglican Church of Australia, (ii) a Church in communion with the Anglican Church of Australia, or a Church that is recognised as an Anglican Church by the Synod of the Diocese of Sydney, or b) received into an order of ministry of the Anglican Church of Australia by a bishop of the Anglican Church of Australia in accordance with the law of the Anglican Church of Australia.*
 - (iii) Parishioner - as defined in the PAO: viz. *a person – (i) who is a member of the Anglican Church of Australia, and (ii) who has usually during 3 months in the 12 months preceding the time at which the status of the person as a parishioner is to be determined attended services of public worship in a church of the parish or as part of an associated congregation of such a church,*
subject to the following:

A person may not be a parishioner of more than one parish at the same time. If, but for this sub-rule, a person would be a parishioner of more than one parish at the same time, the person must elect as to the parish of which they consider themselves to be a parishioner and any such election, when made, cannot be varied [for the purposes of this and all other ordinances, for so long as the person is a parish nominator].

36. Attention is drawn to the recommendation that the minimum age of a parish nominator should be lowered from 21 to 18 years of age.

Disqualification criteria

37. Cl 31 sets out the circumstances in which a casual vacancy in the office of diocesan nominator occurs. The criteria should be expanded to include the following additional circumstances from cl 7.1(2)(a) of the *Synod Elections Ordinance 2000* –
- (a) the person becomes an insolvent under administration, or
 - (b) the person becomes of unsound mind or a person whose person or estate is liable to be dealt with in any way under the laws relating to mental health or is otherwise incapable of acting, or
 - (c) the person is disqualified from managing a corporation within the meaning of the *Corporations Act 2001*, or
 - (d) the person is disqualified from being a responsible entity of a registered entity by the Commissioner of the Australian Charities and Not-for-profits Commission, or
 - (e) the person is convicted of an offence punishable by imprisonment for 12 months or longer, or
 - (f) the person becomes subject to a recommendation from a Tribunal or the Adjudicator under the *Discipline Ordinance 2006* (or from a comparable Tribunal or body in another diocese or church) that he or she be prohibited from holding the office or should be removed from the office.
38. The Ordinance should also clarify that if a disqualifying circumstance referred to cl 31 applies to a person holding office at the time of his or her election and notice of such disqualifying circumstance is received by the Diocesan Secretary, the person is taken to cease holding a qualification necessary for election to the office.

Requirement for Statement of Personal Faith

39. Should the role of diocesan nominators be codified as to reflect the convictions, character and culture of the Synod (para 19, above), diocesan nominators should be required to sign the Statement of Personal Faith. In order to respect the primacy of the parish within the polity of the Diocese, this requirement should not be extended to parish nominators.

Part 7: Miscellaneous

40. No changes are recommended.

Improvements to the process outside the Ordinance

41. The following paragraphs outline the recommended amendments to the nomination process outside of the *Nomination Ordinance 2006*.

Information and training for parish nominators

42. A theme from the Survey of Parish Nominators was the need for more support from the Diocese, particularly with regard to a perceived lack of quality candidates and a desire for improved communication with the Nomination Board and bishops. Suggestions included having a dedicated Head Office resource or sponsor to guide and support the process, and building an accurate pipeline of available candidates.
43. The Centre for Ministry Development (**CMD**, operated by Moore College) training course for parish nominators should firstly be advertised alongside the notification of the election of parish nominators, and secondly should be strongly commended to the incoming parish nominators so as to educate potential nominators about their role.
44. In recent years, the Registry has not published the Diocesan Year Book on an Annual basis. If the Year Book is not available and updated at least annually, the Diocesan Registry should provide parish and diocesan nominators access to current clergy data that would otherwise appear in the Year Book.

Attitudes of parish nominators

45. A concern raised by interviewees in the Rector Workforce Study, which was conducted by the Strategy and Research Group in 2021, was that too many nominators appear fixated on securing a candidate aged in their 40s, with a young family. In the same study, concerns were also expressed about difficulties in securing rector roles among older candidates aged in their 50s and 60s.
46. In view of these concerns, respondents to the survey of parish nominators were asked whether they agreed or disagreed with statements about the attractiveness of different age groups as candidates for the rector role.
47. While many nominators had mixed feelings about whether candidates aged in their 40s do indeed make the best rectors (42%), this idea was less likely to be rejected out-of-hand than for candidates aged in their 50s and 60s (67%). It is telling that, while 20% of nominators agreed that candidates aged in their 40s do indeed make the best candidates, only 3% agreed with this proposition for candidates aged in their 50s and 60s, despite the greater life experience and years in the ministry of such candidates. There is some evidence here that an age bias may be influencing the identification of appropriate candidates. Most nominators (62%) were at least open to the idea that candidates aged in the 40s are the best candidates for rector, while at the same time two-thirds (67%) rejected a similar proposition for candidates aged in their 50s and 60s.
48. Addressing this perceived bias is considered difficult and problematic, especially if it is an unconscious bias. However, the additional training and guidance of the CMD Nominators Training Course, together with proactive counsel from the regional bishop, may assist Parish Nominators in this regard.

Attitudes of clergy

49. The Committee heard evidence of systemic reluctance among clergy to consider ministry in lower socioeconomic and regional areas. This is a 'matter of the heart' for clergy and cannot be addressed by any ordinance. The Director of Ministry Training and Development, and the Principals of Moore College and Youthworks College are better placed to address this troubling evidence, and to collaborate with the Archbishop and Assistant Bishops in response.

Training for rectors

50. There is opportunity for improvement to the Process through the education of Rectors, including through the Developing Rectors program via –
- (a) elevating the importance of the Annual General Meeting of Parishioners process as it bears upon the election of parish nominators, and
 - (b) providing a one page summary for Rectors on how they may assist the training experience of those elected as parish nominators.

Communication

51. The survey of parish nominators (paras 14-15, above) revealed some concerns about the flow of information during the nomination process. The CMD Nominators Training Course is already having a positive impact in this area. However, the following opportunities for better communication have been identified –
- (a) regional bishops to explain to parish nominators at their first meeting the process timeline and responsibilities of the various process partners,
 - (b) Parish nominators to consider how to inform the parish of progress, that the process might be covered in prayer,
 - (c) Registry to advise parish nominators of the steps and timeframes that follow the nomination of a name(s) to the Archbishop,
 - (d) upon acceptance of an offer of appointment, consideration should be given to simultaneously communicating that decision to the Nomination Board and to the wardens of the parish,
 - (e) a regional bishop should consider what feedback might be most helpful to unsuccessful candidates, especially those men who proceeded to a final round interview,
 - (f) in the rare occurrence of an appointment 'not working out', the regional bishop or archdeacon should provide feedback to the diocesan nominators.

Matters outside the scope of the review

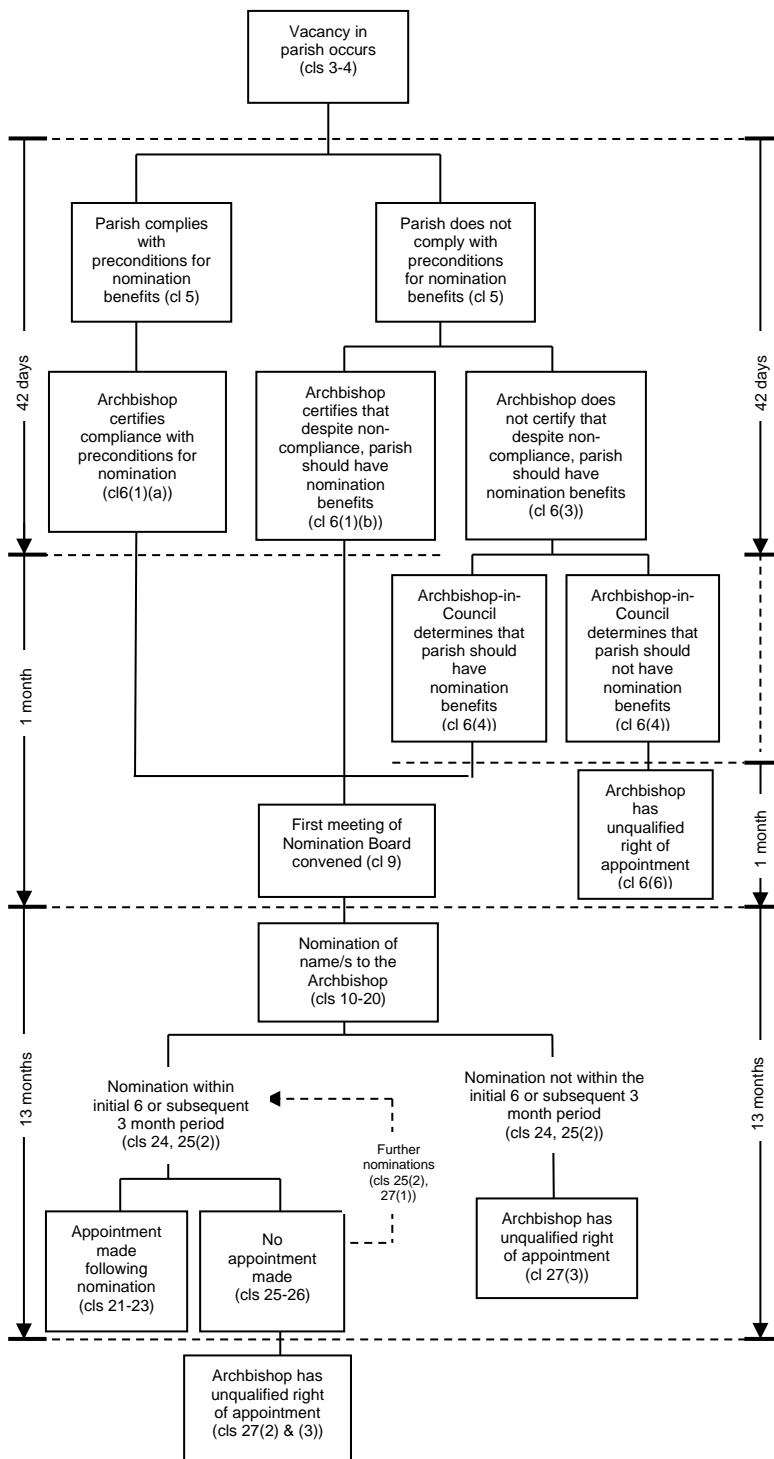
52. Other matters brought to the Committee's attention, but considered to be outside the scope of the review of the Ordinance, include:
- (a) anecdotal reports that rectors are exiting parish ministry at a greater rate than people seeking to enter parish ministry, leading to a reduction in the candidate pool,
 - (b) reports that – notwithstanding the helpful in-service training resources offered by MT&D and CMD for 'lifelong ministry development' – rectors receive limited support and feedback when in parish ministry about how to best develop their gifts or plan a ministry pathway for both themselves and members of their parish ministry team,
 - (c) concern that there is no mechanism to systematically and strategically steward the ministry gifts and talents across the Diocese to support effective parish ministry,
 - (d) consideration of the current array of voluntary professional development programs that clergy may utilise 'don't lead anywhere', and
 - (e) evaluation of the utility of candidate psychometric testing, together with attendant data privacy questions and concerns.

For and on behalf of the Standing Committee.

DANIEL GLYNN
Diocesan Secretary

25 July 2022

Nomination Ordinance 2006 Diagrammatic Summary of Provisions



Executive Summary – Parish Nominators Survey

About the Survey

A survey of currently and previously activated (within the last 5 years) parish nominators was carried out in November 2021. The survey was sent to 463 nominators and attracted 356 participants, which represents a response rate of 77%.

The survey was commissioned by the Strategy and Research Group (SRG) and the Nomination Ordinance Review Committee (NORC).

Survey Findings

What Parish Nominators Bring to the Role: A positive finding which emerges from the survey is that nominators bring a depth of occupational experience to the role, such as experience in management, HR, or recruitment (73%) or in an employed ministry role (14%). Around 40% claim to have a good understanding of recruitment issues. Apart from previous activation experience, most have at least three years' experience as a nominator (73%) including more than 10 years' experience among a fifth of respondents.

Support from the Diocese for Parish Nominators: While most nominators felt well equipped to handle key parts of the role, which is possibly a reflection of their occupational backgrounds or previous activation experience, many nominators felt the Diocese could do more by providing better information and training. Some 34% cited a lack of guidelines on how to do the role and 28% cited a lack of understanding of the process as key difficulties in undertaking the nominator role. There were also mixed opinions about the information currently available, including on the SDS website, and many comments were made about the need for a database or up-to-date listing of available ministers to approach to fill vacant rector positions.

A nominators' training course has been developed by the Centre for Ministry Development (CMD). While early indications in the survey are positive, it is too early to tell which gaps this course has filled, with only 12% having seen the course at the time of the survey.

Outcomes of the Nomination Process: There is evidence that, whatever improvements may be needed, the existing process appears to be delivering satisfactory results in most parishes. Following completion of the nomination process, most nominators (81%) were extremely or very satisfied with the new rector and a further 12% were quite satisfied, a total of 93%. Respondents also reported high levels of satisfaction among their fellow parishioners and only around 3% of nominators had left the parish afterwards for reasons to do with the nomination process.

Nevertheless, 8-out-of-10 nominators did experience difficulties with the role. The open-ended survey questions attracted sometimes lengthy responses regarding the difficult experiences of nominators or failures of the process in some parishes.

The Nominator Role and Process - Strengths, Weaknesses and Errors made: The main strengths of the nominator role were seen as ensuring an informed understanding of the parish and its needs are considered, and that the parish is represented in an optimal way in the process.

The main weaknesses of the nominator role were seen as electing the wrong people to the role, its time-consuming nature, a lack of information about the candidates, a lack of training, and the possibility of poor working relationships between nominators and others involved in the process.

Most of the key errors identified in completed nomination processes had to do with factors which led to the choosing of an inappropriate candidate, poor decision-making and poor working relationships between the various parties in the process.

Regarding the nominators themselves, one concern which emerged was a bias towards candidates aged in their 40s with a young family. Many nominators believed that such candidates often make the best rectors while at the same time rejecting a similar proposition about candidates aged in their 50s or 60s.

Understanding of the Nomination Process: The survey found that many nominators have difficulty understanding the various aspects of the nomination process when using the Ordinance as their primary reference.

Most nominators thought that the role of the Nomination Board was to suggest suitable candidates to the parish nominators, give feedback on candidates, and provide guidance, advice and feedback to the parish nominators. A lesser number thought the Nomination Board had a supervisory role, reviewing the work of the parish nominators and ensuring proper processes are followed, and approving or rejecting candidates put to them by the parish nominators.

The regional Bishop was seen as a source of guidance, of information about prospective candidates, of supervising the process, and in accepting or rejecting potential candidates. The Archbishop was seen as the final decision-maker in selecting the next rector.

Relations with the Nomination Board: A lack of support from the Nomination Board was cited as an area of difficulty by 1 in 5 parish nominators and was mentioned frequently in responses to the open-ended questions. The most helpful aspects of the Board were seen by parish nominators as in providing advice, including about candidates, and their depth of knowledge and experience. The least helpful aspects were in suggesting candidates that parish nominators did not agree would be a good fit, not understanding the needs of the parish, and difficulties in arranging meetings with the Board.

Ideas for Improving or Supporting the Role: The most common idea expressed was the need for better training and resources from the Diocese for nominators, including standard training courses, FAQ sheets, templates for key documents, contact person(s) at Head Office, and advice on contacting prospective candidates. A related idea was the need for an up-to-date list or database of candidates and more information about the candidates. Improved communication and working relationships with the Nomination Board and Bishops was frequently raised, including the setting of meetings, more informal contact between meetings and visiting the parish to become more familiar with its characteristics and needs. The use of video conferencing to overcome difficulties in arranging face-to-face meetings should be considered.

Voluntary Assisted Dying

(A report from the Standing Committee.)

Key Points

- The NSW *Voluntary Assisted Dying Act 2022* imposes on faith-based organisations, such as Anglican Community Services (**Anglicare Sydney**), who are opposed to euthanasia or physician assisted suicide, a legal obligation to facilitate, support or permit euthanasia or physician assisted suicide. This is yet another egregious assault on religious freedom.
- Anglicare Sydney, a major provider of seniors' care, risks being significantly impacted by the application of the provisions of the *Voluntary Assisted Dying Act* enforcing participation.
- The recommended motion reaffirms the Sydney Diocese of the Anglican Church's continued opposition to euthanasia or physician assisted suicide. In addition, while noting the Archbishop's Working Group, calls on the NSW Government to permit faith based organisations to choose not to participate, as in other states.

Purpose

1. The purpose of this report is to provide supporting comments in relation to a motion on the Business Paper to be moved at the request of the Standing Committee regarding voluntary assisted dying.

Recommendations

2. Synod receive this report.
3. Synod, noting the report, Voluntary Assisted Dying –
 - (a) reaffirm the principled and continuing opposition of the Sydney Diocese of the Anglican Church to euthanasia or physician assisted suicide because it –
 - (i) is a threat to the safety and well-being of the most vulnerable in our society;
 - (ii) overturns the ethics of medicine and health care;
 - (iii) undermines the need to provide adequate and appropriate palliative care to all Australians, irrespective of who they are or where they reside; and
 - (iv) is opposed by all faiths, including Christianity, that share belief in the sanctity of life,
 - (b) note that –
 - (i) the NSW *Voluntary Assisted Dying Act 2022* will commence in eighteen months' time;
 - (ii) in the meantime the Archbishop has established a Working Group to provide operationally informed guidance to the Board of Anglican Community Services (**Anglicare Sydney**), and the Archbishop as President of Anglicare Sydney, and other Anglican organisations on the theological issues and implications of the *Voluntary Assisted Dying Act*; and
 - (iii) the Working Group invites comments from members of Synod on the theological issues and implications of the Voluntary Assisted Dying Act by no later than 14 October 2022. Comments should be sent by email to Diocesan.Secretary@sydney.anglican.asn.au,
 - (c) condemn the *Voluntary Assisted Dying Act* for imposing on faith-based organisations opposed to euthanasia or physician assisted suicide, a legal obligation to facilitate, support or permit euthanasia or physician assisted suicide, as an egregious assault on religious freedom, and
 - (d) call on the NSW Government to administer the *Voluntary Assisted Dying Act* in such a manner as to permit faith-based organisations, including residential aged care providers, who oppose euthanasia or physician assisted suicide on the grounds of institutional conscientious objection, not to participate in, facilitate or permit euthanasia or physician assisted suicide in or at their premises, facilities or services in any way.

Background

4. In 2017 Synod passed resolution 5/17 as follows –

‘Synod –

- (a) consistent with its previous resolutions (17/16, 32/14 and 38/10), reaffirms that all human life is precious in God’s sight, and that the Bible prohibits the purposeful killing of innocent people,
- (b) re-iterates its opposition to patient-assisted suicide and doctor-assisted euthanasia,
- (c) recognises that there are no adequate legal safeguards possible for any proposed legalisation of euthanasia or assisted suicide that can protect the vulnerable and frail aged,
- (d) calls on Anglicans in the Diocese of Sydney to engage in the public debate on euthanasia/assisted suicide in an informed way which recognises the social, ethical and medical consequences of any new legislation, and
- (e) calls on the NSW Parliament –
 - (i) to reject the *Voluntary Assisted Dying Bill* 2017, and
 - (ii) to continue to prioritise the improvement of palliative care services.’

5. In May 2022, General Synod passed resolution R107/18 as follows –

‘General Synod –

1. Reaffirms its principled opposition to euthanasia or physician assisted suicide as:
 - (a) a threat to the safety and well-being of the most vulnerable in our society;
 - (b) it overturns the ethics of medicine and healthcare;
 - (c) it undermines the need to provide adequate and appropriate palliative care to all Australians, irrespective of who they are or where they reside;
 - (d) it is opposed by all faiths that share the belief that life is sacred; and
 - (e) it undervalues the positive contribution vulnerable or terminally ill people may make in the lives of others.
2. Strongly opposes all existing or proposed legislation that imposes on faith-based organisations opposing euthanasia or physician assisted suicide, a legal obligation to facilitate, support or permit euthanasia or physician assisted suicide, as an assault on religious freedom.
3. Commends Victoria and Western Australia for recognising institutional conscientious objection grounds, and permitting faith-based organisations to choose to neither facilitate nor support nor permit euthanasia or physician assisted suicide.
4. Calls on the NSW Parliament to oppose the *Voluntary Assisted Dying Bill* 2021 and if that is not possible, to amend Part 5, Division 2 of the Bill, to permit faith-based organisations who oppose euthanasia or physician assisted suicide, to refuse, on the grounds of institutional conscientious objection, to participate in, facilitate or permit euthanasia or assisted suicide in or at their premises or facilities or services in any way.’

6. The *Voluntary Assisted Dying Act* 2022 was passed by the NSW Parliament in May this year.

Discussion

7. On 20 May 2022, the Archbishop responded to the passage of the *Voluntary Assisted Dying Act* commenting that¹ –

¹ <https://anglican.ink/2022/05/21/sydney-archbishop-responds-to-passage-of-euthanasia-laws/>

'The passing of the "Voluntary Assisted Dying" legislation will be a matter of regret for our whole community, not just for people of faith who objected strongly or for the doctors who raised their voices against it.

Thanks are due to those MPs who sought to ensure there would be safeguards protecting vulnerable people, medical practitioners and others who care for those who suffer. Unfortunately, most of the proposed amendments were rejected.

This legislation affects not only those who will choose what is euphemistically called "Voluntary Assisted Dying" but will fundamentally affect our culture and values.

We must be vigilant to maintain an emphasis on palliative care so that people have quality to the end of their lives and are not subject to undue pressure because of a lack of resources to support them in their suffering.

I hope the government will ensure that the scope of the bill and those to whom it is applied, does not broaden in the way it has done overseas, being extended to those who are not terminally ill and who suffer from a broad range of illness or disability.

Finally, pray for those suffering that they may be assured that everything will be done to preserve and promote their quality of life, and for medical staff whose relationship with patients has been fundamentally altered by these laws.'

8. At the request of, and following consultation with, Anglicare Sydney, the Archbishop has convened a Working Group to consider and provide guidance to the Board of Anglicare Sydney, and the Archbishop as President of Anglicare Sydney, on the theological issues arising from the requirement for Anglicare Sydney to allow voluntary assisted dying to occur in its residential aged care homes.
9. In doing so, the Archbishop is not seeking an exhaustive doctrinal consideration of all the questions relating to voluntary assisted dying or the implications of the Act for Anglicans generally. Rather, the Working Group has a very specific role to provide theologically and operationally informed guidance to the Board of Anglicare Sydney, and the Archbishop as President of Anglicare Sydney, on the implications of the Act in the specific situation applicable to Anglicare Sydney as an approved provider of residential and other aged care services.
10. The members of the Working Group have been drawn from the (overlapping) membership of the Social Issues Committee, the faculty of Moore College, the Doctrine Commission, Anglicare Sydney's Board and management and the episcopal leadership team. The members are –

The Rev Dr Andrew Ford (chair)	The Rev Dr Chase Kuhn
Dr Megan Best	Professor Jonathan Morris
The Rev Dr Andrew Errington	The Rt Rev Dr Michael Stead
Mr David Goodhew	
11. The issues the Working Group have been asked to consider are –
 - (a) a Biblical and theological understanding of –
 - (i) the sanctity of life;
 - (ii) historical Christian views on whether it is legitimate for a person to take their own or another person's life (and, if so, when);
 - (iii) obedience to the law of the land; and
 - (iv) the injunction to care for the vulnerable,as applied to the provisions of the Act requiring an aged care provider to allow voluntary assisted dying to occur in its residential aged care homes.
 - (b) if Anglicare Sydney complies with Act and permits, and does not hinder, a permanent resident accessing voluntary assisted dying services from a third party, is Anglicare Sydney complicit in the delivery of the services in a way which would be contrary to the teaching of the Bible?
 - (c) should Anglicare Sydney take actions to dissuade or prevent permanent residents from accessing voluntary assisted dying services? If so, what is the range of Biblically and theologically informed actions Anglicare Sydney should consider?
 - (d) if Anglicare Sydney takes all legal steps to –
 - (i) advertise that it does not agree with nor provide voluntary assisted dying services;

- (ii) inform residents of alternatives to voluntary assisted dying such as palliative care; and
 - (iii) facilitates access to information and delivery of palliative care services,
- is that a sufficient response despite still having to allow access by third parties who will provide voluntary assisted dying services? If not, what additional steps should Anglicare Sydney take?
- (e) if by complying with the Act, Anglicare Sydney would be complicit in the provision of voluntary assisted dying services, what other Biblically and theologically informed responses should be considered by Anglicare Sydney in relation to –
 - (i) Anglicare Sydney’s residential aged care services;
 - (ii) Anglicare Sydney’s home care services; and
 - (iii) the provision of independent retirement living accommodation?
12. The Working Group has been provided scope to refine, narrow or augment these questions to ensure the breadth of relevant issues are considered.

For and on behalf of the Standing Committee.

DANIEL GLYNN
Diocesan Secretary

25 July 2022

Ministry Standards Ordinance 2017 Amendment Ordinance 2022

Reportable Allegations and Convictions Ordinance 2022

Explanatory Report

Purpose

1. The purpose of this report is to explain the effect of the bills for the Ministry Standards Ordinance 2017 Amendment Ordinance 2022 and the Reportable Allegations and Convictions Ordinance 2022.

Recommendations

2. Synod receive this report.
3. Synod pass the bills for the Ministry Standards Ordinance 2017 Amendment Ordinance 2022 and the Reportable Allegations and Convictions Ordinance 2022.

Background

Terms of Reference

4. The primary terms of reference for review of the *Ministry Standards Ordinance 2017* (the “**MSO**”) are set out in the Synod Resolutions extracted in **Appendix 1** to this report. In summary, Synod requested that Standing Committee –
 - (a) review the MSO, particularly as it pertains to accusations of bullying, to ensure that rector development or other measures are recommended prior to more serious action,
 - (b) review generally the effectiveness of the MSO drawing on submissions from Synod members and bring appropriate recommendations to the next session of Synod,
 - (c) make amendments to the MSO to facilitate compliance with changes in child protection laws, and
 - (d) consider including an encouragement for parties to consider resolving a grievance, complaint or dispute under the *Diocesan policy for dealing with allegations of unacceptable behaviour*.

Appointment of Committee

5. The Standing Committee appointed a subcommittee (the **MSO Review Committee**) comprising the following persons to review the *Ministry Standards Ordinance 2017* in response to the resolutions of the Synod and report back with recommendations: Mr Garth Blake SC, Mr Lachlan Bryant, the Rev Mark Charleston, Mr Michael Easton (Chair), the Rev Tom Hargraves, The Rev Mamie Long, Mr Douglas Marr, the Most Rev Kanishka Raffel and the Rev Craig Schafer. Mr Marr resigned from the MSO Review Committee upon his retirement as Diocesan Registrar. Ms Vikki Napier was appointed to the MSO Review Committee on 27 April 2020.
6. The MSO Review Committee was assisted by Ms Elenne Ford (PSU Consultant) and Mr Steve Lucas (SDS Senior Legal Counsel).

Consultation

7. Synod Resolution 25/19 called for feedback from Synod Members. The request for feedback was included in the Synod Circular sent out by the Diocesan Secretary following the 2019 session of the Synod. Two submissions were received in response to this request.
8. The MSO Review Committee considered that further consultation was required. The following questions were emailed to licensed clergy, lay ministers and Synod members inviting further

feedback by 13 May 2020. This request elicited a further 22 submissions. The recommendations in the submissions are summarised in the table in **Appendix 2**.

9. Exposure draft bills were presented to the First Session of the 52nd Synod (held in May 2021). Synod members were invited to provide comments on the Bill up until 30 June 2021. Two submissions were received. The recommendations in the submissions are summarised in the table in **Appendix 3**.
10. On two occasions, members of the MSO Review Committee met with representatives of the organisation known as the Gospel Workers Advocacy Group (GWAG). The first meeting, held on 8 September 2021, was with a subcommittee of lawyers on the MSO Review Committee to discuss the legal framework of the MSO. The second meeting, held on 21 October 2021, was with the full committee to discuss the pastoral context for GWAG's concerns and recommendations more broadly.

Explanation

Ministry Standards Ordinance 2017 Amendment Ordinance 2022

11. The Ministry Standards Ordinance 2017 Amendment Ordinance 2022 (the **MSO Bill**) accompanies this report.
12. The amendments are explained below in the order in which they appear in the MSO Bill. Except where otherwise indicated, clause references are to the clause numbering the MSO Bill.

Features of the Complaints Process

13. Clause 2(a) and the Schedule will insert a new information page towards the beginning of the Bill to explain the key features of the MSO and the *Diocesan policy for dealing with allegations of unacceptable behaviour* (the **Policy**).
14. Many complainants will have a choice between making a complaint for investigation under the MSO and attempting to resolve their complaint through the conciliation processes of the Policy. The amendment in clause 2(f) will also require a person to consider whether it would be preferable to first attempt resolution via the Policy.
15. The table in the Features of the Complaints Process is intended to assist prospective complainants to make informed choices about these options by enabling an easy comparison of the key features.
16. The table is merely explanatory and does not form part of the MSO. This is confirmed by the amendment in clause 4(e). The Diocesan Secretary will have authority to update the table in the same manner as the diagram presently.

Overriding Purpose

17. Clause 2(b) will clarify that the purpose of the MSO "to protect the community" includes complainants, respondents and Church bodies. The concept of 'the community' is somewhat vague without an indication of what it includes.
18. Clause 2(c) substitutes "timely" for "expedient". A number of submissions expressed concern about the timeliness of the process. Expediency concerns practicality and will not necessarily require something to be in a certain period of time. The Committee considers that "timely" should replace "expedient" to make the period of time an express relevant consideration for those persons performing functions under the MSO.

General Definitions

19. Clause 2(d) inserts a new definition for "Standing Committee". This is consequential to other amendments and for the purpose of clarification.

Victimisation as a type of misconduct

20. Clause 2(f) will insert 'victimisation' in the inclusive list of behaviour constituting misconduct under the MSO. There is an existing description of a form of victimisation in clause 6(2)(i) of the MSO, however it requires the victimiser to be threatening, taking or attempting "action". The Committee heard examples of church workers isolating and causing harm to complainants and witnesses in ways that do not involve "action".
21. The proposed definition of 'victimisation' is modelled on the protections against retribution in section 64 of the *Children's Guardian Act 2019 (NSW)* and will cover a wider range of conduct that can cause harm to a person. The definition requires the person making or involved in the complaint to be acting in good faith. A person who is not acting in good faith is not protected from discipline.

Requirement for complainants to consider the use of the Policy

22. Clause 2(g) inserts a new requirement for prospective complainants to consider whether it would be preferable to attempt to resolve any matters in dispute with the church worker through the Policy before making a complaint under the MSO.
23. There is no expectation that the Policy will be the appropriate process for all subject-matter giving rise to a complaint; in fact there will be some conduct for which the Policy is inappropriate and should not, and in some cases cannot, be used (e.g., abuse, criminal conduct). There may be other subject-matter that arises from a lack of competence on the part of the church worker or a breakdown of relationship that is best resolved through conciliation. In general, and humanly-speaking, there is a much higher likelihood of repentance, forgiveness and reconciliation under the Policy than under the MSO.
24. The Diagrammatic Summary of the Complaints Process in the MSO will be amended by including a new box immediately after the first box in the diagram stating as follows: "Prospective complainant to consider use of the Diocesan Policy for dealing with allegations of unacceptable behaviour instead of making a complaint (Clause 9(2))." The diagram is not part of the Ordinance and can be amended by the Diocesan Secretary when reprinting the ordinance (clause 4(3) of the MSO).

Clarifying the obligation to report certain matters to the Director

25. Clause 2(h) will reorder the existing clause 12 of the MSO as clause 10 as this is a more logical location. More fundamentally, it will add an exception to the obligation for church workers to report child related matters if the church worker has actual knowledge that the conduct has already been reported to the Director.

Early resolution process

26. Clause 2(i) will insert an early resolution process as a new clause 12 of the MSO. If the process is required by the Director of Professional Standards, it will be mandatory for prospective complainants in the sense that the complaint will not be able to proceed unless the complainant has taken reasonable steps to participate in the pre-complaint process (see the amendment in clause 2(j)).
27. The main features of the early resolution process are as follows –
 - (a) It applies if the Director of Professional Standards directs a prospective complainant and prospective respondent to undertake the process. In deciding whether to make a direction, the Director is required to have regard to a list of factors.
 - (b) The nature of the process is to be set out in the direction. Early resolution processes might include, but are not limited to, accessing the Policy, another form of conciliation, a facilitated discussion or individual counselling.
 - (c) The Director cannot make a direction if the subject-matter of the complaint includes serious child related conduct or sexual abuse, or if the direction could otherwise give rise to a material risk to the safety of one or more persons.
 - (d) The process can only be required prior to the Director taking a course of action under clause 14 of the MSO. Any conciliation thereafter would need to be in the form of a recommendation under clause 18A.

- (e) The Director will have the power to revoke or amend a direction after it has been given.
- (f) The costs of the process are to be met from funds under the control of the Synod if the Director so determines and the Director approves the costs before they are incurred. The primary costs are likely to be the appointment of a mediator and/or a counsellor.
- (g) Allegations of misconduct that are subject to an early resolution process can still be dealt with under the MSO, provided the prospective complainant participated or attempted to participate in the process by taking reasonable steps in response to the direction.
- (h) The complaint will remain on foot unless or until the complainant withdraws it or the complainant fails to take reasonable steps to participate in the process.
- (i) If a complaint is made but then withdrawn as a result of an early resolution process, this will prevent the complainant from making another complaint about the same subject-matter at a later point in time (see the amendment in clause 2(k)).

Consultation with the Regional Bishop

- 28. Clause 2(k) will require the Director to consult with the relevant Regional Bishop before taking any of the following actions under clause 14 of the MSO –
 - (a) Referring the complaint to the PSC with a recommendation that the respondent undertake training or that the parties undertake conciliation (cl 14(a)).
 - (b) Referring the complaint to the PSC with a recommendation that the complaint be declined or deferred (cl 14(d)).
 - (c) Referring the complaint to an adjudicator (in the case of an unpaid church worker) (cl 14(h)).
 - (d) Investigating or appointing a person to investigate a complaint (cl 14(i)).
- 29. This amendment was recommended by the Episcopal Team. They thought it was generally helpful for the Regional Bishop to have some advanced warning before significant events happen in a parish in their Region. The Regional Bishop may also have some insights or suggestions about how particular actions might be implemented or decisions announced that could assist the Director. The Bishop's role is one of consultation. The Director will not in any way be bound by the views or suggestions of the Regional Bishop.

Suspension Orders

- 30. Clause 2(o) will insert two new factors that the Director must consider when deciding whether to recommend a suspension order.
- 31. The first new factor is the likely effect on the complainant and any other person. Presently, the MSO only requires the likely effect on the respondent to be considered. The decision to or not to recommend a suspension order can also significantly affect complainants, particularly if they are members of the same church as the church worker. The extension to 'any other person' is intended to capture the person on behalf of whom a complainant is acting, family members of the complainant and the like.
- 32. The second new factor is the conduct of the respondent subsequent to the making of the complaint. For example, if the respondent is belligerent or appears to be using their platform as a church worker to marginalise the complainant and their supporters or to control the narrative. This factor will hopefully discourage victimisation in this regard. On the other hand, if the respondent is cooperative and reasonable towards those making or involved in the complaint, that conduct should be taken into account as factors against the need for a suspension order.

Release of material and announcements

- 33. Clause 2(p) will insert a new form of recommendation that can be made by the PSC, which is that the respondent consent to the release of material or the making of an announcement in a form or manner specified by the PSC to explain the outcome of the complaint.
- 34. An announcement or the release of information to the church or churches or other stakeholders affected by the complaint will often be authorised under clause 104 or 106 of the MSO once a complaint has been finally dealt with. The capacity to make an announcement in or at the end of a

church service or to organise a separate meeting of parishioners is largely at the behest of the Rector since he has authority for the conduct of the service and also has control of the contact details of parishioners. The Committee heard examples of Rectors refusing to allow announcements or undermining announcements by, for example, ensuring they are made at the conclusion of the service when few people are present.

35. One way to ensure accountability in the making of announcements and the release of material is to include the requirement in the recommendations of the PSC. That way the respondent must accept and comply with the requirements of the PSC concerning the announcement or the release of material in order for the complaint to come to an end.
36. The PSC may decide not to make a recommendation concerning announcements or the release of information for a variety of reasons. The amendment in clause 2(q) will clarify that whether or not the PSC makes such a recommendation does not in any way limit the discretions to release information under clauses 104(2) and 106.
37. Clause 2(v) will insert a new clause in the MSO to require that a respondent cooperate with and facilitate any instructions from the PSC, the Archbishop or the relevant Church authority concerning the release of any material under clause 104(2) or 106. This is intended to ensure accountability by respondents in circumstances where the announcement or release of information does not form part of the recommendations by the PSC.

Keeping complainants and respondents informed about progress

38. Clause 2(r) will insert a new function for the Director to keep complainants and respondents informed about the progress of the complaint.
39. Timeliness and lack of transparency in the process were reoccurring concerns in the submissions received by the Committee. The new function is intended to address that concern.
40. The clause is a function rather than a prescriptive requirement. It will be up to the Director to determine the best methods for keeping the stakeholders informed.

Notifying complainants of the outcome

41. Clause 2(s) will clarify that the power in clause 106 of the MSO for the Archbishop or relevant Church authority to release material with respect to any information, complaint or finding includes notifying the complainant of the outcome of the complaint and making a public announcement in the relevant church.
42. Clause 2(u) will insert a list of factors to which the Archbishop or the relevant Church authority must have regard when making a decision to release material under clause 106 of the MSO.
43. Clause 42 of the MSO already provides for complainants to be notified of the PSC's recommendations. In most cases this will be sufficient. However, more information may be required in some instances. If additional information is required it is best addressed through the terms of the duty of confidentiality under the MSO.
44. Clause 104 of the MSO imposes a duty of confidentiality on persons who undertake functions under the MSO, subject to a list of exceptions. The duty is also subject to express powers in the MSO for the Professional Standards Committee (cl 104(2)) and the Archbishop or relevant Church authority (cl 106) to authorise the release of information. These powers are discretionary.
45. The powers are often used to authorise public announcements about the outcome of complaints or the imposition of suspension orders in the parish to which the church worker is licensed or in churches that have an interest in the complaint for other reasons. The amendment in clause 2(u) will help shape expectations about the purposes for which the power may be used.
46. Some submissions (particularly those from GWAG) expressed concern about a lack of transparency and accountability in the MSO process and suggested that the outcome of all complaints be published.

47. The Committee supports public accountability, but does not support mandating publicising the outcome of complaints. The publication of outcomes has considerable implications for respondents, complainants and the church community and there is the potential for publicised material to be misused. It is something that needs to be handled with care having regard to the circumstances of each case. The Committee considers that the PSC and the Archbishop/relevant Church authority should retain discretion about whether and what should be published, but should exercise that discretion having regard to certain factors.
48. The proposed factors are –
- (a) the impact of the release of the information on any person,
 - (b) the benefit of the release of the information for any person, and
 - (c) whether there is a legitimate need for the release of the information, such as to ensure or increase public safety, quell rumour, ensure transparency and accountability or explain the recommendations made under the Ordinance.

Facilitating compliance with the Children’s Guardian Act 2019

49. Clause 3 contains amendments to facilitate compliance with the *Children’s Guardian Act 2019 (NSW)* (the **CG Act**) - in particular, the reportable conduct scheme. This is covered in more detail below in relation to the Reportable Allegations and Convictions Ordinance 2022. The amendments in clause 3 address those areas of the MSO that interface with the CA Act.
50. In substance the amendments in clause 3 address two matters –
- (a) Ensuring that the category of complaint referred to as “serious child-related conduct” aligns with the conduct that is reportable under the CA Act. Complaints that constitute serious child-related conduct –
 - (i) cannot be withdrawn under clause 13; they must be concluded one way or the other,
 - (ii) cannot be declined or deferred by the Director under clause 16(1),
 - (iii) can be dealt with under the MSO for the purpose of making findings even if another complaint that is not materially different has previously been dealt with under the MSO or an equivalent ordinance (clause 16(2)),
 - (iv) cannot be subject to conciliation (clause 18A) or addressed by training (clause 18B),
 - (v) must result in a suspension order if there is a risk the respondent may come into contact with children in the course of their functions as a church worker (cl 19(c)), and
 - (vi) must result in findings as to whether or not the conduct was engaged in by the respondent (or referred to the Professional Standards Board if the PSC does not consider it can make a finding) (clause 31, 39, 43, 46 and 47).
 - (b) Allowing the Director to make a complaint based on information that is provided anonymously if the allegations concern serious child-related conduct. The MSO does not currently permit anonymous complaints because of the difficulty of ensuring a procedurally fair process for the respondent. However, the CA Act does not exempt anonymous allegations from the reportable conduct scheme. The Diocese has a duty to investigate and make findings on serious child-related conduct and provide a report to the children’s guardian. The amendment will permit the Director to run such complaints under the MSO.

Reportable Allegations and Convictions Ordinance 2022

51. The Reportable Allegations and Convictions Ordinance 2022 (the **RAC Bill**) accompanies this report. The Bill will facilitate compliance with the reportable conduct scheme in the CA Act.

32/19 Compliance with the Children’s Guardian Bill 2019 (NSW)

52. The **CG Act** was amended with effect from 1 March 2020 to include a reportable conduct scheme for monitoring how certain organisations (including religious bodies) investigate and report on certain allegations and convictions made against their employees, volunteers and certain contractors who provide services to children.

53. The scheme requires those persons who are required to hold a Working with Children Check by the organisation to notify the Head of the organisation. The Head then has an obligation to report to the Children's Guardian, undertake a risk assessment, conduct an investigation and report the findings to the Children's Guardian. Certain standards and timeframes are required to be met in relation to the investigation and report.
54. Broadly speaking, the current processes under the MSO and the category of "serious child-related conduct" (defined in section 7 of the MSO) are consistent with the requirements in the CG Act. However, some refinements are needed to better align the meaning of some terms and to clarify the obligations and functions of certain officeholders.
55. The RAC Bill provides that the Archbishop is the Head of the Anglican Church Diocese of Sydney for the purposes of the CG Act and that he may delegate his functions to any person or body and may revoke those delegations at any time. It is intended, and expected, the Archbishop will delegate his functions to the Director of Professional Standards and to bodies or persons exercising responsibilities under the MSO.
56. Under the RAC Bill, "the Diocese" will not include schools or organisations unless they are declared to form part of the Diocese by the Standing Committee. Schools and organisations will be required to manage their own compliance with the CG Act unless special arrangements are made. Schools have been subject to the reportable conduct scheme for some time and will have their own processes in place already.
57. The RAC Bill clarifies that a person is an "employee" of the Diocese for the purposes of the CG Act if they are required to hold an unconditional Working with Children Check in the *Safe Ministry to Children Ordinance 2020*. It should be noted that the meaning of "employee" in this context is wider than its ordinary meaning and includes volunteers who are required to hold a WWCC clearance.
58. The RAC Bill also sets out when and in what circumstances an employee will have an obligation to report certain matters to the Archbishop (or his delegate). It will also set out the actions that the Archbishop (or his delegate) must take in respect to those reports. These obligations parallel to the obligations under the CG Act.

25/19 Resourcing the Professional Standards Unit

59. Synod resolution 25/19 requests the Standing Committee to consider "whether the Professional Standards Unit is sufficiently resourced for its role in the operation of the ordinance".
60. The Committee consulted with the Director of Professional Standards, who informed the Committee that no additional resources were required.
61. The Committee is mindful that the request to consider whether additional resources are required may have arisen from concerns about the timeliness of the complaints process under the MSO. The Director was asked about this and was informed that when there are lengthy delays they usually arise in one of two ways –
 - (a) the conduct of the investigation by the external investigator, and
 - (b) interlocutory applications from respondents to challenge aspects of the process before the complaint progresses to the PSC.
62. Additional resources would not address either source of delay.
63. There was one area of potential additional resourcing identified by the Committee, which is the provision of a person different from but equivalent to the PSU Chaplain who can offer pastoral care to respondents. The Director already has as a function, "to provide or arrange care for or treatment of the complainant and respondent" (clause 83(g) of the MSO). There is no need to amend the MSO in relation to this matter. It is a question of resourcing and implementation.

For and on behalf of the Standing Committee.

Terms of Reference

4/19 Staff management training

'Synod –

- (a) notes that while many rectors have participated in staff management training, the majority have not;
- (b) encourages rectors who have not already done so, to participate in staff management training as a matter of urgency;
- (c) requests the Safe Ministry Board, regularly include items relating to staff management in the content for the mandated triennial Faithfulness in Ministry training, noting that the 2020 Faithfulness in Ministry training will focus on staff management, and bullying in particular;
- (d) requests Ministry Training and Development to include appropriate training on the Ordinances relevant to Assistant Ministers as part of the post-ordination Ministry Development program for deacons;
- (e) recommends to the Archbishop that licences for Assistant Ministers, issued at the request of a rector, have an option for a specified term, with the minimum term being two years; and
- (f) requests the Ministry Standards Ordinance Review Committee to further review the *Ministry Standards Ordinance 2017*, particularly as it pertains to accusations of bullying, to ensure that rector development or other measures, are recommended prior to more serious action.'

25/19 Review of Ministry Standards Ordinance 2017

'Synod, noting recommendation (f) of the report, "Assistant Ministers Ordinance 2017 Amendment Ordinance 2019", together with the Ministry Standards Ordinance 2017 Amendment Ordinance 2019, requests the Standing Committee to additionally undertake a further review of the Ministry Standards Ordinance 2017 and its operation, drawing on submissions to be invited from members of Synod, to determine –

- (a) the degree to which the ordinance has been successful in overcoming the perceived weaknesses in the *Discipline Ordinance 2006*, as outlined in the report *Ministry Standards Ordinance 2017* presented to Synod during its 2017 session,
- (b) whether any further weaknesses remain in the ordinance (in its amended form), and
- (c) whether the Professional Standards Unit is sufficiently resourced for its role in the operation of the ordinance,

and to bring any appropriate recommendations to the next session of Synod.'

32/19 Compliance with the Children's Guardian Bill 2019 (NSW)

'Synod requests the Standing Committee to make amendments to the *Ministry Standards Ordinance 2017* to facilitate compliance with the *Children's Guardian Bill 2019*, if it is passed by the NSW Parliament.'

51/19 Further review of the Ministry Standards Ordinance 2017

'Synod, noting the Biblical imperative in 1 Timothy 5 and Matthew 18 outlining how to resolve disputes, grievances and complaints between brothers and sisters in Christ, requests Standing Committee consider –

- (a) a further review of the *Ministry Standards Ordinance 2017* to consider including an encouragement for parties to consider resolving a grievance, complaint or dispute under the Diocesan policy for dealing with allegations of unacceptable behaviour, and
- (b) a further review of the intersection of the *Ministry Standards Ordinance 2017* and the Diocesan policy for dealing with allegations of unacceptable behaviour to consider if a further mechanism would be preferable to support the resolution of grievances, complaints and disputes.'

General Submissions (2020)

	Summary of submissions and recommendations
1.	<p>1. A review of church governance with a view to reducing adversarial and secretive behaviours, and instituting greater transparency and accountability at all levels,</p> <p>2. A review of the selection and training of people for ordination that will lead to the appointment of suitably trained and integrated people to lead the church,</p> <p>3. A review of the teaching programmes at Moore College with a view to making changes to the curriculum that will align the College better with the needs of the church and its mission, and</p> <p>4. Develop an approach to resolving complaints of bullying that can be enacted before the situation becomes calamitous.</p>
2.	<p>Case study based online training run every 3 years as a component of compulsory training for clergy. Resources on the Safe Ministry website on what to do if experiencing or accused of bullying.</p>
3.	<p>Training covering – identifying and preventing bullying, standards of behaviour expected, reporting and managing bullying, where to get information and advice, communication, managing situations and giving feedback.</p> <p>Training for new clergy prior to employment in a parish. Also train wardens, youth leaders etc so there is a common understanding.</p> <p>A bullying policy – commitment to a standard of behaviour.</p> <p>Ideally instances of bullying should be resolved within a parish and done in a parish, but serious cases could be provided to independent training experts.</p> <p>Mentors for clergy.</p>
4.	<p>Replace unlimited tenure for rectors with fixed term appointments subject to a substantial congregational vote necessary to renew the term.</p> <p>Strengthen bishops' ability to intercede on behalf of congregants</p>
5.	<p>Create structured prevention and response for dealing with complaints.</p> <p>Avoid misuse of term 'bullying' by defining it clearly in the MSO.</p>
6.	<p>Release something for our congregations to take notice of, similar to the Domestic Violence resources released last year.</p>
7.	<p>Accountability for PSU, PSC and PSB.</p> <p>Pastoral care for respondents and their families.</p> <p>Opportunities for reconciliation between the parties.</p> <p>Shorten the time it takes to resolve complaints.</p> <p>Allow respondents to nominate supporters who they would like interviewed.</p> <p>Improve the manner of the PSU and PSC's engagement with respondents and witnesses.</p>
8.	<p>Training –</p> <ul style="list-style-type: none"> • Mandatory formal conflict resolution training, • self-awareness training, • training on giving and receiving feedback, • training to enable ministry teams to set role and performance expectations (coupled with submitting these to the bishop to confirm their reasonableness),

	Summary of submissions and recommendations
	<ul style="list-style-type: none"> • more expensive training on what is and isn't reasonable behaviour (with examples) (not online training), • training for parishioners on identifying bullying and the resources available. <p>Obstacles to reporting –</p> <ul style="list-style-type: none"> • encourage speaking to someone else to assess if something is bullying or produce a guide to aid people's thinking. <p>Support –</p> <ul style="list-style-type: none"> • Pastoral support by an independent person • Counselling • Financial support where relevant.
9.	Training for clergy on claiming expenses (to reduce conflict with Treasurers etc).
10.	The MSO's should more clearly identify which roles within a diocesan school are subject to its provisions.
11.	<p>A clear stand against bullying that enables victims of bullying to feel protected as they come forward.</p> <p>PSU too blunt an instrument – too complainant focussed, process too long, complaints should be resolved as speedily as possible.</p>
12.	<p>Clarify expectations of behaviour in a church community (e.g. Gen Syn – 'Being Together').</p> <p>Encourage a person to first seek to earnestly resolve the matter with the individual concerned. Do this by providing access to resources and training around conflict resolution supported by professional mediation if required.</p> <p>Require complainants to evidence their efforts to resolve the dispute/bullying claim in line with Jesus' teaching in Matt 18:15-17 before a complaint can proceed.</p>
13.	<p>The legal process of the MSO does not encourage reconciliation or the development of rectors. A more nuanced approach is needed.</p> <p>Separate the procedures around bullying accusations from the current Ministry Standards Ordinance. Deal with matters earlier and more quickly. Assemble a group of professional from various contexts and attempt to harmonise and adapt their practices having regard to the following theological imperatives:</p> <ul style="list-style-type: none"> • reconciliation, • repentance and forgiveness, • healing, • provide care and protection for the vulnerable (both complainant and respondent), • a process to enable progress and development, • facilitate what is helpful and healthy for the church community. <p>Staff development – also to address expectations mismatch between generations.</p>
14.	<p>Better communicate the standard of conduct expected of clergy.</p> <p>Rigorous training involving workbooks, videos and role play.</p> <p>A support team for both the complainant and the respondent. Making Christian counsellors available to both.</p> <p>Confidentiality needs to be followed more rigorously by the PSU to protect all parties.</p> <p>Witnesses should sign the record of conversation with the investigator to confirm its accuracy.</p> <p>Reconciliation as part of the process – use of mediators.</p>

	Summary of submissions and recommendations
15.	Apply the NSW Dept of Health approach to bullying (links provided in submission).
16.	Address the power imbalance – being one of the main obstacles to reporting (especially in an episcopal denomination).
17.	The process should encourage reconciliation. Respondents should be more informed about complaints and the outcome if it does not proceed.
18.	Professional supervision - having a Senior clergy member listen and reflect, guide and encourage me and my ministry has been invaluable.
19.	Awareness training for assistant ministers on the ordinances and options available to them.
20.	<p><i>Submission lists a range of complications in relationships related to the Anglican system. Summary comment – “The challenge with understanding bullying is our context is that sometimes it is a result of moral failure (will) and sometimes it is a result of a lack of capability (skill). The above unique elements of our system exacerbate and complicate how we investigate and address bullying leaving little room for nuance.”</i></p> <p>Training –</p> <ul style="list-style-type: none"> • Understanding what constitutes bullying (especially in the context of performance management and feedback). • How to give feedback, coach, set clear expectations and manage underperformance. (To overcome over spiritualising the treatment of underperformance – prayer and bible study to resolve it can give the impression it’s a sin rather than a skills issue). <p>Resolve ambiguities in the accountability structure to avoid use of the MSO as the ‘nuclear option’. Bishops can’t coach and mentor as they have no formal authority.</p> <p>The PSU is designed to deal with moral failings. There is a need for mechanisms to deal with skill and self-awareness failures.</p> <p>The most significant issue is the lack of accountability for Rectors – structural change needed. If this cannot be achieved informal practices are required (e.g., Rectors develop own accountability structures to get feedback and nominators only nominate Rectors that have a record of setting rigorous accountability for themselves; parish councils and wardens to conduct annual feedback meeting with the Rector and Bishop).</p> <p>Resources for clergy:</p> <ul style="list-style-type: none"> • 360 and self-assessment tools (I can give specific recommendations if you are interested) • Psychometric testing • Training in management 101 for rectors • Executive coaching • Clergy Assistance Program (extended to all church workers) • DeGroat, C., (2020) “When Narcissism comes to the Church”, IVP. <p>Support for those involved in bullying:</p> <ul style="list-style-type: none"> • Counselling • Mediation • Clergy Assistance Program for all church workers.
21.	Recommends the Safe Work Australia Guide for Preventing and Responding to Workplace Bullying.

	Summary of submissions and recommendations
22.	<p><i>Submission was made orally.</i></p> <p>Cover bullying in more detail in Safe Ministry Training.</p> <p>A MTC course for clergy on what constitutes bullying, how to avoid it etc.</p> <p>A capacity for anonymous reports to be made (to overcome the obstacle of people being fearful of being a whistleblower in their own church).</p> <p>Resources – Beyond Blue, Dr Valery Ling (Centre for Effective Living)</p>

Submissions – Exposure Draft Bill (2021)

	Summary of submissions and recommendations	Committee Response
1.	Recast the pre-complaints process in the proposed new clause 12 to refer to the Diocesan Grievance Policy rather than creating a new type of conciliation.	<p>The Grievance Policy should be referenced in the clause as one possible pre-compliant process but should not be the only option available to the Director.</p> <p>Insert a list of factors for the Director to consider when deciding to give a direction under clause 12.</p> <p>Insert an information page at the start of the MSO to help people better understand the 2 processes.</p>
2A.	Delete proposed clause 12. The existing power to recommend conciliation (cl 18A) or dismiss complaints (cl 15, 16, 35 and 36) are sufficient to deal with less serious complaints.	A pre-complaints process is needed to refer appropriate complaints to conciliation (or similar) early in the process.
2B.	<p><u>Transparency</u></p> <ul style="list-style-type: none"> • Mandate disclosure of outcomes (cl. 106): <ul style="list-style-type: none"> ○ If a complaint is made but dismissed or not proven, the wardens should be informed of the nature of the complaint, and the outcome. ○ If a complaint is upheld, the whole church should be informed of the nature of the complaint, the outcome of it, and what actions (if any) are being taken by the respondent. ○ The only exception to full transparency should be if there is a significant risk of harm occurring to the victim. ○ The Regional Bishop should approve the announcement and make the announcement. • Decisions and reasons to be published (cl. 79A). • Diocesan register of complaints and outcomes, made available to: <ul style="list-style-type: none"> ○ To nomination committees when considering a candidate. ○ To senior ministers and wardens when considering employing someone. ○ To the regional bishop for the clergy in their area. ○ To the PSU when considering a complaint (either by a complainant, or against a respondent). 	Disclosure should be discretionary and not mandated. However, the MSO should include factors to be taken into account in deciding if material should be published.

	Summary of submissions and recommendations	Committee Response
2C.	<p><u>The process takes too long</u></p> <ul style="list-style-type: none"> • Director should have power to dismiss a complaint without PSC involvement if: <ul style="list-style-type: none"> ○ does not fall under MSO, ○ false/vexatious/misconceived/trivial, and ○ insufficient evidence. • Complainant should have a right to appeal the Director's decision to the PSC. • Impose time limits on when the Director must provide responses. • Examine if another form of complaints process is needed given the wide range of potential matters that can come under the MSO. Should there be a simpler and quicker process for certain types of complaints (i.e. non-abusive misconduct)? 	<p>The process is a compromise between efficiency and fairness. Delay is often a result of respondents taking legalistic approaches to defence of the claim and also the duration of the investigation.</p> <p>The suggestions will not speed up the process and may do the opposite.</p> <p>Better communication may assist the parties to understand the timeframes.</p>
2D.	<p><u>Imbalance of Power</u></p> <ul style="list-style-type: none"> • Legal expenses – either both respondent and complaint get reimbursement or neither. • Review or appeal rights for complainants. 	<p>The complainant is not a party to the process and has no need to incur any legal costs. For the same reason there should be no entitlement for a complainant to appeal an outcome.</p>
2E.	<p><u>Complaints process and functions</u></p> <ul style="list-style-type: none"> • Director to oversee investigation of complaints and not have deliberative powers (e.g. omit clause 25 and 26). • Abolish the Professional Standards Committee (incl deleting Part 4A and replacing with regulations for Director to make references to the PSB and deleting Part 5B). • All complaints to go to the Professional Standards Board (a tribunal with legal expertise and independent membership). 	<p>The PSC has the same level of independence as the PSB. Transparency of outcome is the same under both bodies.</p> <p>Running all complaints through the PSC would involve formal hearings for every complaint. Timeframes would blow out and the process would be much more expensive to run.</p>
2F.	<p><u>Exempt conduct</u></p> <ul style="list-style-type: none"> • Remove the power for the Archbishop to exempt conduct (Part 2B) - it is not transparent or accountable. 	<p>Exempt conduct should be retained. It encourages full disclosure prior to ordination and enables an assessment of whether the ordination should proceed. If disclosures are not made claims will come out later once a person is already in ministry.</p> <p>The PSC must give approval; there is accountability.</p>
2G.	<p><u>Declining or deferring complaints (cl 15)</u></p> <ul style="list-style-type: none"> • Director should decide without PSC. • No requirement for verification by stat dec. • Omit ground for 'misconceived' complaints. 	<p>Each of the grounds listed are included in the MSO for good reasons and help to prevent complaints proceeding where there is no reasonable prospect of findings and recommendations against a respondent.</p>

	Summary of submissions and recommendations	Committee Response
	<ul style="list-style-type: none"> • Omit where complaint can be dealt with by other means – decision to use alternative dispute resolution must be up to the complainant. • Omit the ‘no utility’ ground. • Repeat complaints should be permitted – inappropriate for the Director to decide if a complaint is materially different. It should be a matter for the respondent’s submissions. 	
2H.	<p><u>Other</u></p> <ul style="list-style-type: none"> • Define ‘fitness for office’. • Investigate anonymous complaints (cl 10(5)) • Interim prohibition orders to be authorised by the President of the PSB, not the Archbishop. • Requirement for Director to automatically refer allegations of reportable conduct to the PSB. • The PSB should have power to impose sanctions, not merely make recommendations (cl 46 and 49). • No power for the PSB to defer sanctions (cl. 51). • Appeal/review - All church workers (including paid/unpaid) to have power to appeal questions of law to the Tribunal (cl 33 and Part 4C). Omit applications for review to the Chancellor via the Registrar. 	<p>Defining fitness for office will add complexity and encourage complaints about godliness issues rather than misconduct. A definition won’t bring clarity.</p> <p>Procedural fairness is very difficult with anonymous complaints. However they should be permitted where investigations and findings are required under the Children’s Guardian Act.</p> <p>The PSB’s recommendations are binding on the Archbishop and the relevant Church authority. See Part 4E of the MSO.</p> <p>Many of the suggestions will slow the process down further and make it more expensive to administer.</p>

Ministry Standards Ordinance 2017 Amendment Ordinance 2022

No. _____, 2022

Long Title

An Ordinance to amend the *Ministry Standards Ordinance 2017*.

The Synod of the Diocese of Sydney Ordains as follows.

1. Name

This Ordinance is the Ministry Standards Ordinance 2017 Amendment Ordinance 2022.

2. Amendments to provide options for resolving issues in respect to certain complaints

The *Ministry Standards Ordinance 2017* is amended as follows –

- (a) insert the material in the Schedule on a separate page after the Diagrammatic Summary of the Complaints Process,
- (b) insert the words “including complainants, respondents and Church bodies” at the end of subclause 2(b),
- (c) substitute the word “timely” for the word “expedient” in subclause 2(1)(d),
- (d) insert the following new definition in clause 4(1) –

“Standing Committee” means the Standing Committee constituted under the *Standing Committee Ordinance of 1897*;
- (e) insert the following words in clause 4(3) before each instance of the word “diagram” –

“Features of the complaint processes, the”,
- (f) substitute the text in subclause 6(2)(i) with the following –

“**victimisation** which means action causing, comprising or involving the following in respect of a person because they, acting in good faith, propose to make, have made or have been involved in, a complaint under this Ordinance –

 - (i) injury, damage or loss,
 - (ii) intimidation or harassment,
 - (iii) discrimination, disadvantage or adverse treatment in relation to employment or appointment to a position,
 - (iv) dismissal from, or prejudice in, employment or appointment to a position,
 - (v) prejudice in the provision of a service,
 - (vi) disciplinary proceedings;”,
- (g) insert following new subclause (2) in clause 9 (and number the existing text in that clause as subclause (1)) –

“(2) A person who proposes to make a complaint under this Ordinance should consider whether, having regard to the nature of the proposed complaint, it would be preferable to first attempt to resolve any matters in dispute with the church worker through the *Diocesan Policy for dealing with allegations of unacceptable behaviour*.”,
- (h) renumber the existing clause 12 as clause 10 (and consequentially renumber the existing clauses 10 and 11 as clauses 11 and 12 respectively) and insert the following words at the end of the renumbered clause 10 before the full-stop –

“, unless the church worker knows that the conduct has already been reported to the Director”,
- (i) substitute the renumbered clause 12 with the following –

“**12. Early resolution process**

 - (1) Prior to taking a course of action under clause 14, the Director may direct a prospective complainant and a prospective respondent, to take reasonable steps to resolve the issues that are, or may be, in dispute between them in such manner as is specified by the Director, which may include but is not limited to

accessing the *Diocesan policy for dealing with allegations of unacceptable behaviour*, conciliation, a facilitated discussion or individual counselling.

(2) In deciding whether to give a direction under subclause (2), the Director is to have regard to the following factors –

- (a) the subject-matter of the complaint,
- (b) the likelihood that any matters in conflict could be resolved through that process,
- (c) any imbalance of balance of power between the parties,
- (d) the attitude of the parties to the proposed direction, and
- (e) whether having a support person would assist in the process.

(3) The Director must not give a direction under subclause (2) if –

- (a) the subject matter of the complaint may include serious child related conduct or sexual abuse, or
- (b) if the direction could otherwise give rise to a material risk to the safety of one or more persons.

(4) The Director may revoke or amend a direction given under subclause 12(2) by notice in writing to the prospective complainant and prospective respondent.

(5) The costs of any processes undertaken under this clause are to be met from funds under the control of the Synod if so determined by the Director and subject to the Director approving any such costs before they are incurred.”

- (j) number the existing text in clause 14 as subclause (2) and insert the following as a new subclause (1) –

“(1) The Director must use reasonable endeavours to explain the processes set out in this Ordinance to a complainant”,

- (k) insert a new subclause 14(3) as follows -

“(3) The Director must consult the relevant Regional Bishop before taking the course of action in either subclause (2)(b), (d), (h) or (i)”.

- (l) insert the following at the end of clause 15 before the full-stop –

“or if the complainant has not, in the opinion of the Director, taken reasonable steps in response to a direction made under clause 12(1).”,

- (m) insert a new subclause 16(2)(h) as follows (and consequentially reletter the existing subclauses 16(2)(h) and (i)) –

“(h) the complaint was not made, or was made but then withdrawn, as a result of a process undertaken under clause 12; or”,

- (n) delete the word “and” following the semicolon in subclause 19(b)(iii),

- (o) insert the following new paragraphs at the end of subclause 19(b)(iv) before the full-stop –

“(v) the likely effect on the complainant or any other person; and

“(vi) the conduct of the respondent subsequent to the making of the complaint”,

- (p) insert a new subclause 41(k) as follows –

“(k) that the respondent consent to the release of material or the making of an announcement in any form and manner specified by the PSC to explain the outcome of the complaint;”,

- (q) reletter the text in clause 41 as subclause (1) and insert a new subclause (2) as follows –

“(2) Any decision of the PSC to make or not to make the recommendation in subclause (1)(k) does not in any way limit the discretion of the PSC, the Archbishop or the relevant Church authority (as the case may be) to release material under clauses 104(2) or 106.”,

- (r) insert a new subclause 83(1)(h) as follows (and consequentially reletter the existing subclauses 83(1)(h) to (m)) -

“(h) to keep complainants and respondents informed about the progress of the complaint under the Ordinance,”

- (s) insert the following at the end of clause 106 before the full-stop –

“including notifying the complainant of the outcome of the complaint and making a public announcement in the relevant church.”, and

- (t) number the text in clause 106 as subclause (1),
- (u) insert a new subclause 106(2) as follows –
- “(2) In deciding whether to release material under subclause (1), the Archbishop or the relevant Church authority is to have regard to the following factors –
- (a) the impact of the release of the information on any person,
- (b) the benefit of the release of the information for any person, and
- (c) whether there is a legitimate need for the release of the information, such as to ensure or increase public safety, quell rumour, ensure transparency and accountability or explain the processes and outcomes under the Ordinance”,
- (v) insert a new clause 107 as follows (and consequentially renumber the existing clause 106 and remaining clauses) –

“107. Duty of respondents in the release of information

A respondent must cooperate with and facilitate any instructions from the PSC, the Archbishop or the relevant Church authority concerning the release of any material under clauses 104(2) and 106 to the extent that it is within the respondent’s power and authority to do so.”.

3. Amendments to facilitate compliance with the Children’s Guardian Act 2019

The *Ministry Standards Ordinance 2017* is further amended as follows –

- (a) in clause 6(2(h) substitute the matter “*Child Protection (Working with Children) Act 2012 (NSW)*” with the matter “*Children’s Guardian Act 2019 (NSW)*”, and
- (b) substitute the text in clause 7 with the following –
- “Serious child-related conduct means –
- (a) conduct that is sexual misconduct committed against, with or in the presence of a child, including grooming of a child, or any serious physical assault of a child by a person:
- (i) when engaged in child-related work in the Diocese; or
- (ii) who –
- (A) is in child-related work in the Diocese at the time a complaint concerning their conduct is made, or
- (B) has performed child-related work in the Diocese at any time in the two years prior to the date that a complaint concerning their conduct is made, and
- (b) conduct or convictions that are reportable under the *Children’s Guardian Act 2019.*”, and
- (c) insert the following words at the end of the renumbered clause 11 before the full stop –
- “, except in the case of allegations of conduct which, if established, would constitute serious child related conduct”.

Schedule

Features of the Complaints Process

5 Complainants will often have a choice between making a complaint under the *Ministry Standards Ordinance 2017* ("MSO") and attempting to resolve their complaint through the *Diocesan policy for dealing with allegations of unacceptable behaviour* ("Policy"). The table below provides a summary of the key features of each process. The table is not exhaustive and is merely explanatory in nature. The detail in the MSO and the Policy should always be relied on in preference to the table.

10

Key Feature	Ministry Standards Ordinance 2017	Diocesan policy for dealing with allegations of unacceptable behaviour
<i>What is the aim of the process?</i>	To: <ul style="list-style-type: none"> • uphold the standards of conduct expected of church workers in the Diocese, • protect the community, • provide a mechanism for resolving complaints that church workers are not fit to hold office under undertake ministry, and • to facilitate the just, expedient and efficient resolution of complaints. 	To resolve allegations of unacceptable behaviour in a way that encourages reconciliation and leads to agreed outcomes that are fair and effective.
<i>Who can complaints be made about?</i>	Church workers (as defined in clause 5).	Church workers (as defined in clause 5).
<i>Who can make a complaint or allegation?</i>	Any person.	Any person.
<i>How does a person make a complaint/initiate the process?</i>	By contacting the Professional Standards Unit. (https://safeministry.org.au/contact/)	If the church worker is the Rector, by contacting the Regional Bishop. (https://sydneyanglicans.net/seniorclergy) In all other cases, by contacting the Rector of the church worker.
<i>Are church workers who are the subject of an allegation required to participate in the process?</i>	Yes. A church worker must cooperate with an investigation unless they have a reasonable excuse. If a church worker refuses to participate, the process will continue without them.	No. The process cannot be initiated unless the church worker agrees to participate.
<i>Role of complainant</i>	The complainant is not a party. Complainants cannot determine how the complaint progresses. They have limited access to information about the conduct of the process.	The complainant is a party and is actively involved in determining how the matter progresses, subject to the terms of the Policy.

Key Feature	Ministry Standards Ordinance 2017	Diocesan policy for dealing with allegations of unacceptable behaviour
<i>What types of complaints can be made?</i>	Complaints about conduct which, if established, would call into question the church worker's fitness for ministry. See the definition of 'Misconduct' in clause 6 for more detail.	Any conduct which falls short of the standard of behaviour expected of clergy and church workers. This standard is understood by reference to the definition of 'misconduct' in the MSO and the Faithfulness in Service code of conduct.
<i>Is there any subject matter that cannot be dealt with under the process?</i>	<p>Subject matter that does not call a church worker's fitness into question.</p> <p>Allegations of a breach of faith, ritual or ceremonial.</p> <p>Certain exclusions from the definition of 'misconduct'. (See clause 6(1)).</p> <p>Exempt conduct. (See Part 2B).</p> <p>Conduct that has previously been dealt with under a diocesan complaints process.</p> <p>Conduct that is under investigation by the police, a regulatory body or is the subject to legal proceedings will usually not be considered until those other processes or proceedings have been completed.</p>	<p>The Policy cannot be used for allegations concerning sexual misconduct, misconduct involving children, criminal conduct or professional misconduct.</p> <p>The Regional Bishop may also decide that allegations raise questions of fitness that are more appropriately dealt with under the MSO.</p>
<i>What form of investigation will be undertaken?</i>	If the complaint progress it will usually, but not always, be the subject of a formal investigation by an external investigator.	The Regional Bishop appoints a person to undertake an 'information gathering exercise'. This will usually be the Parish HR Partner or a Regional Archdeacon.
<i>How long does the process take from start to finish?</i>	The process aims to be expedient and efficient, but can be lengthy in practice. This is largely due to the need for a formal investigation and procedural fairness in the process. Some complaints can take in excess of 12 months to reach a final outcome	The process has few formal steps and is intended to be quick. Ultimately the parties will determine the timeliness of the process. The process will usually be terminated if there is no resolution within 3 months.
<i>What are the outcomes from the process?</i>	<p>An assessment is made as to whether the church worker should remain in their office or position or whether they should be subject to conditions or restrictions.</p> <p>In most cases this is determined by either the:</p> <p>(a) Professional Standards Committee if its recommendations are accepted and complied with by the church worker, or</p>	<p>Mutually agreed by the parties with the assistance of the Regional Bishop.</p> <p>If agreed outcomes cannot be reached, the complainant will still have the option of making a complaint under the MSO if the subject-matter can be dealt with under the MSO.</p>

Key Feature	Ministry Standards Ordinance 2017	Diocesan policy for dealing with allegations of unacceptable behaviour
	<p>(b) if not, by the Professional Standards Board or Diocesan Tribunal.</p> <p>If the church worker is an unpaid lay person, an Adjudicator will be appointed to make a determination instead. The Adjudicator is usually a barrister or senior lawyer.</p> <p>The outcomes are implemented by the Archbishop or other Church Authority.</p>	
<i>Are the outcomes confidential?</i>	<p>Generally, yes. However the Archbishop and the PSC have power to release information.</p> <p>Parishioners are generally informed about the outcome of a complaint concerning a person on the staff of the parish.</p> <p>In some situations the outcomes will be published more broadly across the Diocese, such as where the person is subject to a prohibition order or another form of restriction on engaging in ministry.</p> <p>Certain allegations and findings may need to be referred to the police or to a government authority.</p>	<p>Generally, yes.</p> <p>Parishioners would only be told if this was agreed as an outcomes of the process.</p> <p>The PSU will be told when an allegation is made about a church worker but no other detail.</p> <p>Certain allegations may need to be referred to the police or to a government authority.</p>

I Certify that the Ordinance as printed is in accordance with the Ordinance as reported.

Chair of Committee

I Certify that this Ordinance was passed by the Synod of the Diocese of Sydney on 2022.

Secretary

I Assent to this Ordinance.

Archbishop of Sydney

/ /2022

Reportable Allegations and Convictions Ordinance 2022

No. _____, 2022

Long Title

An Ordinance to facilitate compliance with the *Children's Guardian Act 2019* in relation to reportable allegations and reportable convictions in respect to certain persons within the Diocese.

The Synod of the Diocese of Sydney Ordains as follows.

1. Name

This Ordinance is the Reportable Allegations and Convictions Ordinance 2022.

2. Interpretation

(1) In this Ordinance –

CG Act means the *Children's Guardian Act 2019*, as amended from time to time.

Children's Guardian means the period holding office as the Children's Guardian under the CG Act.

Diocese means the Anglican Church Diocese of Sydney.

WWCC Employee means an individual who holds, or is required by the religious body to hold, a working with children check clearance for the purpose of undertaking ministry in the Diocese.

(2) A reference in this Ordinance has the same meaning as it has in the *Children's Guardian Act 2019* as amended from time to time.

Note: The *Children's Guardian Act 2019* includes the following definitions –

Assault means—

- (a) the intentional or reckless application of physical force without lawful justification or excuse, or
- (b) any act which intentionally or recklessly causes another to apprehend immediate and unlawful violence.

Examples of assault—

- 1 hitting, striking, kicking, punching or dragging a child
- 2 threatening to physically harm a child

Employee, for a religious body, means an individual who holds, or is required by the religious body to hold, a working with children check clearance for the purpose of engagement with the religious body.

Ill-treatment, of a child, means conduct towards a child that is unreasonable and seriously inappropriate, improper, inhumane or cruel.

Examples of ill-treatment—

- 1 making excessive or degrading demands of a child
- 2 a pattern of hostile or degrading comments or behaviour towards a child
- 3 using inappropriate forms of behaviour management towards a child

Neglect, of a child, means a significant failure to provide adequate and proper food, supervision, nursing, clothing, medical aid or lodging for the child, that causes or is likely to cause harm to a child, by—

- (a) a person with parental responsibility for the child, or
- (b) an authorised carer of the child, or
- (c) an employee, if the child is in the employee's care.

Examples of neglect—

- 1 failing to protect a child from abuse
- 2 exposing a child to a harmful environment, for example, an environment where there is illicit drug use or illicit drug manufacturing

Reportable allegation means an allegation that the Employee has engaged in conduct that may be reportable conduct, whether or not the conduct is alleged to have occurred in the course of the Employee's employment with the religious body and whether or not the allegation relates to conduct occurring before the commencement of the Act.

Reportable conduct means the following conduct, whether or not a criminal proceeding in relation to the conduct has been commenced or concluded—

- (a) a sexual offence,
- (b) sexual misconduct,
- (c) ill-treatment of a child,
- (d) neglect of a child,
- (e) an assault against a child,
- (f) an offence under section 43B or 316A of the *Crimes Act 1900*,

(g) behaviour that causes significant emotional or psychological harm to a child.

Examples of indicators of significant emotional or psychological harm for paragraph (g)—

- 1 displaying behaviour patterns that are out of character
- 2 regressive behaviour
- 3 anxiety or self-harm

Reportable conduct does not include—

- (a) conduct that is reasonable for the purposes of discipline, management or care of a child, having regard to—
 - (i) the age, maturity, health or other characteristics of the child, and
 - (ii) any relevant code of conduct or professional standard, or
- (b) the use of physical force if—
 - (i) in all the circumstances, the physical force is trivial or negligible, and
 - (ii) the circumstances in which it was used have been investigated and the result of the investigation has been recorded in accordance with appropriate procedures, or
- (c) conduct of a class or kind exempted from being reportable conduct by the Children’s Guardian under section 30.

Example of conduct for paragraph (a)— a school teacher raising his or her voice in order to attract attention or restore order in a classroom

Examples of conduct for paragraph (b)—

- 1 touching a child in order to attract the child’s attention
- 2 momentarily restraining a child to prevent the child hurting themselves or others
- 3 touching a child to guide or comfort the child

Reportable conviction means a conviction, including a finding of guilt without the court proceeding to a conviction, in this State or elsewhere, of an offence involving reportable conduct—

- (a) in relation to an employee of a Schedule 1 entity—whether or not the conduct occurred in the course of the employee’s employment with the Schedule 1 entity, or
- (b) in relation to an employee of a public authority—
 - (i) if the employee holds, or is required to hold, a working with children check clearance for the purpose of employment with the public authority—whether or not the conduct occurred in the course of the employee’s employment, or
 - (ii) if the employee is not required to hold a working with children check clearance for the purpose of employment with the public authority—unless the conviction relates to conduct that occurred outside the course of the employee’s employment with the public authority.

(And includes convictions in respect of conduct occurring before the commencement of the CG Act.)

Sexual misconduct means conduct with, towards or in the presence of a child that—

- (a) is sexual in nature, but
- (b) is not a sexual offence.

Examples of sexual misconduct—

- 1 descriptions of sexual acts without a legitimate reason to provide the descriptions
- 2 sexual comments, conversations or communications
- 3 comments to a child that express a desire to act in a sexual manner towards the child or another child.

Sexual offence means an offence of a sexual nature under a law of the State, another State, a Territory, or the Commonwealth, committed against, with or in the presence of a child.

Examples of sexual offences—

- 1 sexual touching of a child
- 2 a child grooming offence
- 3 production, dissemination or possession of child abuse material

(3) The notes in this Ordinance are for explanatory purposes only and do not form part of the Ordinance.

(4) The Diocesan Secretary is authorised to update the notes in this Ordinance to maintain their currency.

3. Delegation

(1) The Archbishop may delegate any of the functions of the Head under Part 4 of the CG Act to any person or body and may revoke such delegations at any time by notice in writing to the person or body.

(2) If the Archbishop makes a delegation under subclause (1), references to the Archbishop in this Ordinance are taken to be references to the person or body in respect to the delegated functions.

Note: Section 65 of the CG Act permits the Head to delegate any functions under Part 4 of the CG Act to any Employees of the Diocese. It is expected that the Archbishop will delegate his functions to the persons, and bodies comprised of persons, that perform requisite functions under the *Ministry Standards Ordinance 2017*.

4. Determinations for the purposes of the CG Act

(1) For the purposes of the CG Act –

- (a) the Diocese is a religious body,
- (b) the Diocese does not include schools or organisations that are constituted by or pursuant to ordinance, unless declared to form part of the Diocese by the Standing Committee by resolution for the purposes of this subclause, and
- (c) the Archbishop is the Head of the Diocese.

(2) For the purposes of the CG Act and the definition of 'Employee' in the CG Act, a person is required to hold a Working with Children Check clearance by the Diocese for the purpose of engagement in the Diocese if the person is required to hold a unconditional Working with Children Check under the *Safe Ministry to Children Ordinance 2020*.

5. Reports to the Archbishop

(1) A WWCC Employee who becomes aware, knows or has reason to believe that another WWCC Employee has a reportable conviction or has engaged in or is alleged to have engaged in reportable conduct, must as soon as possible report to the Archbishop –

- (a) the name or a description of the reportable person,
- (b) details of the alleged reportable conviction or reportable conduct,
- (c) the date of birth and working with children number (if any) of the WWCC Employee the subject of the report,
- (d) the grounds for knowing or believing that the reportable person has a reportable conviction or has engaged in in the conduct,
- (e) whether the conduct has already been reported to any authority, and
- (f) whether a risk assessment has been undertaken, the outcome of that assessment and any risk management action that has been taken.

(2) A person making a report under subclause (1) must provide such additional information and reasonable assistance to the Archbishop as he may request to enable the conduct to be investigated and reported to the police, the Children's Guardian or other authority in accordance with the law.

(3) Any other person may also make a report to the Archbishop in respect to a WWCC Employee setting out the matters listed in subclause 5(1).

6. Action to be taken by the Archbishop

If the Archbishop receives a report under clause 5 or otherwise becomes aware, in relation to a WWCC Employee, of a reportable allegation or a conviction that is considered to be a reportable conviction, the Archbishop must–

- (a) ensure that a report is made or reports are made to the Children's Guardian in accordance with the CG Act,
- (b) ensure that an initial risk assessment is made based on all known relevant information to ensure that any risk posed by the WWCC Employee the subject of the allegation is managed and revisit that assessment as new information becomes known, including at the end of the investigation,
- (c) ensure that arrangements are made for any reportable allegation to be investigated as soon as practicable (subject to any requirement under the CG Act to defer or suspend the investigation),
- (d) determine whether any conviction considered to be a reportable conviction is a reportable conviction,
- (e) make a finding of reportable conduct if he is satisfied that the case against the WWCC Employee the subject of the reportable allegation has been proved against the WWCC Employee on the balance of probabilities after taking into account any mandatory considerations required under the CG Act, and
- (f) otherwise deal with the allegation or conviction in manner that complies with the CG Act and any directions made by the Children's Guardian thereunder.

Note: By section 36 of the CG Act, after an investigation or determination is completed the Archbishop must provide a report (an "Entity Report") to the Children's Guardian, subject to certain exceptions. The Entity Report is to be provided within 30 days after becoming aware of the allegation of reportable conduct or reportable conviction, unless the Archbishop gives –

- (a) an interim report to the Children's Guardian within that period that contains the content required by section 38 of the CG Act,
- (b) the reason for not providing the Entity Report, and
- (c) an estimated time period for the Entity Report.

The Entity Report must include the contents required by section 37 of the CG Act.

7. Investigations and determinations by the Children's Guardian

If the Children's Guardian investigates a reportable allegation or makes a determination about a conviction considered to be a reportable conviction, and provides a copy of its report to the Archbishop, the Archbishop must consider the report and may, or on the request of the Children's Guardian must, notify the Children's Guardian of any action taken or proposed as a result of the recommendations.

8. Disclosure of information

The Archbishop must disclose the following information relating to a reportable allegation or conviction considered to be a reportable conviction if required by the CG Act –

- (a) information about the progress of the investigation,
- (b) information about the findings of the investigation,
- (c) information about action taken in response to the findings,

and must not disclose the information in any other circumstance unless disclosure is permitted by the CG Act or required by law.

I Certify that the Ordinance as printed is in accordance with the Ordinance as reported.

Chair of Committee

I Certify that this Ordinance was passed by the Synod of the Diocese of Sydney on 2022.

Secretary

I Assent to this Ordinance.

Archbishop of Sydney

/ /2022

Safe Ministry Board Ordinance 2001 Amendment Ordinance 2022

Explanatory Report

Purpose

1. The purpose of this report is to explain the effect of the bill for the *Safe Ministry Board Ordinance 2001 Amendment Ordinance 2022*.

Recommendations

2. Synod receive this report.
3. Synod pass the bill for the *Safe Ministry Board Ordinance 2001 Amendment Ordinance 2022*.

Background

Review of Safe Ministry Board Ordinance 2001

4. The Safe Ministry Board (**SMB**) was constituted by the *Safe Ministry Board Ordinance 2001 (SMBO)*, with a wide array of functions with respect to safe ministry in the Diocese, and a focus on policies, procedures and systems, the provision of advice and training, and monitoring the effectiveness of safe ministry measures and controls.
5. Since the SMBO was last reviewed in 2004, the legislative environment in relation to child protection and vulnerable persons in NSW has changed significantly with the Royal Commission into Institutional Responses to Child Sexual Abuse, and continues to evolve.
6. In the first half of 2018, the law firm Prolegis conducted an independent review of the position of the Diocese with respect to the recommendations of the final report of the Royal Commission into Institutional Responses to Child Sexual Abuse (**Prolegis Review**).
7. The Prolegis Review has informed various recommendations made by the Standing Committee in its meeting of 26 August 2019 for action within the Diocese, including by the SMB.
8. At its meeting on 15 February 2021, the Standing Committee appointed a committee (the **SMBO Review Committee**) comprising Bishop Peter Lin, Lachlan Bryant, the Rev Dr Keith Condie, Archdeacon Anthony Douglas, the Rev Brett Hall, Dr Ruth Shatford AM, Tony Willis and Elizabeth Moll to review the *Safe Ministry Board Ordinance 2001* in light of recommendations of the Royal Commission and the Prolegis Review, among other things.

Professional Standards Unit Oversight Committee

9. The Professional Standards Unit Oversight Committee (**PSUOC**) is a sub-committee of the Standing Committee, established by resolution of the Standing Committee on 16 November 2015, to oversee the work of the Professional Standards Unit (**PSU**) under its Director (**DPS**). The PSUOC's terms of reference are set out at **Appendix 1**.

Proposal for amalgamated Safe Ministry Board

10. The PSUOC and the SMBO Review Committee consider the amalgamation of the PSUOC and SMB to form a new Safe Ministry Board would clarify lines of responsibility, streamline accountability and enhance existing governance practice.

11. Currently, the relationship between the SMB and PSUOC involves PSUOC oversight of the work of the DPS under the *Ministry Standards Ordinance 2017 (MSO)* and financial oversight, whilst the SMB is an advisory body concerned with the prevention of abuse and safe ministry policy with support from the DPS as its “chief executive officer”.
12. As the SMB’s scope of responsibility has broadened over time, there has also been a gradual and inexorable push towards widening the jurisdiction of the PSU and role of the DPS. The tendency has been for matters to be referred to the PSU and/or the SMB that were not able to be dealt with via other means.
13. Oversight of the PSU has become increasingly convoluted. In addition to the SMB and PSUOC, the following various individuals and bodies are involved in governing the PSU:
 - (a) **the Archbishop** who currently appoints the DPS under the MSO and who, among other things, exchanges information with the DPS about conduct which may be the subject of a complaint under the MSO,
 - (b) **the Standing Committee** which funds the PSU on behalf of the Synod, receives annual reports from the DPS, and which exercises other functions under the MSO, including in relation to costs and indemnities,
 - (c) **the Registrar** who exercises a number of functions under the MSO and who, until recently, also provided informal management oversight of the DPS and PSU more generally,
14. The relationship of the DPS to each of these individuals and bodies is depicted in **Appendix 2a**. The diagram shows an unnecessarily complicated and confusing system of governance which is prone to conflicts between its constituent parts. Complex governance models also create the potential for inefficiencies, duplication, fragmentation, overlap and blurred lines of accountability.
15. Streamlining the governance structure for the DPS by the establishment of the new Safe Ministry Board and clarifying the role of the Archbishop and Registrar, would go a long way to addressing these governance issues.
16. The new consolidated structure would also properly reflect the existing relationship between the SMB and DPS in the fulfilment of safe ministry responsibilities in the Diocese pursuant to the SMBO.
17. The proposed structure for the new Safe Ministry Board is set out in **Appendix 2b**.
18. The PSUOC and SMBO Review Committee have consulted with the Safe Ministry Board and the MSO Review Committee and their comments have been incorporated into this report.

Explanation

19. The proposed *Safe Ministry Board Ordinance 2001 Amendment Ordinance 2022* (the **Bill**) accompanies this report.
20. Relevant provisions of the Bill are explained below. Except where otherwise indicated, clause references are to the clause numbering the Bill.
21. Given the PSUOC was not constituted by way of ordinance, the existing SMBO has been used as the starting point to prepare the constituting ordinance for the new Safe Ministry Board.

Definitions

22. Clause 2 sets out the new titles of ‘Director of Safe Ministry’ and ‘Office of the Director of Safe Ministry’ in place of the current titles of ‘Director of Professional Standards’ and ‘Professional Standards Unit’. While the term ‘professional standards’ is embedded in the current structure, it is more appropriate to characterise the objective of the Director as being ‘safe ministry’ for the following reasons –
 - (a) the definition of ‘church worker’ in the MSO (of which a member of the clergy is one type) extends far beyond clergy and includes many persons in volunteer positions in parishes. In the majority of cases such persons are not able to be described as being part of a ‘profession’ by virtue of their church worker role, but still fall within the jurisdiction of the MSO,

- (b) the objective of the MSO is to inquire into fitness for office – it is not a disciplinary process, even though there are protective elements involved. Although ‘standards’ are considered, they are ‘ministry standards’ rather than ‘professional standards’, and
 - (c) the remit of the Director and their Office is broader than just ministry standards and also encompasses the Child Safe Standards and safe ministry more broadly.
23. Clause 2 updates definitions set out in the SMBO for changes in applicable child abuse and child protection legislation and ordinances, including the *Ministry Standards Ordinance 2017 (MSO)*.
24. A new definition of ‘vulnerable person’ has been inserted in recognition of the SMB’s current responsibility for the protection of vulnerable groups of people such as the elderly and disabled which will be adopted by the new Safe Ministry Board.

Purpose

25. Clause 5 sets out the purpose of the new Safe Ministry Board which will guide the exercise of its functions and powers.

Functions of the Board

26. Clause 6 sets out the general functions of the new Safe Ministry Board, with reference to relevant legislation and ordinances.
27. The drafting of clause 6 has accepted the recommendation of the Prolegis Review to revise and simplify the functions of the SMB, which the existing SMB has considered convoluted and in part beyond its proper scope of responsibility.
28. Clause 6(a) states that the new Safe Ministry Board is the designated authority in the Diocese for safe ministry (and in particular child safety under the *Safe Ministry to Children Ordinance 2020*) and proper management of disciplinary matters by way of oversight of the Office of the Director of Safe Ministry and Director.
29. Clause 6(b) recognises the expansion of the SMB’s functions beyond the establishment of policies and procedures to address child sexual abuse to a broad mandate for safe ministry in relation to children and vulnerable persons. This function is limited to ‘Church bodies’, which is defined in clause 2 as including parishes but not including other bodies unless they are declared by the Standing Committee for the purposes of the definition. The new Safe Ministry Board will not be adequately resourced to oversee safe ministry in bodies like diocesan schools or Anglicare.
30. Clause 6(c) responds to Royal Commission recommendation 16.33 for a consistent approach to the implementation of Child Safe Standards (**CSSs**) by assigning responsibility for driving the implementation work to the new Safe Ministry Board. This function is limited to ‘Church bodies’ for the same reason set out in the prior paragraph.
31. Clause 6(d) responds to Royal Commission recommendation 16.35 that religious institutions in highly regulated sectors, such as schools and out of home care services, should report their compliance with the Child Safe Standards, as monitored by the relevant sector regulator, to the religious organisation with which they are affiliated. A parallel amendment is proposed to the *Accounts, Audits and Annual Reports Ordinance 1995* to require ‘Organisations’ that report to regulators in relation to compliance with the Child Safe Standards to provide a copy of that report to the new Safe Ministry Board.
32. Clauses 6(f) to 6(h) provide the oversight of finances previously exercised by the PSUOC, enable recommendations to be made to Standing Committee on payments relating to ministry standards matters (for example, the investigation of complaints), and also enable expenses in relation to the Board (for example, relevant training of Board members) to be provided for in the budget and paid from the assets of the ODSM.
33. Clauses 6(i) and 6(j) also incorporate functions previously exercised by the PSUOC in relation to the ongoing professional development and pastoral care of the DSM, and complaints made against the ODSM and DSM.

34. Without limiting the generality of clause 6, clause 7 provides particular direction for the fulfilment by the new Safe Ministry Board of its functions.
35. Clauses 7(a) and 7(d) has been inserted in response to Royal Commission recommendation 16.37 to specifically reference the new Safe Ministry Board being both the mechanism by which the Diocese receives advice on child sexual abuse and child safety and also a body authorised to request, receive, consider and act on external advice in relation to those matters.
36. Clause 7(d) also contemplates engagement by the new Safe Ministry Board of cultural and disability support as required and external expertise for case reviews in order to fulfil its functions (Recommendation 4.2.5 and 9.2.2, Prolegis Review).

Powers of the Board

37. Clauses 8(2)(e) and (f) have been specifically included to empower the new Safe Ministry Board to devolve matters to appropriate persons and subcommittees with appropriate membership.
38. The new Safe Ministry Board will be able to utilise the powers in clauses 8(2)(e) and (f) to address matters requiring specialised knowledge and expertise (such as elder abuse) or to deal with a particular subset of vulnerable persons.
39. The ability to delegate powers to experts and appoint subcommittees will enhance the new Safe Ministry Board's capacity and flexibility, as persons with diverse and specialised skills and experience may be engaged outside of board membership and the new Safe Ministry Board will benefit from informed reporting for the purposes of its decision-making processes, including in relation to the development of institutional strategies to address all the CSSs (Recommendation 4.1.5, Prolegis Review).

Appointment of Director

40. Clause 9 replaces clauses 82 and 82A of the MSO dealing with the appointment of the Director of Safe Ministry (**Director**) and the management of conflicts of interest relating to the Director's exercise of powers and performance of the Director's functions
41. Given the procedural nature of the MSO, it is more appropriate for provisions relating to the appointment of the Director to be contained in the constituting ordinance for the new Safe Ministry Board, which has responsibility for oversight of the Director.
42. Clause 9(2) provides for the appointment of the Director by the new Safe Ministry Board with the concurrence of the Archbishop. It is appropriate for the new Safe Ministry Board, given its responsibility for ministry standards and safe ministry in the Diocese, to make the appointment. Noting that the Archbishop has an important interest in this appointment, any proposed appointment will be made with his concurrence.
43. Clause 9(4) limits the new Safe Ministry Board's authority to delegate powers to the Director to the fulfilment of functions and purposes set out in the Safe Ministry Board Ordinance and MSO.

Membership of the Board

44. The amalgamation of the SMB and PSUOC requires a careful transition of membership to ensure retention of corporate knowledge and skills-sets necessary to enable the new Safe Ministry Board to fulfil its functions and further its purpose. The transitional arrangements are considered in paragraphs 53 to 60 below.
45. Further, the new Safe Ministry Board needs to be optimally constituted and resourced to implement the recommendations of the Royal Commission that have been referred to it for action by the Standing Committee.
46. With these objectives in mind, Clause 10(2) sets out the minimum requirements for the composition of the new Safe Ministry Board.

47. Clause 10(3) sets out highly desirable traits for the selection of members, which are not mandated to avoid incapacitating the new Safe Ministry Board.
48. One member ought to be responsible for advocating the interests of children in order to address Royal Commission recommendation 16.37 for a 'Children's Champion' and respond to the Royal Commission's concern regarding the self-protective nature of institutions (Recommendation 1.2.9, Prolegis Review). This will be achieved through the Board appointing one of its members to advocate for the interests of children in relation to the business coming before the Board (clause 16). This will not mean that other members cannot do so or that the Children's Advocate cannot also express other perspectives. However, it will ensure that the Board is considering a children's perspective in its decision-making.
49. The minimal regulation of membership provides scope for the new Safe Ministry Board, once constituted, to develop a skills matrix to identify skills and qualities required for its composition rather than specifying requirements in the Safe Ministry Board Ordinance.

Governance Policy

50. The Diocesan Governance Policy has been adopted where practicable to facilitate good governance, including provisions relating to membership of the Board, including circumstances of ineligibility and disqualification, duration of office, casual vacancies and duties, as well as the conduct of board meetings (see Parts 3 and 4).
51. Given the new Safe Ministry Board has oversight over the Office of the Director of Safe Ministry, it is appropriate to include a restriction on membership by a person subject to an adverse finding in relation to a complaint under the MSO (see clause 10(4)(i)).
52. Although the new Safe Ministry Board does not deal with specific cases of abuse, standard provisions relating to conflicts of interest have been inserted to ensure prudent governance practices.

Savings and transitional provisions

53. Since the Bill makes comprehensive amendments to the Safe Ministry Board Ordinance, it includes a savings provision to make clear that the amendments do not invalidate anything done under Safe Ministry Board Ordinance prior to the amendments being made.
54. The Bill also deems acts of the SMB and the PSUOC undertaken prior to its commencement, to have been undertaken under the Safe Ministry Board Ordinance (as amended by the Bill) where those acts correspond to functions and powers in the Ordinance. For example, this will mean that if a person has made a complaint to PSUOC in relation to the Director, that PSUOC's handling of that complaint will be taken to have already been dealt with by the SMB for the purposes of its functions under clause 6(j).
55. Clause 4(1) provides for the inaugural membership of the new Safe Ministry Board, drawing from the membership of the SMB and the PSUOC prior to the Bill's commencement. The deemed dates of first and last election/appointment are set out in a table to ensure an orderly transition and suitable term expiry dates. One of the positions on the Board is vacant, to allow the new Safe Ministry Board to appoint a suitable person so that the requirements under clause 10(2) are fulfilled.
56. Clause 4(2) will ensure that the person currently holding the office of Director of Professional Standards is taken to have been appointed as the Director of Safe Ministry for the purposes of the Ordinance as amended.

For and on behalf of the Standing Committee.

DANIEL GLYNN
Diocesan Secretary

25 July 2022

Professional Standards Unit Oversight Committee

Terms of Reference

1. To ensure the Professional Standards Unit (PSU) is fulfilling its obligations under the *Ministry Standards Ordinance 2017* and the *Safe Ministry Board Ordinance 2001*.
2. To receive reports each meeting from –
 - (a) The Archbishop
 - (b) Chair of Safe Ministry Board
 - (c) Chair of Professional Standards Committee
 - (d) President of the Panel for the Professional Standards Board
3. The reports shall state whether, in the opinion of the person making the report, the Director of Professional Standards (DPS) and PSU have performed satisfactorily since the last report and shall make any other comments as considered appropriate.
4. To receive and handle as necessary any complaints about the DPS or PSU.
5. To oversee the budget and finances of the PSU.
6. To make recommendations to Standing Committee on the functioning of the PSU and any other matters considered relevant by the PSUOC.
7. To prepare recommendations for the Standing Committee, in accordance with Standing Committee policies, on payment of expenses associated with professional standards matters from the Synod Fund Risk Reserve.
8. To ensure the DPS receives appropriate training, regular professional supervision and suitable pastoral care.
9. To liaise with the Archbishop about the appointment of DPS when the role of DPS is vacant.

Members

- (a) An Assistant Bishop (appointed by the Archbishop as Chair of PSUOC) (currently Bishop Peter Lin)
- (b) The Registrar (currently Acting Registrar, Mr Daniel Glynn)
- (c) An experienced lawyer who is a member of Standing Committee (appointed by the Chancellor) (currently Dr Robert Tong AM)
- (d) The Chair of the Finance Committee (currently Ms Nicola Warwick-Mayo)
- (e) The CEO of SDS (currently Mr Robert Wicks)

All members must be Standing Committee members.

Meetings and Quorum

10. The PSUOC shall hold at least 3 ordinary meetings each year with additional special meetings as required.
11. The quorum shall be 3 members.
12. The DPS shall attend meetings of the PSUOC by invitation.

Reporting

13. The Committee shall report to Standing Committee when it considers it to be appropriate and in response to any request by Standing Committee.

Administrative Arrangements

14. The Registrar sees to the secretarial work and any costs are met by the PSU.

Retirement

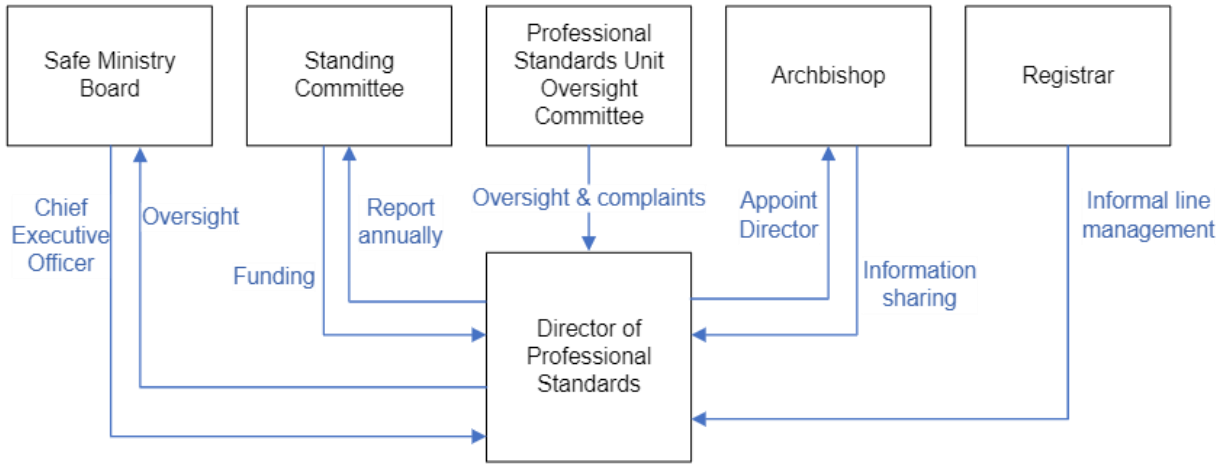
15. Ex-officio members are members while they hold the relevant office. Appointed members hold office at the pleasure of the person who appointed them.

Notes

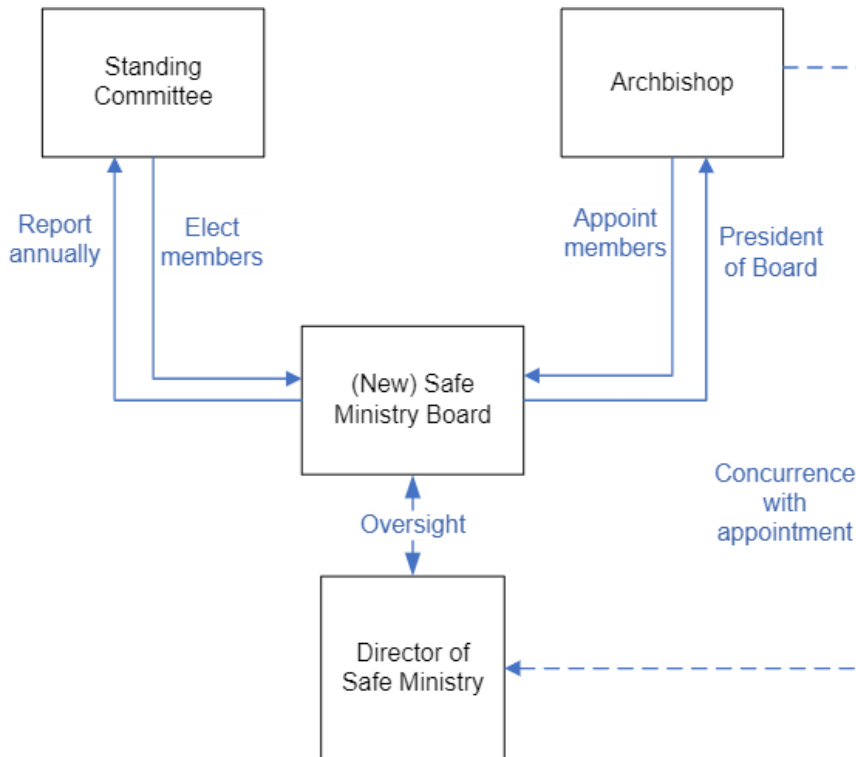
16. An experienced lawyer is a person who has been admitted as a legal practitioner for not less than 10 years.
17. The reports in paragraph 2 shall be send direct to the Secretary who, after consulting with the Chair of PSUOC, shall determine whether they should be shared with the DPS before or after the meeting of the PSUOC or not shared at all with the DPS.

Current as at 9 March 2022

Current



Proposed



Safe Ministry Board Ordinance 2001 Amendment Ordinance 2022

No. _____, 2022

Long Title

An Ordinance to amend the *Safe Ministry Board Ordinance 2001*.

The Synod of the Diocese of Sydney Ordains as follows.

1. Name

This Ordinance is the *Safe Ministry Board Ordinance 2001 Amendment Ordinance 2022*.

2. Amendment of the Principal Ordinance

The Safe Ministry Board Ordinance 2001 (*Principal Ordinance*) is amended by deleting clauses 2 to 20 and inserting the matter in the Schedule instead.

3. Savings Provision

(1) Nothing in this Ordinance invalidates anything validly done under or pursuant to the Principal Ordinance prior to the date of commencement of this Ordinance.

(2) Any acts of the Safe Ministry Board and the Professional Standards Unit Oversight Committee undertaken immediately before the commencement of this Ordinance are taken to have been undertaken pursuant to the Principal Ordinance where those acts correspond to functions and powers set out in the Principal Ordinance (as amended by this Ordinance).

4. Transitional

(1) Notwithstanding the terms of the Principal Ordinance (as amended by this Ordinance) the following people are, on the commencement of this Ordinance, deemed to have been –

- (a) elected/appointed as members of the Safe Ministry Board under subclause 10(1) of the Principal Ordinance, and
- (b) first and last elected/appointed for the purposes of clause 11 of the Principal Ordinance on the dates specified, with the expiry of each member's term listed in column 5 of the following table –

Name	Clause under which appointed / elected	Deemed date of first election / appointment	Deemed date of last election / appointment	Year of expiry of term
Miss Stephanie M Cole	10(1)(c)	01/09/2013	12/10/2020	2023
Dr Tim Channon	10(1)(b)	01/09/2016	12/10/2020	2023
Bishop Peter Lin	10(1)(a)	01/09/2020	12/10/2020	2023
The Rev Gary O'Brien	10(1)(c)	01/09/2017	06/09/2021	2024
Mrs Bethany Teuben	10(1)(c)	20/12/2021	20/12/2021	2024
Vacancy	10(1)(b)	Vacant	Vacant	2024
Ms Nicola Warwick-Mayo	10(1)(c)	01/12/2018	12/09/2022	2025
The Rev Thomas M Hargreaves	10(1)(c)	22/03/2021	12/09/2022	2025
The Rev Stephen Dinning	10(1)(b)	23/03/2018	12/09/2022	2025

(2) The person who held the office of Director of Professional Standards immediately before the commencement of this Ordinance is taken to have been appointed as the Director of Safe Ministry for the purposes of subclause 9(2) of the Principal Ordinance (as amended by this Ordinance).

5. Commencement

This Ordinance commences on a date determined by the Standing Committee by resolution.

Schedule

2. Definitions

In this Ordinance –

“abuse” has the meaning given in the *Ministry Standards Ordinance 2017*.

“Archbishop” means the Archbishop of the Diocese or in his absence his Commissary or if the See is vacant the Administrator of the Diocese.

“Board” means the Safe Ministry Board.

“child” means a person who is less than 18 years old.

“Child Protection Legislation” means the *Children’s Guardian Act 2019*, *Child Protection (Working with Children) Act 2012* and the *Children and Young Persons (Care and Protection) Act 1998* as amended from time to time and the regulations and guidelines made under or pursuant to those Acts.

“Child Safe Standards” has the meaning given in the *Children’s Guardian Act 2019*.

“church worker” has the meaning given in the *Ministry Standards Ordinance 2017*.

“Church body” includes a parish but does not include any school, body corporate, organisation or association that exercises ministry within, or on behalf of the Church in the Diocese unless declared to be a Church body by the Standing Committee by resolution for the purposes of this definition.

“clergy” means a person in holy orders.

“Diocese” means the Anglican Church of Australia in the Diocese of Sydney.

“Director” means the person who is appointed as the Director of Safe Ministry under clause 9.

“ODSM” means the Office of the Director of Safe Ministry comprised of the Director and the persons who assist the Director in the fulfilment of his or her functions by undertaking certain of the powers, discretions and duties of the Director under delegation.

“vulnerable person” means a child or a person who is 18 years or above who is or may be unable to take care of themselves or protect themselves against harm of exploitation by reason of age, illness, trauma or disability, or any other reason.

3. Interpretation

In this Ordinance –

- (a) headings are used for convenience only and do not affect the interpretation of this Ordinance,
- (b) references to any legislation or to any section of any legislation include any modification or re-enactment of it and any legislation substituted for it,
- (c) a reference to a clause is a reference to a clause of this Ordinance,
- (d) words denoting the singular include the plural and vice versa, and
- (e) words referring to a gender include both genders.

Part 2 – Constitution, Functions and Powers

4. Constitution

The Board is constituted with the functions set out in this Ordinance.

5. Purpose

The purpose of the Board is to oversee safe ministry and ministry standards in the Diocese, namely through the promotion of safe ministry to children and other vulnerable persons and oversight of the ODSM.

6. Functions of the Board

The functions of the Board are –

- (a) to undertake the functions assigned to the Board under the *Safe Ministry to Children Ordinance 2020*, *Ministry Standards Ordinance 2017* and any other ordinance of the Diocese,
- (b) to promote an environment in which ministry to children and vulnerable persons can be safely undertaken by Church bodies in accordance with applicable laws and best practice,
- (c) to ensure the Child Safe Standards are implemented and maintained by Church bodies through systems, policies, and processes, including promotion of child safety, prevention of abuse and complaint handling,
- (d) to receive reports from bodies of the Diocese that are required to report to a regulator concerning their compliance with the Child Safe Standards,
- (e) to ensure the Director and ODSM are fulfilling the obligations set out in the *Ministry Standards Ordinance 2017*,
- (f) to oversee the budget and finances of the ODSM,
- (g) to make recommendations to the Standing Committee on payments associated with ministry standards matters,
- (h) to authorise the application of the assets of the ODSM to meet the costs and expenses of the Board in the fulfilment of its functions,
- (i) to ensure the Director receives appropriate training, regular professional supervision and suitable pastoral care, and
- (j) to receive and handle as necessary any complaints about the ODSM or the Director.

7. Further Functions of the Board

Without limiting the generality of the functions referred to in clause 6, in exercising any such function or functions the Board may –

- (a) provide assistance, advice and education to Church bodies in relation to the prevention of and response to abuse of children and vulnerable persons,
- (b) evaluate the effectiveness of training, investigation and risk management practices and procedures, and pastoral care pertaining to safe ministry to children and vulnerable persons within Church bodies,
- (c) consult with the Director and any other persons, organisations and bodies (including Church, government and non-government bodies) regarding legislation, policies, procedures, systems and practices relating to safe ministry to and the protection of children and vulnerable persons, and
- (d) request, receive, consider and act on independent, expert and professional advice, including with respect to the abuse of children and vulnerable persons in the Diocese.

8. Powers of the Board

- (1) The Board has power to do all things necessary and desirable to enable it to carry out its functions under clauses 6 and 7.
- (2) Without limiting the generality of clause 8(1), the Board has the following powers –
 - (a) to delegate, by resolution, the exercise of its powers (except those contained in this paragraph) to any person or committee of persons appointed by the Board provided any such committee is chaired by a Board member and reports the exercise of its delegated powers at each Board meeting until such delegation is revoked, and
 - (b) to revoke the appointment of a person or committee appointed under paragraph (a).

9. Appointment of Director

- (1) There shall be a Director of Safe Ministry.
- (2) The Director shall be appointed by the Board, with the concurrence of the Archbishop, for such period and on such terms as the Board may resolve, and subject to those terms and the law, the Board, with the concurrence of the Archbishop, may revoke such appointment.
- (3) The Director reports directly to the Board and is responsible to the Board for the implementation of the strategy, policies and decisions of the Board and for the general administration and daily operation of the Board.
- (4) Subject to this Ordinance and the *Ministry Standards Ordinance 2017*, the Board may, in pursuit of its purpose and functions –
 - (a) give the Director powers, directions and duties,

- (b) withdraw, suspend or vary any of the powers, discretions and duties of the Director, and
- (c) authorise the Director to delegate any of the powers, discretions and duties given to the Director.

(5) If the Director has any actual or perceived conflict of interest in the exercise or performance of any power, authority, duty or function under this Ordinance in relation to a matter, the Director must declare to the Board that he is unable or unwilling to exercise or perform that power, authority, duty or function in relation to the matter.

(6) If, for any reason, the Director is unable or unwilling to exercise or perform any power, authority, duty or function of the Director under this Ordinance, the Board may appoint another suitably qualified person to exercise or perform the power, authority, duty or function.

Part 3 – Membership of the Board

10. Membership of the Board

- (1) The Board shall comprise 9 members, with –
- (a) 1 person appointed by the Archbishop,
 - (b) 3 persons appointed by the Board, and
 - (c) 5 persons elected by the Standing Committee.
- (2) The persons appointed under subclause (1)(b) or elected under subclause (1)(c) as members are to include –
- (a) an experienced lawyer;
 - (b) at least two persons who have been members of the clergy for not less than 10 years, who are licensed in the Diocese of Sydney with at least a three-year theological degree from Moore Theological College or another college that is endorsed by the Archbishop for the purposes of this clause; and
 - (c) at least two persons with professional training and/or experience in the areas of child protection, social welfare or counselling.
- (3) The Board must, so far as reasonably practicable:
- (a) include at least one person who is not a parishioner of an Anglican Church, and
 - (b) include a suitable gender balance.
- (4) Every member must, upon being appointed or elected as, or otherwise becoming, a member, sign the “Statement of Personal Faith” set out in the Governance Policy for Diocesan Organisations, and deliver it to the Secretary within 28 days of the date of that person becoming a member. If a person fails to do so, the person is disqualified from being, and automatically ceases to be, a member.

11. Duration of Office

- (1) At the first meeting of the Standing Committee following the first ordinary session of each Synod, one member appointed under each of sub-clause 10(1)(a) and (b), and elected under subclause 10(1)(c), are to retire. At the first meeting of the Standing Committee following the second and third ordinary sessions of each Synod, one member appointed under sub-clause 10(1)(b) and two members elected under clause 10(1)(c) are to retire from office.
- (2) Subject to this Ordinance, a retiring member is eligible for re-election or re-appointment, and a retiring member remains a member until his or her successor is elected or appointed.
- (3) The members who are to retire are those members who have been in office longest since their last election. As between persons who were elected or appointed as members on the same day, those to retire (unless they otherwise agree among themselves) are to be determined by lot.
- (4) A person is not eligible to be re-elected or re-appointed as a member if such re-election or re-appointment would, in the ordinary course, result in that person being a member for a continuous period of 14 years or more. For the purposes of this clause 11(4), 2 or more periods of service as a member will be taken to be one continuous period of service unless they were separated by a continuous period of at least 12 months during which the person was not a member.

12. Casual Vacancies

- (1) A vacancy also occurs when a member who is elected or appointed to the Board –
- (a) dies,

- (b) resigns the office of member by writing addressed to the Archbishop, and in such case, unless the writing specifies a later date, the resignation is effective when the Archbishop receives the writing,
- (c) becomes an insolvent under administration,
- (d) becomes a person of unsound mind or whose person or estate is liable to be dealt with in any way under any law relating to mental health,
- (e) becomes disqualified from managing a corporation within the meaning of the *Corporations Act 2001*,
- (f) becomes disqualified from being a responsible person by the Commissioner of the Australian Charities and Not-for-profits Commission,
- (g) is convicted of a crime or an offence punishable by imprisonment for more than 12 months,
- (h) becomes subject to an order or subsisting recommendation issued or recognised under an ordinance of the Synod which prohibits them from holding the office of member (or from a comparable tribunal or body in another diocese or church), or
- (i) becomes an employee of the Board or any entity which, or a self-employed person who, provides services (for a fee) to the Board or becomes a partner of such an entity,
- (j) is appointed or elected to an office with responsibilities under the *Ministry Standards Ordinance 2017*, or
- (k) becomes subject to an adverse finding in relation to a complaint under the *Ministry Standards Ordinance 2017*, or
- (l) is absent for 3 consecutive meetings of the Board without leave of the Board and the Board resolves that the person's membership should cease,
- (m) fails to disclose his or her actual material conflict of interest in any matter brought for the consideration of the Board which, in the opinion of the Board, resulted in a resolution of the Board which would not have been made if the actual material conflict of interest had been disclosed, and the Board resolves by at least three-quarters majority that the person's membership should cease as a result of this failure,

and a person is disqualified from being elected or appointed as a member if any of the circumstances referred to in paragraphs (c) to (k) apply to the person.

- (2) In addition to the circumstances set out in clause 12(1), and for any or no reason –
 - (a) the Archbishop or the Board may revoke at any time the membership of a person appointed to the Board by each of them, and
 - (b) the Standing Committee may by resolution revoke at any time the membership of a person elected to the Board by the Standing Committee.
- (3) A vacancy in the office of a member of the Board may be filled –
 - (a) in the case of a vacancy of a member appointed by the Archbishop or the Board, by each of them, and
 - (b) in the case of a vacancy of a member elected by the Standing Committee, by the Standing Committee.
- (4) A person elected or appointed to fill a casual vacancy for the purposes of this Ordinance (other than for the purpose of continuing service under subclause 11(4)) is taken to have been elected or appointed on the date that the person whose place they have taken was last elected or appointed.

13. Duties of members

- (1) Each member must –
 - (a) in performing their functions exercise the care and diligence that a reasonable person would exercise as a member,
 - (b) act in good faith in the best interests of the Board and to further its purpose,
 - (c) not misuse their position as a member,
 - (d) not misuse information obtained in the performance of their duties as a member,
 - (e) promptly disclose at a meeting of members, any actual conflict of interest they have as a member and any circumstances which might reasonably be perceived as a conflict of interest,
 - (f) not participate in discussions, or vote on any matter, in which an actual or perceived conflict of interest arises without the approval of the other members, and
 - (g) ensure that the financial affairs of the Board are managed in a responsible manner.

(2) A member is not to be remunerated for their service as a member. A member may be reimbursed for reasonable out of pocket expenses incurred in performing their duties as a member.

Part 4 – Meetings

14. Chair

(1) The members are to appoint one of their number to be chair for a term which ends on the first to occur of –

- (a) the date the Chair ceases to be a member,
- (b) the date (if any) specified in the resolution, and
- (c) the third anniversary of the date of appointment, and
- (d) the date on which the appointment is revoked by resolution of the members.

(2) Subject to clause 11(4), a member of the Board who retires as Chair under clause 14(1)(b), (c) or (d) may be reappointed for a further term.

(3) A person cannot serve as the Chair of the Board for more than nine consecutive years.

15. Secretary

(1) The members shall appoint a person to be the Secretary.

(2) A person is not required to be a member to be appointed as Secretary.

16. Children's Advocate

The members are to appoint one of their number to advocate for the interests of children in relation to the business coming before the Board.

17. Meetings

(1) The Board shall hold at least 3 ordinary meetings each year with additional special meetings as the Chair or any 3 members may determine.

(2) The quorum for a meeting of the Board is 5.

(3) The Director shall attend meetings of the Board by invitation.

(4) A vacancy in the membership of the Board or a defect in the election or appointment of a person acting as a member of the Board does not invalidate any act or proceeding of the Board.

(5) A meeting of the members may be held by using any technology approved by the members. A member who is absent from the place of meeting may attend that meeting by using any technology approved by the members. All meetings conducted with the aid of technology under this clause 17(5) are as valid and effective as if they had been conducted at a meeting at which those members were physically present.

(6) The members must cause minutes to be made of each meeting of the members which record –

- (a) the names of the members present,
- (b) the name of the person or names of the persons who chaired the meeting, or any part of the meeting,
- (c) all disclosures made by a member of any actual or perceived conflicts of interest, and
- (d) all resolutions of the members passed at the meeting, or taken to have been passed at a meeting.

(7) The minutes of each meeting are to be signed by the chair of that meeting, or by the chair of the next meeting of the members.

(8) Subject to the provisions of this Ordinance, the Board may regulate its own proceedings and for that purpose may make or rescind or alter regulations from time to time.

18. Decisions of the members

(1) Usually, the members will make decisions by resolution passed at a meeting of the members.

(2) If a document contains a statement that the signatories to it are in favour of a resolution set out in the document or otherwise identified in the document and the document is signed by all members (other than members who are, at that time, overseas or have leave of absence), a resolution in those terms will be taken to have been passed at a meeting of members held on the day and at the time at which the

document was last signed by a member.

- (3) For the purposes of clause 18(2) –
- (a) 2 or more separate documents containing statements in identical terms each of which is signed by 1 or more members will be taken together to constitute 1 document containing a statement in those terms signed by those members on the respective dates on which they signed the separate documents, and
 - (b) an email message which is received by the Secretary and is expressed to have been sent by a member will be taken to be a document signed by that member at the time of receipt of the email message by the Secretary.

19. President

- (1) The Archbishop is President of the Board.
- (2) The President may attend any meeting of the Board and address the Board on any pastoral or policy issue concerning the Anglican Church of Australia as it applies to the Board.
- (3) If the President requests, the Secretary is to send him a copy of the agenda for the meeting of the Board referred to in the request.
- (4) The President is not a member of the Board, and so is not entitled to vote on any question or proposal being considered by the Board.
- (5) The President is permitted to appoint a nominee to exercise his entitlements as President on his behalf.

Part 6 – Miscellaneous

20. Reports to be made to Synod and Standing Committee

The Board must provide annual reports of its activities to the Standing Committee and must provide a report to each session of the Synod.

21. Indemnification

- (1) The Board must ensure that there is indemnity insurance for its members.
- (2) Each member of the Board is indemnified out of the assets held by or for the purposes of the ODSM against all loss or liability properly incurred for or on behalf of the Board by reason of being or having been a member of the Board other than that incurred or occasioned by the member's own wilful act or neglect.

I Certify that the Ordinance as printed is in accordance with the Ordinance as reported.

Chair of Committee

I Certify that this Ordinance was passed by the Synod of the Diocese of Sydney on
2022.

Secretary

I Assent to this Ordinance.

Archbishop of Sydney

/ /2022

Ministry Standards and Safe Ministry Amendment Ordinance 2022

Explanatory Report

Purpose

1. The purpose of this report is to explain the effect of the bill for the Ministry Standards and Safe Ministry Amendment Ordinance 2022.

Recommendations

2. Synod receive this report.
3. Synod pass the bill for the Ministry Standards and Safe Ministry Amendment Ordinance 2022.

Explanation

4. The Ministry Standards and Safe Ministry Amendment Ordinance 2022 (**Bill**) accompanies this report.
5. The amendments made by the Bill are primarily consequential to the proposed reconstitution of the Safe Ministry Board under the Safe Ministry Board Ordinance 2001 Amendment Ordinance 2022 (**SMB Bill**). The explanatory report for the SMB Bill provides the policy rationale for these changes.
6. The Bill also amends the *Safe Ministry to Children Ordinance 2020* to clarify the obligations required under the Persons of Concern Policy.
7. The Bill also amends the *Accounts, Audits and Annual Reports Ordinance 1995* to insert a reporting requirement for 'Organisations' in relation to implementation and compliance with the Child Safe Standards under the *Children's Guardian Act 2019*. This amendment implements Royal Commission recommendation 16.35.

Amendments to the *Ministry Standards Ordinance 2017*

Changes to certain names, titles and functions (clauses 2(a), (c), (d) and (f) and (u))

8. Clause 2(a) makes changes to certain names and titles in the *Ministry Standards Ordinance 2017 (MSO)* that are consequential to the SMB Bill. See paragraph 22 of the report for the SMB Bill.
9. Clause 2(c) amends the definition of "Safe Ministry Board" to update references to the ordinance constituting the Safe Ministry Board.
10. Clause 2(d) amends the definition of "Director" so that it refers to the new title and references the appointment to being under the *Safe Ministry Board Ordinance 2001* rather than Part 5A of the MSO.
11. Clause 2(u) provides for the Safe Ministry Board, rather than the Director, to report annually to the Standing Committee. This reflects the governance oversight that the Board will have over the Director as a result of the changes in the SMB Bill.

Functions performed by the Registrar (clauses 2(b), (j), (k) and (n))

12. The Registrar has provided informal management oversight of the Director and the Professional Standards Unit. Since this is no longer the case as a result of recent changes, there is no utility in the Registrar continuing to perform functions under the MSO.
13. Clause 2(b) deletes the definition of "Registrar" in the MSO.

14. Clauses 2(j) and (k) provide for the Chancellor to replace the Registrar in relation to the appointment of Adjudicators.
15. Clause 2(n) provides for the Director to exercise the functions presently undertaken by the Registrar in relation to applications for review of Professional Standards Board determinations. These functions involve receiving application from respondents and making notifications to and from the Chancellor. The Director's functions in Part 4C will be merely procedural.

Adjudicators (clauses 2(e), (h) – (m), (o) and (q))

16. Part 3H provides for complaints made against unpaid church workers to be considered by Adjudicators. To be an Adjudicator, a person must be an “experienced lawyer” – namely, a current or former judge or justice of an Australian, State or Territorial court or tribunal, or an Australian legal practitioner who has been admitted for not less than 10 years. Presently the Registrar can appoint any experienced lawyer as an Adjudicator for a complaint on request by the Director.
17. The following changes are proposed in relation to the appointment of Adjudicators –
 - (a) that appointments be made by the Chancellor, not the Registrar (clause 2(j) and (k)), and
 - (b) that appointments be made from a panel of experienced lawyers that has been compiled by the Director with the concurrence of the Chancellor (clauses 2(e), (i), (l), (m), (o) and (q)).
18. Clause 2(h) amends the definition of Adjudicator to take into account that it may include another Adjudicator who is appointed to replace the initial Adjudicator if that person has a conflict of interest.

Appointment of the Director (clause 2(p))

19. Clause 2(p) deletes clauses 82 and 82A which provide for the appointment of the Director and regulate conflicts of interest in relation to the performance of functions by the Director. These provisions will instead be inserted into the *Safe Ministry Board Ordinance 2001* by the SMB Bill.

Information sharing (clauses 2(r), (s), (t), (v) and (w))

20. Presently clause 84 requires the Director to inform the Archbishop of any allegations that a church worker has engaged in conduct that may be the subject of a complaint under the MSO and any response made by the church worker. The Director and the Archbishop are required to provide each other with such information as they may each reasonably require in such instance.
21. Clause 2(r) will change this from a requirement to a discretion. There may be circumstances where such information sharing is not appropriate, such as if there is a conflict of interest.
22. Clause 2(s) and (t) will clarify that information is ‘reasonably required’ if it is for the proper discharge of duties and responsibilities or as the person giving the information deems necessary for that purpose. Clause 2(w) provides the same clarification for reports by the Ministry Standards Committee (**MSC**) to the Archbishop under clause 107(3) of the MSO.
23. Clause 2(v) will insert a further exception to the duty of confidentiality applying to persons performing functions under the MSO. This will allow information to be divulged to the Safe Ministry Board (or any agent acting on its behalf) for the purpose of that Board fulfilling its functions.

Delegation of functions by the Chancellor (clause 2(x))

24. Clause 2(x) will insert a new clause 113 into the MSO to authorise the Chancellor to delegate any of his or her functions under the MSO to a Deputy Chancellor.

Amendments to the Safe Ministry to Children Ordinance 2020

25. Clause 3(a) makes changes to certain names and titles in the *Safe Ministry to Children Ordinance 2020* (**SMCO**) that are consequential to the SMB Bill. See paragraph 22 of the report for the SMB Bill.

26. Clause 3(b) clarifies that it is the Rector and Wardens who are responsible for complying with the Persons of Concern Policy in respect to the churches and congregations for which they hold office or exercise functions. The current clause 15 of the SMCO does not specify who is responsible for ensuring compliance with the Policy.
27. Clause 3(c) makes an editorial change to correct the capitalisation in the definition of 'Person of Concern Policy'.

Amendments to the Accounts, Audits and Annual Reports Ordinance 1995

28. Clause 14A will insert a new requirement into the *Accounts, Audits and Annual Reports Ordinance 1995 (AAARO)* to require any school or diocesan organisation subject to the AAARO that is required to report to a regulator concerning its implementation of or compliance with the Child Safe Standards, or which is the subject of such a report by a regulator, to promptly provide a copy of that report to the Safe Ministry Board.
29. This amendment will implement recommendation 16.35 of the Royal Commission into Institutional Responses to Child Sexual Abuse. This recommendation is that:

Religious institutions in highly regulated sectors, such as schools and out-of-home care service providers, should report their compliance with the Royal Commission's 10 Child Safe Standards, as monitored by the relevant sector regulator, to the religious organisation to which they are affiliated.
30. The 'relevant sector regulator' is the Office of the Children's Guardian (**OCG**). Under the *Children's Guardian Act 2019*, 'child safe organisations' including schools, out-of-home care providers and religious bodies (that provide services to children or in which adults have contact with children) are required to implement the Child Safe Standards, The OCG monitors implementation of the Standards and has the power to request information, conduct investigations and produce reports.

For and on behalf of the Standing Committee.

DANIEL GLYNN
Diocesan Secretary

3 August 2022

Ministry Standards and Safe Ministry Amendment Ordinance 2022

No _____, 2022

Long Title

An Ordinance to amend ordinances in relation to ministry standards and safe ministry.

The Synod of the Diocese of Sydney Ordains as follows.

1. Name

This Ordinance is the Ministry Standards and Safe Ministry Amendment Ordinance 2022.

2. Amendments to the *Ministry Standards Ordinance 2017*

The *Ministry Standards Ordinance 2017* is amended as follows –

- 5 (a) substitute, where they appear throughout the Ordinance, the words or matter –
- (i) “Director of Safe Ministry” for “Director of Professional Standards”,
 - (ii) “Ministry Standards Committee” for “Professional Standards Committee”,
 - (iii) “Ministry Standards Board” for “Professional Standards Board”,
 - (iv) “Office of the Director of Safe Ministry” for “Professional Standards Unit”, and
 - 10 (v) “MSC” for “PSC”,
- (b) delete the definition of “Registrar” in subclause 4(1),
- (c) substitute the definition of “Safe Ministry Board” in subclause 4(1) with the following definition –
- “Safe Ministry Board”** means the body of that name constituted under the *Safe Ministry Board Ordinance 2001*,
- 15 (d) substitute the definition of “Director” in subclause 4(1) with the following definition –
- “Director”** means the Director of Safe Ministry appointed under the *Safe Ministry Board Ordinance 2001*,
- (e) insert the following definition in subclause 4(1) –
- “Panel of experienced lawyers”** means the panel compiled under clause 27A’,
- 20 (f) rearrange the definitions in subclause 4(1) so that they are in alphabetical order,
- (g) substitute the definition of ‘safe ministry training failure’ in clause 6(2) with the following –
- “safe ministry training failure**, which means a failure without a reasonable excuse to satisfactorily complete mandatory training approved for the purposes of the *Safe Ministry to Children Ordinance 2020*”;
- 25 (h) insert the matter “or 28(3)” immediately before the semi-colon in the definition of ‘Adjudicator’ in subclause 4(1),
- (i) insert a new clause 27A as follows –
- “27A Panel of Adjudicators**
- The Director is to compile a panel of experienced lawyers with the concurrence of the Chancellor who are to act as Adjudicators under this Part.”,
- 30 (j) delete the words “Registrar to appoint an experienced lawyer” in subclause 28(1)(a) and insert instead the words “Chancellor to appoint a person from the Panel of experienced lawyers”,
- (k) substitute all instances of the word “Registrar” in clause 28 with the word “Chancellor”,
- (l) delete the words “an experienced lawyer” in each of subclauses 28(1)(a) and 28(2) and insert instead the words “a member of the Panel of experienced lawyers”,
- 35 (m) delete the words “experienced lawyer” in subclause 28(3) and insert instead the words “member of the Panel of experienced lawyers”,
- (n) substitute each instance of the word “Registrar” with the word “Director” in Part 4C,
- (o) delete the words “an experienced lawyer” in each of subclauses 56(2) and 56(3) and insert instead the words “a member of the Panel of experienced lawyers”,
- 40 (p) delete clauses 82 and 82A,

- (q) insert a new subclause 83(1)(j) as following (and consequentially renumber the existing subclause 83(1)(j) and remaining subclauses) –
- “(j) to appoint a Panel of experienced lawyers with the approval of the Chancellor”;
- 5 (r) in clause 84 delete each instance of the words “is to” and insert instead the word “may”,
- (s) insert the following words at the end of subclause 84(2) before the full-stop –
- “for the proper discharge of the Archbishop’s duties and responsibilities or as the Director deems necessary for that purpose”,
- (t) insert the following words at the end of subclause 84(3) before the full-stop –
- 10 “for the proper discharge of the Director’s duties and responsibilities or as the Archbishop deems necessary for that purpose”,
- (u) in clause 86 –
- (i) substitute each instance of the word “Director” with “Safe Ministry Board”, and
- (ii) delete the words “and provide a copy of the report to the Safe Ministry Board”, and
- 15 (v) Insert a new subclause 104(1)(e) as follows (and reletter the existing subclauses (e) and (f) as (f) and (g) respectively) –
- “(e) to the Safe Ministry Board (including any agent acting on its behalf) for the purpose of that body fulfilling its functions”,
- (w) substitute the text in clause 107(3) with the following –
- 20 “The MSC may, in respect of every complaint with which it is dealing under this Ordinance, report either orally or in writing to the Archbishop for the proper discharge of the MSC’s duties and responsibilities or as the MSC deems necessary for that purpose.”, and
- (x) insert a new clause 113 as follows (and consequentially renumber the existing clause 114 as clause 114) –
- 25 “**113. Delegation of the Chancellor’s functions**
The Chancellor may delegate any of his or her functions under this Ordinance to a Deputy Chancellor.”

3. Amendments to the *Safe Ministry to Children Ordinance 2020*

30 The *Safe Ministry to Children Ordinance 2020* is amended as follows –

- (a) substitute, where they appear throughout the Ordinance, the words -
- (i) “Director of Safe Ministry” for “Director of Professional Standards”, and
- (ii) “Office of the Director of Safe Ministry” for “Professional Standards Unit”,
- (b) the text in clause 15 is substituted with the following –
- 35 “The Rector and Wardens of a parish or church must comply with the Persons of Concern Policy in respect to the churches and congregations for which they hold office or exercise functions.”, and
- (c) in the definition of “Person of Concern Policy” in Part 11 remove the capitalisation in the term “Policy for Safe Ministry”.

4. Amendments to the *Accounts, Audits and Annual Reports Ordinance 1995*

40 The *Accounts, Audits and Annual Reports Ordinance 1995* is amended as follows –

- (a) insert a new clause 14A as follows –
- “14A. Reports on implementation and compliance with the Child Safe Standards**
- 45 Any Organisation that is –
- (a) required to report to a regulator concerning its implementation of or compliance with the Child Safe Standards, or
- (b) is the subject of a report by a regulator in relation to that implementation or compliance,
- 50 is to promptly provide a copy of any such report to the Safe Ministry Board, unless prevented from doing so by law.”, and

- (b) insert a new definition in clause 18 as follows after the definition of “Audit” –
“Child Safe Standards” has the meaning given in the *Children’s Guardian Act 2019*.’

I Certify that the Ordinance as printed is in accordance with the Ordinance as reported.

Chair of Committees

I Certify that this Ordinance was passed by the Synod of the Diocese of Sydney on
2022.

Secretary

I Assent to this Ordinance.

Archbishop of Sydney

/ /2022

Church Land Acquisitions Levy Ordinance 2022

Explanatory Report

Key Points

- The Bill provides for a 10 year Church Land Acquisition Levy payable by parochial units in each of the years 2023 to 2032.
- A ten year commitment will enable the Anglican Church Growth Corporation to borrow money against the predictability of that income stream, in order to respond with greater flexibility to strategic purchases of property as they arise.

Purpose of the bill

1. The purpose of the bill is to provide for a Church Land Acquisitions Levy payable by parochial units in each of the years 2023 to 2032.

Recommendations

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

Background

4. In October 2012, Synod passed an ordinance by which parishes committed collectively to contribute \$2,000,000 for the acquisition of land by the Mission Property Committee (**MPC**) for church sites in “greenfield” areas of the Diocese, which was collected in 2013 by means of an additional 2.24% levy (the Church Land Acquisition Levy [**CLAL**]) on Net Operating Receipts. This \$2,000,000 annual contribution continued in 2014 (2.18% levy) and 2015 (2.09% levy).
5. Commencing in 2016, the Church Land Acquisitions Levy was set as a flat 2% levy (rather than a \$2M contribution). Synod funding commitments are for three years at a time – the [Parochial Cost Recoveries and Church Land Acquisitions Levy Ordinance 2015](#) set the levy for 2016-2018, and the [Parochial Cost Recoveries and Church Land Acquisitions Levy Ordinance 2018](#) set the levy for 2019-2021. (Because of the interruptions to synod caused by COVID-19, the Standing Committee passed a one-off ordinance in 2021 to address 2022).
6. In summary, for the past 10 years, the parishes of the diocese have contributed an additional levy of 2% (or more) to fund the acquisition of sites for new churches. During this time, the MPC has used the funds raised by the CLAL to invest in properties in key growth areas prior to the densification in zoning. This has resulted in the ability to progress church plants in areas of population growth such as Stanhope Gardens and Leppington. Properties already purchased for future church plant developments include Marsden Park, Bradfield, Rossmore and Riverstone. The MPC has typically made the strategic decision to purchase more land than is required for the church development itself. This is done so that when the church development has been completed, the excess land can be sub-divided and sold after re-zoning. This money is then dedicated to the construction of the church building on the next priority new church development site (i.e., the Stanhope Gardens sub-division funded a large portion of Leppington construction – Leppington subdivision will fund a large proportion of Marsden Park construction and so on).

Discussion

Potential for improved funding structure for purchase land for new churches

7. The CLAL commitment over the past 10 years from the parishes of the Diocese has made a significant difference to our ability to plant new churches in the growth corridors in North-West and South-West Sydney. However, if the Synod is prepared to make a commitment to do likewise for a further 10 years, this will afford opportunity to introduce an improved funding structure.
8. The current arrangement requires the MPC (and now the Anglican Church Growth Corporation [**ACGC**]) to accumulate the CLAL over multiple years to save enough money to make an offer on a property. With land values for a church development being between \$4-5M, there is a 2-3 year cycle to save the money from the 2% CLAL for land acquisition. The Diocese is now at risk of missing out on suitable properties because we do not have the accumulated funds on hand.
9. The obvious answer would be to borrow money to fund the purchase, knowing that it would be repaid by the CLAL in due course. However, the banks are reluctant to lend money when the CLAL is only guaranteed for three years at a time.

Effect of a ten year commitment to the Church Land Acquisition Levy

10. The purpose of this ordinance is to commit the parishes of the Diocese to the CLAL at the rate of 2% of Net Operating Receipts for the next 10 years (2023-2032), which will enable the ACGC to borrow money against the predictability of that income stream. This will provide greater flexibility to respond to strategic opportunities as they arise.
11. The Diocese has been informed by large land release developers that they will be providing space in upcoming developments for Places of Public Worship (PoPW) in a similar manner to Oran Park. However, we will need to be in a position to secure a binding agreement in a relatively short timeframe or they will offer the land to a different denomination.
12. There is always volatility in the property market, but more so now with movements in interest rates. This could provide opportunities where property prices plateau or, in some cases, fall, especially in rural-residential zones which is the main target of greenfield church property acquisitions. However, MPC (now integrated into the ACGC) does not have the financial capacity to respond to opportunities that arise in the market.
13. It would be advantageous to purchase property at what we believe is the opportune time, rather than being limited to when ACGC has accumulated sufficient funds. This requires a capacity to borrow money.

Consideration of loan facilities

14. ACGC has been speaking with two major banks to ascertain their appetite to establish a facility for the Diocese to have \$20M available for greenfield property purchases. The broad conditions from the banks were –
 - (a) Both would need property security, but had differing levels of security provided. Subject to credit approval for a corporate markets loan, the levels of property security ranged between 40-70% LVR.
 - (b) Both needed assurances of the security of income to finance the debt required an assurance longer than the 3-year approval cycle that Synod currently applies to the CLAL. Both suggested that a minimum of a 10-year commitment of the CLAL from Synod would be needed.
 - (c) One bank was investigating how to provide a line-of-credit facility. This product has a combination of facility fee (charged on the facility limit) and drawn fee (charged on the amount drawn). So if the facility is undrawn, you only pay the facility fee. An equity lending facility has no fee unless it is drawn. It also provides greater flexibility in terms of the use of funds (so could be applied to a broad range of projects).
 - (d) Indicative fixed rates (excluding loan margin/fees) updated on 11th July 2022 are –

3yr starting today: 3.78%	starting in Sep-22: 3.87%
5yr starting today: 3.96%	starting in Sep-22: 4.03%
7yr starting today: 4.13%	starting in Sep-22: 4.19%

15. The following table shows the repayment of \$20M, assuming interest at the 7 year fixed rate (4.19%). This loan would be comfortably repaid within the term of the ordinance (repaid in full early in 2031, with almost \$5M in buffer by the end of 2032).

	Starting Loan Balance	4.19% Interest	CALC	Ending Loan Balance
2022	20,000,000	838,000	2,440,000	18,398,000
2023	18,398,000	770,876	2,488,800	16,680,076
2024	16,680,076	698,895	2,538,576	14,840,395
2025	14,840,395	621,813	2,589,348	12,872,860
2026	12,872,860	539,373	2,641,134	10,771,099
2027	10,771,099	451,309	2,693,957	8,528,451
2028	8,528,451	357,342	2,747,836	6,137,956
2029	6,137,956	257,180	2,802,793	3,592,344
2030	3,592,344	150,519	2,858,849	884,014
2031	884,014	37,040	2,916,026	-1,994,972
2032	-1,994,972		2,974,346	-4,969,318

16. It would only be in the unlikely instance that interest rates were to rise above an *average rate* of 7% that the loan could not be paid within the ordinance period (and in which case the Synod would simply extend the commitment to the CLAL accordingly).

	Starting Loan Balance	7.00% Interest	CALC	Ending Loan Balance
2022	20,000,000	1,400,000	2,440,000	18,960,000
2023	18,960,000	1,327,200	2,488,800	17,798,400
2024	17,798,400	1,245,888	2,538,576	16,505,712
2025	16,505,712	1,155,400	2,589,348	15,071,764
2026	15,071,764	1,055,024	2,641,134	13,485,653
2027	13,485,653	943,996	2,693,957	11,735,692
2028	11,735,692	821,498	2,747,836	9,809,354
2029	9,809,354	686,655	2,802,793	7,693,216
2030	7,693,216	538,525	2,858,849	5,372,892
2031	5,372,892	376,102	2,916,026	2,832,969
2032	2,832,969	198,308	2,974,346	56,930

17. If the Synod passes this ordinance in September 2022, committing to the CLAL for 2023-2032, it will enable the ACGC to negotiate an acceptable loan facility for up to \$20,000,000. The security for the facility would be a combination of the purchase property and other properties under the trusteeship of the ACGC. The funds will be used to progress the priority greenfield land acquisitions agreed to by the ACGC Board under advisement from the Greenfields Sub-Committee.

Explanation of the bill

18. Clause 2 sets out definitions that are applicable throughout the Ordinance.
19. Clause 3 provides for the levy to run for 10 years in each of the years 2023 to 2032 inclusive. The levy will be calculated at 2% of the Net Operating Receipts (**NOR**) of the parochial unit. The levy for a year will be based on the NOR of the parochial unit in the year that is 2 years prior. In 2023 a parochial unit will pay a levy that is 2% of its NOR in 2021, and so on.
20. Clause 4 provides for the levy to be paid in 12 equal monthly instalments throughout the year in which it is due.
21. Clause 5 provides for the levy to be paid into the Mission Property Fund under the Mission Property Ordinance 2002 (**MP Ordinance**) from which it will applied towards "church land acquisition projects"

and the repayment of loans for such projects in accordance with the MP Ordinance. A “church land acquisition project” is the acquisition of land for church sites in areas in the Diocese which are experiencing or are likely to experience a rapid increase in population.

22. Clause 6 provides for the Regional Archdeacon to consult the minister and wardens in circumstances where the levy remains unpaid for a period of 3 months after the due date and to report to the Standing Committee.
23. Clause 7 provides for the Standing Committee to provide relief from the levy where this arises from a structural change to the parish and the relief is equitable in the circumstances. It also provides a general authorisation for the Standing Committee to remit the whole or any part of any arrears of levy owing by a parish if it considers this to be expedient. Any relief provided and remissions of the levy are to be report to the Synod.

For and on behalf of the Standing Committee.

DANIEL GLYNN
Diocesan Secretary

25 July 2022

Church Land Acquisitions Levy Ordinance 2022

No. _____, 2022

Long Title

An Ordinance for a levy for the acquisition of land for church sites payable by parochial units in the years 2023 to 2032.

The Synod of the Diocese of Sydney Ordains as follows.

1. Name

This Ordinance is the Church Land Acquisitions Levy Ordinance 2022.

2. Definitions

5 In this Ordinance –

“church land acquisition projects” means the acquisition of land for church sites in areas in the Diocese which are experiencing or are likely to experience a rapid increase in population.

“levy” means the levy known as the ‘Church Land Acquisitions Levy’ that is payable under this Ordinance.

10 “Mission Property Fund” means the fund constituted under the *Mission Property Ordinance 2002*.

“Net Operating Receipts” means the sum of that name determined under Part 3 of the *Cost Recoveries Framework Ordinance 2008*.

“parochial unit” means a parish, provisional parish, recognised church, and provisional recognised church in the Diocese of Sydney.

15 “year” means a period of 12 calendar months commencing on 1 January.

3. Levy

In each of the years 2023 to 2032 each parochial unit is to pay a levy calculated as 2.0% of the Net Operating Receipts of the parochial unit for the year that is 2 years prior to the year in which the levy is payable.

4. Payment of the levy

20 The levy is payable by 12 equal instalments in each year, the first due and payable on 1 January and subsequent instalment due and payable on the first day of each succeeding month.

5. Application of the proceeds of the levy

The levy is to be added to the Mission Property Fund and applied towards church land acquisition projects and the repayment of loans for such projects in accordance with that Ordinance.

6. Visit from Archdeacon if levy not paid

25 If a parish fails for any reason to pay any instalment of the levy for a period of 3 months after the due date the Archdeacon of the area in which the parish is situated is to confer with the minister and wardens with a view to finding a solution to the situation in which the levy has not been paid and is to report the result of such consultation to the Standing Committee.

7. Relief from the levy

30 (1) In any case where –

(a) 2 or more parishes are amalgamated,

(b) a parish is dissolved, or

(c) the area of a parish is changed,

35 the Standing Committee may provide such relief from the levy as it considers equitable in the circumstances.

(2) The Standing Committee has the power to enter into an arrangement with a parish for the payment of accumulated arrears of the levy over a period of time.

(3) The Standing Committee is authorised to remit the whole or any part of the arrears of the levy owing by any parish if it declares by resolution the circumstances which in its opinion make it expedient so to do.

(4) The Standing Committee is to report to the Synod on all relief provided and all remissions made under this clause.

8. Settlement of disputes

5 If a dispute arises as to the meaning or application of this Ordinance the dispute is to be determined by the Chancellor or by some person appointed by him and the decision of the Chancellor or that person is final and binding on the parties involved.

9. Delegation

The Standing Committee may delegate all or any of its powers under this Ordinance to a committee appointed by the Standing Committee.

10 **10. Amendment to the Church Land Levy Parochial Cost Recoveries and Church Land Acquisitions Levy Ordinance 2021**

The *Church Land Levy Parochial Cost Recoveries and Church Land Acquisitions Levy Ordinance 2021* is amended by inserting the words “and the repayment of loans for such projects” at the end of subclause 4(3) before the full stop.

I Certify that the Ordinance as printed is in accordance with the Ordinance as reported.

Chair of Committee

I Certify that this Ordinance was passed by the Synod of the Diocese of Sydney on
2022.

Secretary of Synod

I Assent to this Ordinance.

Archbishop of Sydney

/ /2022

Parochial Cost Recovery Charges Ordinance 2022

Explanatory Report

Key Points

- The total Parochial Network Costs for 2023 are expected to be 8% higher than in 2022.
- The main contributors to the 8% increase in Parochial Network Costs for 2023 are the Parish property and liability insurance program (increasing 11% due to premium rate increases despite the exclusion in 2023 of part of the cost of insurance specific to the Cathedral), and the ACPT management fee (increasing 37% in 2023 to cover the absence of a 0.5% pa asset management fee on client funds invested in the Long Term Pooling Fund).
- The variable PCR charge percentage increases significantly from approximately 6.5% in 2022 to 8.0% in 2023. Apart from the increase in the Parochial Network Costs, as foreshadowed last year, there has been a significant decline in total Net Operating Receipts (NOR) after it was artificially boosted in 2020 by the one-off effect of COVID-19 financial support in the form of JobKeeper and Cash Flow Boost payments. The NOR for 2021 has actually decreased to a level slightly below that of 2019 (the most recent pre-COVID year).
- The estimated total Ministry Costs per clergy are expected to rise by 2%. This is almost entirely due to the effect of the increase in the recommended minimum stipend for 2023.
- While these estimates represent the best figures currently available, the Ordinance allows Standing Committee to set the actual charge for 2023 during Q4 of 2022 based on the formula in the Schedule to the Ordinance.
- It is anticipated that the Church Land Acquisition Levy will continue at the previous rate of 2% of the NOR of each parochial unit, but for 2023 this will be determined by a separate Church Land Acquisitions Levy ordinance designed to cover 2023-2032. [See separate report.]
- Information in relation to the Property Income received in 2021 and Levy payable by each parish in 2023 in accordance with the *Property Receipts Levy Ordinance 2018* is included in Attachment 2.

Purpose

1. The purpose of this report is to provide explanatory comments on the specific proposed sources and applications of funds to be recovered from and levied on parishes in 2023.

Recommendation

2. Synod received this report and pass the Bill for the Parochial Cost Recoveries Ordinance 2022 as an ordinance of the Synod.

Background

3. The Bill for the proposed Parochial Cost Recoveries Ordinance 2022 and this Explanatory Report have been prepared in accordance with the requirements of clauses 5 and 5A of the *Cost Recoveries Framework Ordinance 2008*. The Bill provides for the charges to be recovered from and levied on parishes in 2023 in a manner that is broadly similar to the actual charges and levies payable in 2022.
4. The details of the components of the cost recoveries charge in respect of parochial network costs and ministry costs and the levy to acquire land for future church sites under the Bill for the proposed Parochial Cost Recoveries Ordinance 2022 are shown in **Attachment 1** to this report. The estimate of the amount of the variable Parochial Cost Recoveries charge, the Church Land Acquisitions Levy

and the Property Receipts Levy to be paid by each parochial unit in 2023 are shown in **Attachment 2** to this report.

Parochial network costs

6. The total of the Parochial Network Costs is expected to rise by 8% in 2023. The main drivers of this increase are the increasing cost of the Anglican Church Property Trust's (ACPT's) parish property and liability insurance program and the additional amount of the ACPT management fee payable by all parishes with property. This latter amount is a result of a decision of the Standing Committee that the ACPT should stop charging an asset management fee of 0.5% pa on all parish and EOS investments in the Long Term Pooling Fund (LTPF) from the end of 2022, and instead recover the equivalent amount through Parish Cost Recoveries. The cost of some line items is expected to increase by the 2.0% increase in SDS's cost base.

Parish property and liability insurance program

7. In 2020 the Standing Committee asked the ACPT to undertake a thorough review of the parish insurance program with a view to minimising the ongoing costs. A number of smaller policies were discontinued, the aggregate deductible on the Industrial and Special Risks policy (ISR) covering building and contents was significantly increased and the cost of 2 particular policies that relate directly to St Andrew's Cathedral were removed from the parish property and liability insurance program and be funded through a direct allocation of Synod funds. For 2022 there was insufficient income available to Synod to cover the full cost of the two policies specific to the Cathedral, so 58% of the premium cost on those two policies was added back into the cost of the parish property and liability insurance program. For 2023 the income available to Synod is sufficient to allow a return to the principle adopted for 2021. As a result the cost of the parish property and liability insurance program does not include the premium for two insurance policies specific to the Cathedral –
 - (a) the ISR excess over \$150 million costing \$517,000 which lifts the maximum liability for the Cathedral (the only building with an insured value in excess of \$150 million) to the full insured value of the Cathedral, and
 - (b) the Liability 4th excess layer costing \$24,000 which lifts the Public Liability cover for the Cathedral (due to the concentration of people and commercial buildings in that location) above \$200 million limit which applies to all other parish properties.
8. Even after the removal of the cost of these Cathedral-specific policies the ACPT have estimated the cost of the parish property and liability insurance program for 2023 will increase by more than \$700,000 to \$7.5 million (a 11% increase). The main driver of this increase is the continuing increases in the premium rate for the renewal of the Industrial and Special Risks (ISR) insurance policy (covering buildings and contents), and the associated heritage contingency cover. This figure may change if the results of the ACPT's annual insurance renewal process in August indicate the actual aggregate premium cost will be significantly different to the amount included in the above estimate.

Professional Standards Unit

9. The PSU Oversight Committee have estimated the cost of this program for 2023 based on a return to the amount of \$998,000 allocated for 2021, effectively reversing the additional costs of \$98,279 anticipated for 2022.
10. However, the impact of the rise in operating costs in 2022 was largely offset by requesting the PSU to utilise \$150,000 of the reserves it has accumulated since January 2020. Realistically there is no further opportunity to reduce the reserves held by PSU as they are now at an appropriately low level.
11. In aggregate therefore the amount to be recovered from parishes to fund the PSU in 2023 will be approximately \$52,000 (or 0.5%) more than in 2023.

Safe ministry training program

12. The Professional Standards Unit Oversight Committee which administers this program have estimated that the cost in 2023 will be similar to the level of \$156,000 required in 2021.

Ministry Spouse Support Fund

13. For the first two years of this initiative in 2019 and 2020 funding was provided at the rate of \$150,000 pa. No further funding was required in 2021 or 2022 and the Ministry Spouse Support Fund still had a balance of approximately \$217,000 at 31 March 2022 after making a payment of \$13,000 in the first 3 months of this year. As it is not expected that any significant payments will be required in the second half of 2022, it is proposed that no new allocation be made in 2023.

Provision for relief and remission of PCR charges

14. In recent years the Finance Committee has not been required to provide relief or remit the arrears of PCR charges owing by an individual parish, so no provision has been made for this item in 2023.

Parish contribution to the cost of Diocesan archives and SDS fee for managing the PCR Fund 951

15. It is expected the cost of both these items will increase by the estimated 2.0% increase in SDS's cost base for 2023.

ACPT management fee payable by parishes with property

16. Normally the ACPT management fee for 2023 would need to equal the fee for 2022 of \$723,360, plus an allowance for the 2.0% increase in SDS's cost base. However, in May 2022 Standing Committee agreed to the ACPT's request that from the beginning of 2023 it be compensated for its decision to suspend the fee 0.5% pa fee it charged on investments in the Long-Term Pooling Fund (estimated at approximately \$251,000) with a corresponding increase in the annual amount of the ACPT management fee payable by all parishes with property.
17. Accordingly, after allowing for the estimated increase in SDS's cost base of 2.0%, for 2023 the ACPT management fee payable by all parishes with property has been estimated at \$988,827 ($\$723,360 \times 1.02\% + \$251,000$).

Voluntary relinquishment of incumbency

18. There have been no further calls on the Archbishop's Discretionary Trust (ADT) to contribute on behalf of the Diocese in connection with Voluntary Relinquishment of Incumbency Policy since the first payment made last year. Accordingly, nothing has been required to be included in the Parochial Network Costs for 2023 to reimburse the ADT in accordance with the Policy which says "that the ADT may later be reimbursed through the PCR charge".

Parish contribution to the cost of the 2021 NCLS

19. The National Church Life Survey (NCLS) NCLS is conducted every 5 years and the final part of the cost of Sydney's participation in the 2021 survey was covered as part of the Parochial Network Costs in 2022. No provision has been made in the allocation of funds for 2023 for the cost of the Diocese's participation in the next National Church Life Survey. Given the next Survey is not due until 2026 it is recommended that any decisions on funding be made closer to that time.

Generally

20. In order to mitigate the effects of the increases in the ACPT's parish property and liability insurance program and the ACPT management fee to some extent, it has been decided to draw a further \$600,000 (in addition to the \$300,000 drawn in 2022) from the accumulated funds (i.e. the working capital) in the Parochial Cost Recoveries Fund 951. The Fund 951 needs a reasonable balance of working capital to cover normal cash flow requirements. The main source of funds for Fund 951 is the monthly instalments of PCR charges paid by parishes, and while some of the outflows from this Fund are monthly, others are less frequent and/or lumpy and some are unpredictable. It is expected that this diminution in the balance will not adversely impact the Fund's operation, but the matter will be kept under close review and it is unlikely that the Fund will be able to sustain any further drawings of such significant amounts in future years.

Net operating receipts

21. Audited financial statements have been received from all but 2 of the parishes due to report for the year ended 31 December 2021. The great majority of these financial statements have been reviewed, any queries resolved and the relevant data captured in the SDS database. In a relatively small number of cases queries remain outstanding or the parish is yet to provide some of the required information.
22. Now the review of parish financial statements is complete the aggregated data reveals total net operating receipts have decreased from \$136.6m in 2020 to \$122.8m in 2021 (a decrease of 10.1%). In large part this decrease is due to the ending of the Government COVID-19 stimulus (mainly JobKeeper payments), most of which were received during 2020. However, the total net operating receipts in 2021 is slightly lower than the level in 2019 (pre-COVID).
23. The combined effect of a 9.5% increase in total Parochial Network Costs and a 10.1% decrease in aggregate net operating receipts results in the variable PCR charge percentage payable in 2023 by parishes with property increasing very significantly from 6.5% to 8.0%.

Ministry costs

24. The estimated cost of some of the components of the ministry costs for 2023 is dependent on decisions that have yet to be made. Where necessary the actual PCR charge for 2023 will be adjusted to reflect the actual cost of these components. However, based on the information available at this stage, in aggregate the ministry costs for 2023 are expected to be approximately 2% more per clergy than the actual cost for 2022 (see Attachment 1).

Superannuation

25. At its meeting on 9 August 2021 Standing Committee determined the recommended minimum stipend will increase by 2.4% from 1 July 2023. The amount of the superannuation contribution required for 2023 has therefore been calculated as 17% of the average recommended minimum stipend for 2023 for the relevant position (ministers and assistant ministers with more than 7 years' service, and other assistant ministers with 3-4 years' experience).

Long service leave

26. The actual long service leave ("LSL") contribution for 2023 will not be known until set by the General Synod LSL Fund in late 2022. Accordingly, for now the LSL contribution has been estimated based on a 3% increase over the figure for 2022 to allow for a possible rise in the average national stipend (calculated by the General Synod office).

Stipend Continuance Insurance

27. Given the continuing increase in the cost of SCI cover, last year Standing Committee agreed to renew the SCI cover on the basis that rectors should continue to be covered until age 65 (since they had tenure), but for assistant ministers the cover would be limited to age 65 or 5 years, whichever occurred sooner. This change in the conditions of the cover resulted in a significant saving in the premium for the SCI cover for assistant ministers in 2022.
28. As 2023 will be the second year of the current 2-year fixed rate agreement with the insurer the cost should remain unchanged from the rates applying in 2022.

Other matters

29. While these estimates represent the best figures currently available, if the actual costs later vary from the estimates the Bill to be passed by Synod in September this year allows for the actual charge for 2023 to be based on the formula in the Schedule to the Ordinance.

30. It is expected that the actual cost of a number of the components will vary from the estimates in this Report. Similarly, work is continuing to finalise the calculation of net operating receipts for those few parishes for which some required information is still outstanding or for which queries remain unresolved. It is probable therefore that both the final variable PCR charge percentage to be determined by Standing Committee later this year and the final Ministry costs per clergy will vary slightly from the estimates in this Report.
31. The practice in recent years has been for the Parochial Cost Recoveries Ordinance to also make provision for the Church Land Acquisitions Levy. This year a separate ordinance provides for the Church Land Acquisitions Levy to continue for the 10 years 2023-2032, although the formula remains as before with the Levy payable by each parish calculated at 2% of that parish's net operating receipts from the year 2 years prior. For convenience the amount of the Church Land Acquisitions Levy payable by each parish in 2023 is shown in Attachment 2 to this Report.

Property Receipts Levy

32. For convenience, Attachment 2 to this Report also shows the amount of property income subject to the Property Receipts Levy received by each parish in 2021, and the amount of Levy payable on that Property income in 2023. The property income subject to the Levy was \$8.3m (2020 \$8.0m), an increase of 4%. The total amount of Levy payable by 56 parishes in 2023 is just over \$570k (2022 55 parishes and \$330k). Part of the increase in the Levy payable in 2023 is due to the ending of the transitional arrangements (in 2022 the Levy payable was only 67% of the normal rate).
33. Where a parish's property income subject to the Levy calculated in accordance with the Property Income Worksheet would otherwise be a negative number it has been shown in Attachment 2 as '-' so that the total income figure is not distorted.
34. In accordance with clause 4 of the *Property Receipts Levy Ordinance 2018*, parishes that receive property income that is subject to an ordinance applying some of that income for non-parish purposes (indicated by a * next to their Levy amount) pay no Levy on that income subject to an ordinance, but pay a higher rate of Levy on their other property income that is subject to the Levy.

For and on behalf of the Standing Committee.

DANIEL GLYNN
Diocesan Secretary

25 July 2022

Parochial Cost Recovery Charges for 2023

	Actual for 2021	Actual for 2022	Standing Committee proposal for 2023
Parochial Network Costs			
Parish property and liability insurance program	6,200,000	6,783,767	7,500,000
Parish risk management program	247,000	253,793	258,868
Professional Standards Unit -			
Parish related costs	998,000	1,096,279	998,000
<u>less</u> amount drawn from the reserves of the PSU	-	(150,000)	-
Reimbursing Synod Risk Reserve for non-standard expenses	50,000	-	-
Safe ministry training program	156,000	160,290	156,000
Ministry Spouse Support Fund	-	-	-
Provision for relief and remission of PCR charges	10,000	-	-
Parish contribution to the cost of Diocesan archives	73,000	75,000	76,449
SDS fee for managing the PCR Fund 951	216,000	221,940	226,379
ACPT management fee payable by all parishes with property	370,000	723,360	988,827
Voluntary relinquishment of incumbency fund	-	40,000	-
Parish contribution to cost of the 2021 National Church Life Survey	-	35,000	-
<u>less</u> amount drawn from the working capital in PCR Fund 951	-	(300,000)	(500,000)
<u>less</u> amount drawn from the working capital in MSS Fund	-	(80,000)	-
	8,320,000	8,859,428	9,704,574
<i>\$ increase on previous year</i>	12%	6%	9.4%
Total Net Operating Receipts 2019, 2020 & 2021	122,928,013	136,625,688	122,812,518
Variable PCR charge percentage (parochial units with property)	6.83773%	6.5485263%	7.9990010%
Variable PCR charge percentage (parochial units without property)	4.10264%	3.9291158%	4.7994006%
	Actual for 2021	Actual for 2022	Standing Committee proposal for 2023
Ministry costs (per F/T minister)			
Ministers, Assistant Ministers (7+ years, Senior Assistant Ministers)			
Superannuation contribution	11,677	11,959	12,246
Long service leave contribution	1,726	1,731	1,783
Clergy Care -			
Stipend Continuance Insurance	3,000	4,737	4,737
Clergy Assistance Program	150	150	150
Sickness & accident fund	125	125	125
Cost per minister	\$ 16,678	\$ 18,702	\$ 19,041
<i>\$ increase on previous year</i>	1%	12%	2%
Assistant Ministers			
Superannuation contribution	10,509	10,763	11,021
Long service leave contribution	1,726	1,731	1,783
Clergy Care -			
Stipend Continuance Insurance	3,000	1,757	1,757
Clergy Assistance Program	150	150	150
Sickness & accident fund	125	125	125
Cost per minister	\$ 15,510	\$ 14,526	\$ 14,836
<i>\$ increase on previous year</i>	1%	-6%	2%

Variable PCR Charge, Church Land Acquisition Levy and Property Receipts Levy for 2023

	Net Operating Receipts	PCR	Church Land Acquisition Levy	Property Income	PRL
Total Net Operating Receipts for 2021 (as at 19 July 2022)	122,812,518				
Parochial Network Costs to be recovered in 2023		9,704,574			
Variable PCR percentage for parishes with property		7.9990010%			
Variable PCR percentage for parishes without property (= 60%)		4.7994006%			
Church Land Acquisitions Levy percentage			2.00%		
Contribution to the acquisition of land for future church sites			2,456,250		
Property Income subject to the Levy				8,343,491	
Property Receipts Levy payable					570,635

	Parish, Prov. P, R. Church, Prov. R.C.	Region	Parochial Unit	2021 Net Operating Receipts	Variable PCR charge for 2023	Church Land Acquisition Levy for 2023	2021 Property Income subject to Levy	Property Receipts Levy for 2023
1	PP	SS	Abbotsford	163,628	13,089	3,273	53,839	576
2	P	W	Albion Park	320,007	25,597	6,400	19,414	-
3	P	SS	Annandale	662,345	52,981	13,247	57,087	1,063
4	PP(np)	WS	Arise Anglican Church #	225,409	10,818	4,508	-	-
5	P	N	Artarmon	333,273	26,659	6,665	421	-
6	P	SS	Ashbury	188,702	15,094	3,774	12,334	-
7	P	SS	Ashfield Five Dock and Haberfield	915,288	73,214	18,306	-	-
8	P	N	Asquith / Mt Colah / Mt Kuring-gai	453,390	36,267	9,068	9,392	-
9	P	WS	Auburn – St Philip	476,133	38,086	9,523	24,139	-
10	PP	WS	Auburn – St Thomas	157,460	12,595	3,149	39	-
11	P	W	Austinmer	506,673	40,529	10,133	31,477	-
12	P	N	Balgowlah	274,853	21,985	5,497	29,494	-
13	PP	SS	Balmain (St Mary's, formerly part of Darling Street)	202,755	16,218	4,055	43,678	-
14	P	SW	Bankstown	161,793	12,942	3,236	14,004	-
15	P	N	Barrenjoey	433,952	34,712	8,679	147,135	19,284
16	P	WS	Baulkham Hills	302,142	24,168	6,043	-	-
17	PP	SS	Bayside (formerly Arncliffe)	358,272	28,658	7,165	-	-
18	P	N	Beecroft	495,375	39,625	9,908	40,362	-
19	P	SS	Bellevue Hill	242,027	19,360	4,841	186,476	29,119
20	P	SW	Belmore with McCallums Hill & Clemton Park	173,105	13,847	3,462	16,758	-
21	P	N	Belrose	358,858	28,705	7,177	89,972	5,996
22	PP	WS	Berala	266,411	21,310	5,328	24,712	-
23	P	N	Berowra	362,919	29,030	7,258	-	-
24	P	W	Berry	128,370	10,268	2,567	6,595	-
25	P	SW	Beverly Hills with Kingsgrove	214,698	17,174	4,294	23,087	-
26	P	SS	Birchgrove (formerly Balmain – St John's)	113,841	9,106	2,277	20,202	-
27	P	WS	Blackheath	163,246	13,058	3,265	6,327	-
28	P	WS	Blacktown	482,327	38,581	9,647	60,689	1,603
29	P	SW	Blakehurst	220,062	17,603	4,401	26,641	-
30	P	W	Bomaderry	206,104	16,486	4,122	-	-
31	P	SS	Bondi and Waverley	544,834	43,581	10,897	-	-
32	p	W	Bowral	712,389	56,984	14,248	27,673	-
33	P	SS	Brighton/Rockdale	365,837	29,263	7,317	36,320	-
34	P	SS	Broadway	1,231,651	98,520	24,633	120,142	12,536
35	P	W	Bulli	410,573	32,842	8,211	27,344	-
36	P	SS	Burwood	358,688	28,691	7,174	-	-
37	PP	SW	Cabramatta	490,476	39,233	9,810	47,706	-

	Parish, Prov. P, R. Church, Prov. R.C.	Region	Parochial Unit	2021 Net Operating Receipts	Variable PCR charge for 2023	Church Land Acquisition Levy for 2023	2021 Property Income subject to Levy	Property Receipts Levy for 2023
38	P	WS	Cambridge Park	175,581	14,045	3,512	501	-
39	P	SW	Camden	569,467	45,552	11,389	49,293	-
40	P	SW	Camden Valley (formerly South Creek)	604,827	48,380	12,097	38,121	-
41	P	SW	Campbelltown	956,039	76,474	19,121	-	-
42	P	SW	Campsie	237,235	18,976	4,745	44,317	-
43	P	SS	Canterbury with Hurlstone Park	805,436	64,427	16,109	9,993	-
44	P	W	Caringbah	707,368	56,582	14,147	15,585	-
45	P	WS	Carlingford and North Rocks	1,869,376	149,531	37,388	-	-
46	P	N	Castle Hill	2,858,366	228,641	57,167	51,654	248
47	P	SS	Centennial Park	718,543	57,476	14,371	-	-
48	P	N	Chatswood	485,765	38,856	9,715	7,441	-
49	RC(np)	N	Cherrybrook#	292,798	14,053	5,856	-	-
50	PP	SW	Chester Hill with Sefton (+Villawood 1 Jan 21)	323,753	25,897	6,475	5,868	-
51	P	N	Christ Church Northern Beaches	217,757	17,418	4,355	24,403	-
52	PRC(np)	SW	Church at the Peak (Peakhurst South) #	338,471	16,245	6,769	-	-
53	P	SS	Church Hill	1,095,975	87,667	21,920	1,963	883
54	P	SS	Clovelly	540,367	43,224	10,807	25,517	-
55	PP	SW	Cobbitty	324,748	25,977	6,495	39,455	-
56	P	SS	Concord & Burwood	155,995	12,478	3,120	42,108	-
57	PP	SS	Concord North	215,829	17,264	4,317	7,245	-
58	P	SS	Concord West	158,754	12,699	3,175	42,835	-
59	P	SS	Coogee	237,950	19,034	4,759	22,823	5,706
60	P	SS	Cooks River	115,885	9,270	2,318	20,574	-
61	P	W	Corrimal	145,785	11,661	2,916	5,804	-
62	P	WS	Cranebrook with Castlereagh	364,530	29,159	7,291	33,662	-
63	P	N	Cremorne	308,679	24,691	6,174	-	-
64	P	W	Cronulla	267,473	21,395	5,349	19,456	-
65	P	SS	Croydon	908,070	72,637	18,161	-	-
66	PP	W	Culburra Beach	120,749	9,659	2,415	3	-
67	P	W	Dapto	853,864	68,301	17,077	82,421	4,863
68	P	SS	Darling Point	863,666	69,085	17,273	155,612	21,403
69	P	SS	Darling Street (now without St Mary's)	565,029	45,197	11,301	252,908	51,018
70	P	SS	Darlinghurst	525,579	42,041	10,512	205,828	34,540
71	P	N	Dee Why	808,995	64,712	16,180	8,529	-
72	PP	SW	Denham Court	116,289	9,302	2,326	18,108	-
73	PP	WS	Doonside	97,033	7,762	1,941	19,153	-
74	P	SS	Drummoyne	200,870	16,068	4,017	10,835	-
75	PP	SW	Dulwich Hill	223,733	17,896	4,475	86,961	5,544
76	P	WS	Dundas / Telopea	492,654	39,407	9,853	235,476	-
77	P	N	Dural District	497,509	39,796	9,950	21,117	-
78	P	SW	Eagle Vale	215,889	17,269	4,318	2,000	-
79	P	SS	Earlwood	180,754	14,459	3,615	2,620	-
80	P	N	East Lindfield	244,960	19,594	4,899	34,423	-
81	P	SS	Eastgardens	650,795	52,057	13,016	8,359	-
82	P	N	Eastwood (now incorporates Ermington 1 Jan 21)	937,067	74,956	18,741	29,751	-
83	P	WS	Emu Plains	416,686	33,331	8,334	13,416	-
84	P	SS	Enfield and Strathfield	1,075,869	86,059	21,517	28,092	-
85	P	W	Engadine	723,765	57,894	14,475	48	-
86	P	SS	Enmore / Stanmore	188,335	15,065	3,767	28,812	-
87	P	N	Epping	375,320	30,022	7,506	94,842	6,726
88	PP	SW	Fairfield with Bossley Park	469,869	37,585	9,397	11,881	-
89	P	W	Fairy Meadow	296,310	23,702	5,926	-	-
90	P	W	Figtree	1,168,228	93,447	23,365	10,181	-
91	P	N	Forestville	495,294	39,619	9,906	25,262	-
92	P	N	Frenchs Forest (incorporating Beacon Hill)	390,655	31,248	7,813	4,648	-
93	P	N	Freshwater	342,922	27,430	6,858	4,517	-
94	P	SW	Georges Hall	157,501	12,599	3,150	-	-

	Parish, Prov. P, R. Church, Prov. R.C.	Region	Parochial Unit	2021 Net Operating Receipts	Variable PCR charge for 2023	Church Land Acquisition Levy for 2023	2021 Property Income subject to Levy	Property Receipts Levy for 2023
95	P	W	Gerringong	274,343	21,945	5,487	11,312	-
96	P	N	Gladesville	1,256,438	100,502	25,129	70,289	3,043
97	P	SS	Glebe	447,216	35,773	8,944	211,177	36,412
98	P	N	Glenhaven	529,440	42,350	10,589	3,784	-
99	P	WS	Glenmore Park and Mulgoa	705,286	56,416	14,106	22,831	-
100	P	N	Gordon	423,719	33,893	8,474	24,322	-
101	RC(np)	SS	Grace City Church (1 Jan 21) #	987,043	47,372	19,741	32,923	-
102	P	WS	Granville	209,643	16,769	4,193	47,860	-
103	PP	SW	Greenacre	138,457	11,075	2,769	6,068	-
104	P	N	Greenwich	127,572	10,205	2,551	20,434	-
105	P	WS	Greystanes-Merrylands West	138,374	11,069	2,767	37,904	-
106	PP	WS	Guildford (formerly Guilford with Villawood)	379,249	30,336	7,585	131,376	15,344
107	P	W	Gymea	407,741	32,615	8,155	39,827	-
108	P	W	Helensburgh and Stanwell Park	390,551	31,240	7,811	6,228	-
109	P	N	Hornsby	229,562	18,363	4,591	40,306	-
110	PRC(np)	N	Hornsby Anglican Chinese Church #	176,862	8,488	3,537	1,306	-
111	P	N	Hornsby Heights	186,069	14,884	3,721	7,992	-
112	P	SW	Hoxton Park	324,207	25,933	6,484	45,519	-
113	P	N	Hunters Hill	274,172	21,931	5,483	22,545	-
114	P	SW	Hurstville	817,015	65,353	16,340	3,218	-
115	P	SW	Hurstville Grove	459,146	36,727	9,183	174	-
116	P	SW	Ingleburn (incorporating Glenquarie)	315,950	25,273	6,319	13,475	-
117	PP	W	Jamberoo	224,141	17,929	4,483	22,172	-
118	P	W	Jannali	859,942	68,787	17,199	16,354	-
119	P	W	Jervis Bay and St Georges Basin (formerly Huskisson)	132,253	10,579	2,645	2,154	-
120	P	W	Kangaroo Valley	146,801	11,743	2,936	24,267	-
121	P	WS	Katoomba	306,998	24,557	6,140	25,193	-
122	P	W	Keiraville	308,733	24,696	6,175	28,437	-
123	P	WS	Kellyville	767,619	61,402	15,352	36,748	-
124	P	SS	Kensington Eastlakes	223,743	17,897	4,475	64,623	2,193
125	P	W	Kiama and Minnamurra	421,607	33,724	8,432	14,125	-
126	P	N	Killara	423,439	33,871	8,469	82,835	4,925
127	P	SS	Kingsford	247,389	19,789	4,948	3,838	-
128	P	WS	Kingswood	255,714	20,455	5,114	9,853	-
129	P	N	Kirribilli and Neutral Bay	2,197,789	175,801	43,956	119,351	12,338
130	P	WS	Kurrajong	233,357	18,666	4,667	-	-
131	PP	SW	Lakemba	76,293	6,103	1,526	5,233	-
132	P	WS	Lalor Park and Kings Langley	206,307	16,502	4,126	6,100	-
133	P	N	Lane Cove and Mowbray	626,144	50,085	12,523	49,716	-
134	P	N	Lavender Bay	390,954	31,272	7,819	72,077	3,312
135	P	WS	Lawson	169,753	13,579	3,395	16,366	-
136	P	SS	Leichhardt	303,976	24,315	6,080	64,482	2,172
137	P	WS	Leura	142,200	11,375	2,844	3,614	-
138	P	WS	Lidcombe	305,080	24,403	6,102	-	-
139	P	N	Lindfield	503,712	40,292	10,074	8,174	-
140	P	WS	Lithgow	313,943	25,112	6,279	33,039	-
141	P	SW	Liverpool	496,789	39,738	9,936	38,839	9,710
142	P	SW	Liverpool South	233,595	18,685	4,672	112	-
143	P	N	Longueville	177,060	14,163	3,541	35,965	-
144	PP	SS	Lord Howe Island	21,584	1,726	432	834	-
145	P	WS	Lower Mountains	720,393	57,624	14,408	2,058	-
146	P	SW	Lugarno	139,797	11,182	2,796	15,171	-
147	P	N	Macquarie	540,191	43,210	10,804	72,890	3,433
148	P	SS	Malabar	310,977	24,875	6,220	104,766	8,691
149	P	N	Manly	1,561,083	124,871	31,222	63,794	2,069
150	P	SS	Maroubra	411,481	32,914	8,230	9,413	-
151	P	SS	Marrickville	337,529	26,999	6,751	149,745	19,936

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152	PP(np)	WS	Marsden Park #	240,754	11,555	4,815	29,112	-
153	P	W	Menai	955,935	76,465	19,119	4,038	-
154	P	SW	Menangle	126,089	10,086	2,522	51	-
155	P	WS	Merrylands	272,346	21,785	5,447	92,572	6,386
156	P	WS	Minchinbury	338,800	27,101	6,776	-	-
157	P	SW	Minto	249,942	19,993	4,999	19,182	-
158	P	W	Miranda	1,023,838	81,897	20,477	34,721	- *
159	P	W	Mittagong	415,998	33,276	8,320	29,575	-
160	P	N	Mona Vale	241,708	19,334	4,834	375	-
161	P	SW	Moorebank	450,010	35,996	9,000	12,988	-
162	P	N	Mosman – St Clement's	703,751	56,293	14,075	201,368	32,979
163	P	N	Mosman – St Luke's	399,364	31,945	7,987	143,970	18,493
164	P	W	Moss Vale	218,752	17,498	4,375	4,635	-
165	PP	WS	Mt Druitt	177,896	14,230	3,558	40,066	-
166	P	SW	Narellan	337,139	26,968	6,743	934	- *
167	P	N	Naremburn / Cammeray	1,070,634	85,640	21,413	2,943	-
168	P	N	Narrabeen	940,837	75,258	18,817	37,666	-
169	P	N	Newport	190,495	15,238	3,810	1,787	-
170	P	SS	Newtown with Erskineville	691,744	55,333	13,835	57,944	1,192
171	P	SS	Norfolk Island	-	-	-	-	-
172	P	N	Normanhurst	875,786	70,054	17,516	-	-
173	P	N	North Epping	421,608	33,724	8,432	14,253	-
174	P	N	North Ryde	259,685	20,772	5,194	62,762	1,914
175	P	N	North Sydney	2,374,094	189,904	47,482	-	-
176	P	N	Northbridge	541,524	43,317	10,830	79,490	4,423
177	P	WS	Northmead and Winston Hills	732,558	58,597	14,651	-	-
178	P	WS	Norwest	1,197,263	95,769	23,945	-	-
179	P	W	Nowra	439,048	35,119	8,781	-	-
180	P	W	Oak Flats	196,517	15,719	3,930	355	-
181	P	WS	Oakhurst	212,921	17,032	4,258	70,601	3,090
182	P	SW	Oatley	226,907	18,150	4,538	55,775	866
183	P	SW	Oatley West	222,257	17,778	4,445	82	-
184	PP	SW	Oran Park	430,510	34,436	8,610	-	-
185	P	SS	Paddington	175,880	14,069	3,518	15,730	- *
186	P	SW	Padstow	102,638	8,210	2,053	3,274	-
187	P	SW	Panania	401,375	32,106	8,028	287	-
188	P	WS	Parramatta	1,024,687	81,965	20,494	69,819	- *
189	P	WS	Parramatta North with Harris Park	334,580	26,763	6,692	39,575	-
190	P	SW	Peakhurst / Mortdale	244,608	19,566	4,892	-	-
191	P	WS	Penrith	361,604	28,925	7,232	65,197	2,280
192	P	SW	Penshurst	229,978	18,396	4,600	31,970	-
193	P	SS	Petersham	298,675	23,891	5,974	13,238	-
194	PRC(np)	N	Philadelphia Anglican Church #	183,530	8,808	3,671	710	-
195	P	W	Picton and Wilton	214,537	17,161	4,291	9,438	-
196	PP	WS	Pitt Town	518,084	41,442	10,362	-	-
197	PP	W	Port Kembla	168,231	13,457	3,365	48,871	-
198	P	N	Pymble	909,002	72,711	18,180	29,640	-
199	P	WS	Quakers Hill	665,985	53,272	13,320	20,162	-
200	P	SS	Randwick	882,742	70,611	17,655	25,238	11,357 *
201	PP	SW	Regents Park	34,277	2,742	686	175	-
202	PP	SW	Revesby	90,725	7,257	1,815	3,169	-
203	P	WS	Richmond	313,510	25,078	6,270	17,400	-
204	PP	WS	Riverstone	280,826	22,463	5,617	105,597	8,899
205	P	SW	Riverwood - Punchbowl	275,385	22,028	5,508	45,752	-
206	P	W	Robertson	213,478	17,076	4,270	-	-
207	P	WS	Rooty Hill	1,814,138	145,113	36,283	1,170	-
208	PP	SW	Rosemeadow	209,568	16,763	4,191	44,358	-
209	P	N	Roseville	875,596	70,039	17,512	111	-
210	P	N	Roseville East	360,751	28,856	7,215	-	-
211	P	WS	Rouse Hill	465,027	37,198	9,301	16,064	-
212	P	N	Ryde	767,178	61,367	15,344	62,632	28,184 *
213	PP	SW	Sadleir	253,028	20,240	5,061	51,011	152
214	P	SS	Sans Souci	187,751	15,018	3,755	1,776	-
215	P	N	Seaforth	256,401	20,510	5,128	-	-

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216	P	WS	Seven Hills	310,904	24,869	6,218	288	-
217	P	W	Shellharbour	192,918	15,432	3,858	13,955	-
218	P	W	Shellharbour City Centre	504,414	40,348	10,088	3,981	-
219	P	W	Shoalhaven Heads	182,303	14,582	3,646	9	-
220	RC(np)	W	Soul Revival Church #	690,571	33,143	13,811	6	-
221	P	SW	South Carlton	270,173	21,611	5,403	7,326	-
222	P	SS	South Coogee	192,526	15,400	3,851	66	-
223	P	SS	South Head (formerly Vaucluse + Watsons Bay)	676,812	54,138	13,536	286,258	62,690
224	P	SW	South Hurstville	226,636	18,129	4,533	48,816	-
225	P	SS	South Sydney	234,683	18,772	4,694	4,320	1,080 *
226	P	WS	Springwood	851,143	68,083	17,023	-	-
227	P	SS	St George	173,603	13,887	3,472	49,815	-
228	P	SW	St George North	931,841	74,538	18,637	1,159	-
229	P	N	St Ives	1,813,505	145,062	36,270	-	-
230	P	SW	St Johns Park (formerly Smithfield Road)	214,398	17,150	4,288	20,088	-
231	P	WS	St Marys and St Clair Anglican Churches (from 1 Nov 21)	298,191	23,852	5,964	19,534	-
232	RC	WS	Stanhope	369,164	29,529	7,383	1,915	-
233	P	SS	Strathfield and Homebush	264,945	21,193	5,299	78,877	4,332
234	P	SS	Summer Hill	370,390	29,627	7,408	64,790	2,219
235	PP	SS	Surry Hills	850,500	68,032	17,010	124,078	13,519 *
236	PP	W	Sussex Inlet	129,837	10,386	2,597	1,779	-
237	P	W	Sutherland	410,643	32,847	8,213	64,654	2,198
238	P	W	Sutton Forest	262,475	20,995	5,250	27,276	-
239	P	SS	Sydney – Cathedral of St Andrew	-	-	-	-	-
240	P	SS	Sydney – Christ Church St Laurence	982,721	78,608	19,654	34,852	5,228 *
241	P	SS	Sydney – St James, King Street	1,874,970	149,979	37,499	33,753	15,189 *
242	P	W	Sylvania	303,466	24,274	6,069	93,388	6,508
243	PP	N	Terry Hills	131,681	10,533	2,634	12	-
244	P	SW	The Oaks	166,482	13,317	3,330	31,654	-
245	P	N	Thornleigh – Pennant Hills	586,236	46,893	11,725	188	-
246	P	WS	Toongabbie	625,820	50,059	12,516	3,591	-
247	P	N	Turrumurra	1,217,988	97,427	24,360	26,813	-
248	P	N	Turrumurra South	423,915	33,909	8,478	10,445	-
249	P	W	Ulladulla	230,327	18,424	4,607	5,414	-
250	RC(np)	SS	Unichurch (Uni. NSW) #	590,055	28,319	11,801	182	-
251	P	N	Wahroonga (combined, previously St Andrew's)	762,839	61,019	15,257	77,287	4,093
252	P	N	Waitara	292,033	23,360	5,841	-	-
253	P	WS	Wentworth Falls	302,493	24,196	6,050	16,342	-
254	P	WS	Wentworthville	141,974	11,357	2,839	753	-
255	P	N	West Pennant Hills	808,067	64,637	16,161	3,634	-
256	P	N	West Pymble with West Lindfield (from 1 Jan 21)	1,340,175	107,201	26,804	33,661	-
257	P	N	West Ryde	525,850	42,063	10,517	20,107	-
258	P	W	West Wollongong	504,295	40,339	10,086	68,892	2,834
259	P	WS	Westmead	244,368	19,547	4,887	72,773	3,416
260	P	WS	Wilberforce	222,170	17,771	4,443	28,854	-
261	P	N	Willoughby	454,481	36,354	9,090	-	-
262	P	N	Willoughby Park	285,766	22,858	5,715	55,199	780
263	P	WS	Windsor	102,842	8,226	2,057	3,118	-
264	P	W	Wollondilly	199,019	15,920	3,980	1,635	-
265	P	W	Wollongong	983,421	78,664	19,668	-	- *
266	P	SS	Woollahra	168,423	13,472	3,368	10,273	-
267	P	SW	Yagoona	316,286	25,300	6,326	60,983	1,647
				122,812,518	9,704,574	2,456,250	8,343,491	570,635

Notes

The 9 parochial units without property are indicated with "#" after the name of the parochial unit and "(np)" in the column showing the type of parochial unit (Parish, Provisional Parish, Recognised Church or Provisional Recognised Church).

In accordance with the formula in the Schedule to the *Parochial Cost Recoveries and Church Land Acquisition Levy Ordinance 2018*, the 9 parochial units without property are charged only 60% of the normal variable PCR percentage. The lower percentage approximates what the network costs would be after excluding - (i) the property insurance component of the ACPT's parish property and liability insurance program, and (ii) the ACPT's management fee.

In accordance with clause 4 of the *Property Receipts Levy Ordinance 2018*, parishes that receive property income that is subject to an ordinance applying some of that income for non-parishes purposes (indicated by a * next to their Levy amount) pay no Levy on that income subject to an ordinance, but pay a higher rate of Levy on their other property income that is subject to the Levy.

Where the Property income subject to the Levy is negative, the actual figure has been replaced with "-" to avoid distorting the total.

Parochial Cost Recoveries Ordinance 2022

No. _____, 2022

Long Title

An ordinance to determine the costs for parochial units and to authorise the application of such charges and for incidental purposes.

Preamble

A. Under clause 4 of the *Cost Recoveries Framework Ordinance 2008* (the “Framework Ordinance”), a parochial unit is to pay a cost recoveries charge each year in respect of ministry costs and parochial network costs specified or determined in accordance with an ordinance referred to in clause 5 of the Framework Ordinance.

B. By clause 5A(b) of the Framework Ordinance, the Standing Committee is to prepare for the 2022 session of the 52nd Synod a proposed ordinance for adoption by the Synod which specifies the cost recoveries charge to be paid by each parochial unit in 2023, or the method or methods by which such charge may be determined by the Standing Committee, and authorises the Standing Committee to apply such cost recoveries charges paid by parochial units in a financial year toward ministry costs and parochial network costs.

The Synod of the Diocese of Sydney Ordains as follows.

1. Name

This Ordinance is the Parochial Cost Recoveries Ordinance 2022.

2. Definitions

5 In this Ordinance –

“year” means a period of 12 calendar months commencing on 1 January.

“ministry costs” means the costs, expenses, charges or contributions for the year referred to or contemplated under clause 2(2)(a) of the Framework Ordinance.

“parochial network costs” means –

- 10 (a) the costs, expenses, charges or contributions for the year referred to or contemplated under clause 2(2)(b) of the Framework Ordinance, and
- (b) the cost of the parish risk management program, and
- (c) the parish related costs for the year of the Professional Standards Unit, and
- 15 (d) the cost of reimbursing Synod Fund 131 for non-standard expenses previously incurred by the Professional Standards Unit and paid from Synod Fund 131, and
- (e) the cost of the safe ministry training program, and
- (f) the cost of the Ministry Spouse Support Fund, and
- (g) any provision for the relief or remission of parochial cost recoveries charges, and
- 20 (h) the cost of the Sydney Diocesan Service’s fee for managing the Parochial Cost Recoveries Fund 951, and
- (i) the cost of the Property Trust’s management fee for property related services to parishes with property, and
- (j) the cost of the Diocesan contribution to the Voluntary Relinquishment of Incumbency Fund.

25 “parochial unit” means a parish, provisional parish, recognised church or provisional recognised church in the Diocese of Sydney.

“parochial unit with property” means a parochial unit for which real property is held on trust or which has the use of real property held as part of the fund constituted under the *Ministry Infrastructure Development Fund Ordinance 2022*.

3. Cost recoveries charge

(1) In 2023 each parochial unit is to pay a cost recoveries charge calculated according to the formula in the Schedule.

(2) The cost recoveries charge paid by a parochial unit under subclause (1) is to be applied to the payment of the ministry costs and parochial network costs incurred, or to be incurred, in the year for which that charge is paid.

Schedule: Cost Recoveries Charge

1. The cost recoveries charge payable by a parochial unit for a year is –
 - (a) in the case of St Andrew’s Cathedral, the minister and assistant minister charge for that year, and
 - (b) in the case of any other parochial unit, the sum of –
 - (i) the minister and assistant minister charge for that year, and
 - (ii) the variable charge for that year,

but if –

- (c) the contributions, costs and charges for a minister or assistant minister are paid by another parochial unit or body, or do not apply to the minister or assistant minister, a pro rata rebate of the appropriate portion of the minister or assistant minister charge is granted for that part or parts of the year for which that minister or assistant minister is licensed, and
- (d) if a minister or assistant minister is licensed to the parochial unit only for part or parts of the year, an appropriate portion of the minister and assistant minister charge is payable for such part or parts.

2. In this Schedule –

“assistant minister” means an assistant minister or a senior assistant minister within the meaning of the *Assistant Ministers Ordinance 2017* licensed to the parochial unit.

“minister” means –

- (a) the person licensed to the parochial unit as rector, and
- (b) in the absence or incapacity of a person referred to in paragraph (a) or during any vacancy in office of the rector of the parochial unit, the person appointed under rule 9.7 in Schedule 1 or Schedule 2 of the *Parish Administration Ordinance 2008* for the time being to exercise all or any of the functions of the rector.

“minister and assistant minister charge” means, for each minister and assistant minister licensed to the parochial unit, the sum of the following costs and charges –

- (a) the costs of the contribution or contributions to a superannuation fund at the rate determined from time to time under the *Sydney Diocesan Superannuation Fund Ordinance 1961*, and
- (b) the costs of the contribution required to the Sydney Long Service Leave Fund in order to enable that Fund to make the payment or payments required to be made under the *Long Service Leave Canon 2010* in 2023, and
- (c) the costs of Clergy Care, including the costs of effecting stipend continuance insurance and funding the Clergy Assistance Program, and
- (d) the costs of the contribution or contributions to fund the Sydney Diocesan Sickness and Accident Fund.

“variable charge” in 2023 means the determined percentage of the Net Operating Receipts of the parochial unit for 2021 under the Framework Ordinance.

“determined percentage” means the ratio, expressed as a percentage, determined by the Standing Committee in accordance with the following formula –

$$PC / TR$$

where –

PC is the total estimated amount of all parochial network costs payable in 2023, and

TR is the total of the Net Operating Receipts of all parochial units, except for St Andrew’s Cathedral, for 2021,

provided that –

- (a) in the case of a parochial unit with property, the determined percentage is adjusted upwards to the extent necessary to meet any shortfall in the recovery of the estimated amount of all

- parochial network costs associated with property payable in a year due to the reduction in the determined percentage for parochial units without property under paragraph (b), and
- (b) in the case of a parochial unit without property, the determined percentage is 60% of the determined percentage calculated under paragraph (a).

I Certify that the Ordinance as printed is in accordance with the Ordinance as reported.

Chair of Committee

I Certify that this Ordinance was passed by the Synod of the Diocese of Sydney on
2022.

Secretary of Synod

I Assent to this Ordinance.

Archbishop of Sydney

/ /2022

Synod Appropriations and Allocations Ordinance 2022

Explanatory Report

Key Points

- The Bill for the proposed Synod Appropriations and Allocations Ordinance 2022 has been prepared in accordance with the requirements of clause 4(c) of the *Synod Estimates Ordinance 1998*.
- The total funds available for distribution in 2023 are \$571,000 more than in 2022 (an increase of 8.0%), largely due to the release of surplus funds reserves.
- Amongst the 'Immediate Requirements' individual allocations have been maintained at the same level as for 2022 unless information is available indicating the requirement has changed. However, as was the case for 2021, the full cost of the special insurance cover required for the Cathedral in 2023 will be funded from Synod funds.
- The only significant change to the allocations for 'Long Term Mission Commitments' has been to remove the temporary reduction of \$110,000 to the allocation to Moore Theological College now the College is no longer receiving special COVID-19 funding.
- Most of the individual allocations for 'Current Mission Activities' have been maintained at the same level as in 2022, however there is no additional allocation to Evangelism and New Churches as the position of Assistant Director (Parish Evangelism) has not been filled.

Purpose

1. The purpose of this Report is to provide explanatory comments on the specific proposed sources and uses of Synod funds for 2023.

Recommendation

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

Background

4. The Bill for the proposed Synod Appropriations and Allocations Ordinance 2022 and this Explanatory Report have been prepared in accordance with the requirements of clause 4(d) of the *Synod Estimates Ordinance 1998*. The Bill appropriates and allocates funds in a manner that is consistent with the Synod's intention as reflected in the *Statement of Funding Principles and Priorities 2019-2021*, and is broadly similar to the actual appropriations and allocations made for 2022.
5. The actual individual amounts appropriated and allocated by last year's ordinance for 2022 can be compared with the individual amounts proposed to be appropriated and allocated under the Bill for 2023, as shown in the respective columns in the Attachment.

Source of funds

6. In aggregate, the total funds available under this Bill as distributions from the Diocesan Endowment, the Synod's 50% share of St Andrew's House Trust, and the parish trusts listed in the Source of Funds section is \$41,000 less than the equivalent figure in 2022, due mainly to the slightly lower distribution from the Synod – St Andrew's House Fund 134.

7. However, following a review of the suitability of levels of funds available to maintain cash flow in certain funds, and in conjunction with some unspent allocations from the previous year the total funds available for 2023 is \$571,000 (approximately 8%) more than the equivalent figure in 2022.

Use of funds

8. Most of the increase in the total funds available has been required to meet a couple of new or increased 'Immediate requirements', with two small amounts allocated to a couple of new mission commitments and activities. As a result it has not been possible to increase the allocations to most organisations.
9. There has been an 8% increase in the allocation needed to meet the Diocese's General Synod statutory assessment. As noted in the Explanatory Report to last year's Ordinance, Sydney's share of this cost in both 2021 and 2022 was artificially low. One indirect consequence of the delay in holding the General Synod as a result of COVID-19 restrictions was that Sydney's share of the cost in 2021 and 2022 was based on clergy numbers relevant to the previous Synod.
10. The allocation of funds in 2023 to cover the cost of the Sydney Representatives' attendance and meetings at the next General Synod has been increased to \$50,000 in order to accumulate sufficient to cover the expected costs of \$150,000 every third year, with rising accommodation costs being the main factor. (The allocation in 2022 was only \$30,000, but this was a make-up figure to cover what would have been a shortfall, offset by the postponement of the last General Synod from 2021 to 2022 due to COVID-19 restrictions.)
11. In response to a request from Freedom for Faith to all its affiliates to help cover the cost of its increased workload, the Standing Committee is recommending an increase of \$5,000 in the Freedom for Faith affiliate fee for 2023.
12. No provision has been made in the allocation of funds for 2023 for the cost of the Diocese's participation in the next National Church Life Survey. Given the next Survey is not due until 2026 it is recommended that any decisions on funding be made closer to that time.
13. The estimate of the cost of the venue hire and printing for the 1st session of the 53rd Synod in 2023 has been based on the assumption of a return to the Wesley Theatre, and allows for a modest increase in costs since the previous Synod held there in 2019. The cost of hiring the Wesley Theatre is significantly less than the amount allocated for 2022 when it was thought COVID-19 restrictions may have required holding a Synod at the International Convention Centre in Darling Harbour.
14. Under the *Synod Estimates Ordinance 1998* Standing Committee is required to prepare the annual Synod funding ordinance in a way which –
 - (a) contains estimates of the amount required to meet the costs of maintaining the diocesan offices and the expenses of related activities and commitments, and
 - (b) provides grants to organisations under the control of Synod.

The allocation to SDS for its support of the Synod, Standing Committee and parishes and the provision of Diocesan Overheads has been increased because it is estimated that SDS's cost base will increase by 2.0% in 2023. In return for this increase SDS has agreed to cease charging separately for the services it provides to a number of smaller Synod Funds (i.e., Work Outside the Diocese Fund 127, Mission Areas Fund 128, Sydney Representatives and General Synod Fund 130, Synod Risk Reserve Fund 131 and the Ordination Training Fund 189).

15. For 2021 an allocation of \$405,000 was made to cover the cost of 2 insurance policies required specifically to cover St Andrew's Cathedral. For 2022 the estimated cost of these 2 policies rose substantially and there was insufficient funds available to Synod to cover the full cost of these policies. Accordingly, the Diocesan Resources Committee recommended that for 2022 the majority of this (some \$314,000) be added back into the cost of the Parish Property and Liability Insurance Program (where it had been prior to 2021).
16. The cost of these 2 Cathedral specific insurance policies in 2023 will be \$541,000 –
 - (a) \$517,000 for the ISR excess over \$150 million. The normal Industrial Special Risks (ISR) policy arranged by the ACPT as part of the parish insurance program covers all parish

buildings, but to a maximum liability of \$150 million on any one building, The Cathedral is the only building with has an insured value of more than \$150 million.

- (b) \$24,000 for the Liability 4th excess layer. The normal Public Liability cover applicable to parishes is limited to \$200 million, but the ACPT decided the concentration of people and commercial buildings in the vicinity of the Cathedral warranted a higher limit for that location.

Happily this year it appears there will be sufficient funds available to Synod to cover the full cost of these 2 policies. This will allow a return to the principle adopted in 2021 where these costs, relating specifically to the Cathedral, were removed from the Parish Property and Liability Insurance Program (a component on the variable PCR charge) to take pressure off the rise in PCR costs borne by the parishes.

- 17. In 2023 funding will be required for two new initiatives approved by Standing Committee –
 - (a) The psychological testing of presbyters is expected to cost \$27,000. This program actually commenced in 2022 and was funded in the first year from reserves in the Ordination Training Fund, but those reserves are not sufficient to cover the on-going cost; and
 - (b) The phased introduction of 'Pastoral Consultation' (involving a minister meeting regularly with a practitioner skilled in supervision) which commenced with a pilot program in 2022 funded from Contingencies and is expected to cost \$20,000 in the first full year.
- 18. The base amount allocated to Moore Theological College for 2023 has been continued at the level of \$1,463,000. However, this year the College has not been asked to agree to a temporary reduction (in 2022 this was \$110,000). This voluntary reduction in 2021 and 2022 was in recognition of the healthy financial position the College enjoyed as a result of COVID-19 benefits it received and related savings over this period. This no longer applies in 2023.
- 19. In response to Synod resolution 5/18, in 2020, 2021 and 2022 an additional allocation of \$100,000 pa has been made to Evangelism and New Churches to support the newly created position of Assistant Director (Parish Evangelism). Evangelism and New Churches has not yet decided whether to continue that position following the resignation of the current Assistant Director, the Rev John Lavender, effective later this year. Accordingly, at this stage no allocation of funds to support that position has been made for 2023.
- 20. The amount allocated to the Work Outside the Diocese Committee to support gospel ministry outside the Diocese has been maintained at 5% of the total income available to Synod, although the dollar amount of this allocation is \$2,000 less than in 2022 as a result of the reduction in total income.
- 21. No allocation to fund the position of Diocesan Researcher (a two day per week position) will be required for 2023. Following the resignation of the Researcher in 2021, there was a significant period during which the position was vacant. As a result, SDS will be able to fund the recently appointed person during 2023 using accumulated reserves. It is expected that Synod funding for this position will need to resume in 2024.
- 22. Standing Committee has recommended that the annual administration fee of \$25,000 payable by the Sydney Anglican (National Redress Scheme) Corporation be funded by direct Synod allocation in 2023.
- 23. An amount of \$143,000 remains available for Contingencies in 2023. This figure is a little more than the \$111,000 provided in 2022, but is considered prudent given how quickly the available balance has been depleted in recent years as Standing Committee has sought to respond to unforeseen circumstances.

For and on behalf of the Standing Committee.

DANIEL GLYNN
Diocesan Secretary

25 July 2022

Synod Funding for 2023

	Actual for 2021 \$000	Actual for 2022 \$000	Standing Committee proposal for 2023 \$000
SOURCE OF FUNDS			
GAB distribution from Diocesan Endowment	3,239	3,249	3,401
GAB additional distribution from DE (in lieu of proposed distribution from DCIF)	-	96	-
GAB distribution from Diocesan Cash Investment Fund	96	-	-
Synod – SAH Fund 134 distribution from Synod's 50% share of SAHT	2,693	2,477	2,400
Parish trusts			
Bondi (lease income from preschool at 34 Ocean St)	22	17	27
Church Hill (lease income from No. 1 York St office block) distributions ceased June 2021	268	272	137
Church Hill (lease income from No. 1 York St office block) – catch – up for Jul – Dec 2021	-	-	137
Church Hill (investment income)	5	5	5
King St – St James (lease income from Phillip Street office block) – received in 2020	231	342	282
King St – St James (lease income from Phillip Street office block) – adj. received Feb 2022	-	-	101
Manly (lease income from shops on the Corso)	-	-	-
Narellan (investment income from sale proceeds)	25	24	24
Paddington (lease income from 241 Glenmore Rd)	15	7	1
Ryde (lease income from Kirkby Gardens residential unit block)	549	525	463
South Sydney (investment income from sale proceeds)	7	5	-
Surry Hills (investment income from sale proceeds)	2	1	-
Wollongong (lease income from hotel/university accommodation)	25	26	26
Miranda (lease income from former service station)	4	4	4
ACPT Synod Fund (C/F 400 interest less ACPT fees)	12	-	1
Interest earned in Synod Fund 129 (2 nd half 2020 = \$548, 1 st quarter 2021 = \$422)	21	1	-
Subtotal parish trusts	1,185	1,229	1,208
less 1% added to capital of SAIPMF	(72)	(71)	(70)
Subtotal all sources	7,141	6,980	6,939
Surplus released from reserve funds	-	-	700
Amounts appropriated for prior year that will not be spent / required that year –			
General Synod statutory assessment	47	-	6
Provincial Synod	4	4	-
Sydney Synod – Venue Hire and Printing	80	110	38
Sydney Synod – committee members carparking	17	14	-
Sydney Synod - Archbishop's election Synod – venue hire and printing	80	-	-
Standing Committee venue hire and catering (incl. subcommittees)	8	-	-
St Andrew's Cathedral staff carparking in SAH (<i>previously in Contingencies</i>)	7	4	-
Total funds available	7,384	7,112	7,683

	Actual for 2021 \$000	Actual for 2022 \$000	DRC draft for 2023 \$000
USE OF FUNDS			
Long Term Requirements			
Archbishop's PR (Media Officer)	161	161	161
Immediate Requirements			
Membership/affiliation –			
General Synod	530	541	582
Provincial Synod	12	8	8
Sydney Reps at General Synod	40	30	50
Freedom 4 Faith - affiliation fee	20	20	25
NSW Council of Churches	18	18	18
NCLS	15	40	-
Sydney Synod –			
Venue Hire & Printing	110	200	90
Printing & mailing hardcopy Synod materials to members who opt-in	10	10	10
Committee members carparking	23	10	10
Archbishop's election Synod – venue hire and printing	80	-	-
Standing Committee venue hire and catering (incl. subcommittees)	12	12	12
St Andrew's Cathedral staff carparking in SAH	10	10	10
SDS - Synod, Standing Committee & parishes	1,021	1,021	1,062
SDS – Diocesan Overhead	435	435	453
Synod Reserve fund replenishments	-	-	250
Cathedral – Diocesan contribution to recurrent funding needs	269	269	269
Insurance cover for the Cathedral – ISR excess over \$250m & Liability 4 th excess layer	405	230	541
EOS Expenditure Fund – increased costs to maintain expanded Diocesan database	28	28	28
Long Term Mission Commitments			
Ministry Training & Development	397	397	397
OTF – new ordinands' psychological tests & conference	43	43	41
– qualified persons to interview ordination candidates in relation to domestic abuse	11	11	12
– presbyters psychological testing	-	-	27
– pastoral consultation	-	-	20
Moore Theological College	1,463	1,463	1,463
<u>less</u> temporary reduction to partner with Diocese given COVID-19 benefits and savings	(80)	(110)	-
Youthworks College	75	75	75
Current Mission Activities			
Anglican Education Commission / Education advocacy consultant(s)	128	10	10
Anglican Media Council	199	199	199
Anglicare - research	108	108	108
Evangelism & New Churches	274	274	274
Additional funding to support new position of Assistant Director (Parish Evangelism)	100	100	-
TEMOC – Anglican chaplaincy in tertiary education	108	108	108
Work Outside the Diocese Committee –			
Supporting gospel ministry outside the Diocese (<i>5% of total income from all sources</i>)	357	349	347
Funding the Diocese of Bathurst (<i>\$250k pa for 6 years from 2019</i>)	250	250	250
Youthworks – Ministry Support Team	293	293	293
SRE Office – SRE Primary Upgrade	215	215	215
Lord Howe Island	22	22	22
Diocesan Researcher	47	47	-
Contribution to cost of Parish HR Partner	75	75	75
Sydney Anglican (National Redress Scheme) Corporation annual administration fee	-	-	25
Contingencies	100	140	143
	7,384	7,112	7,683

Synod Appropriations and Allocations Ordinance 2022

No, 2022

Long Title

An Ordinance to authorise financial appropriations and allocations for 2023 and for incidental matters.

Preamble

By clause 4(b) of the *Synod Estimates Ordinance 1998*, the Standing Committee is to prepare for the 2002 session of the 52nd Synod a proposed ordinance which contains estimates for the 2023 financial year of –

- (i) the amount required for meeting the cost of sittings of the Synod, the maintenance of the diocesan offices and the expenses of such other diocesan activities and commitments as, in the opinion of the Standing Committee, should be supported,
- (ii) the amount which, in the opinion of the Standing Committee, should be granted to organisations under the control of Synod or to other organisations, and
- (iii) the amount available for distribution from endowments or other trusts for meeting the amounts referred to in paragraphs (i) and (ii) which, in the opinion of the Standing Committee, may prudently be applied towards meeting the amounts referred to in paragraphs (i) and (ii) in the relevant financial year.

A proposed ordinance prepared under subclause 4(b) for consideration at the 2022 session is, as far as practicable, to reflect –

- (i) the most recent statement of funding principles and priorities approved by the Synod, or
- (ii) any other determination made by the Synod in relation to such Statement.

The Synod of the Diocese of Sydney Ordains as follows.

1. Name

This Ordinance is the Synod Appropriations and Allocations Ordinance 2022.

2. Declaration

5 By reason of circumstances arising after the creation of the trusts on which the amounts referred to in the column “Standing Committee proposal for 2023” in the “SOURCE OF FUNDS” section of the Attachment to the Standing Committee’s Explanatory Report about the 2022 Ordinance are held, it is inexpedient to carry out or observe those trusts or to apply those amounts solely for the same or like purposes as those trusts.

3. Variation of trusts

10 The trusts referred to in clause 2 are varied to such extent as is necessary to permit the directions referred to in clause 4.

4. Appropriations and allocations for 2023

15 (1) The Synod directs that the amounts referred to in the column “Standing Committee proposal for 2023” in the “SOURCE OF FUNDS” section of the Attachment to the Standing Committee’s Explanatory Report about this Ordinance be appropriated and allocated in the manner specified in that same column in the “USE OF FUNDS” section of the same Attachment.

(2) If, in the opinion of the Standing Committee, all or any part of an amount referred to in subclause (1) is not required or cannot be applied for the specified purpose, the Standing Committee may by resolution reallocate that amount or part to another purpose.

I Certify that the Ordinance as printed is in accordance with the Ordinance as reported.

Chair of Committee

I Certify that this Ordinance was passed by the Synod of the Diocese of Sydney on
2022.

Secretary of Synod

I Assent to this Ordinance.

Archbishop of Sydney

/ /2022

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

Explanatory Report

Key Points

Nominated Ministers and Parochial Ministers who are acting rectors

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

Archbishop's Executive Officer

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

Synod membership

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

Purpose of the bill

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

Recommendations

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

Explanation

Archbishop's Executive Officer

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

Synod membership – disqualifying offences

9. The amendment in clause 3(a) will have the effect of expanding the declaration made by recently elected Synod members to include a statement confirming that they have not been convicted of a disqualifying offence listed in Schedule 2 of the *Child Protection (Working with Children) Act 2012*.
10. By clause 6(1) of the *Synod Membership Ordinance 1995*, each Parochial Representative, alternate for a Parochial Representative, Nominated Layperson and lay Nominated Indigenous Representative must sign the following declaration prior to notice of his or her election or appointment –
"I, the undersigned A.B., do declare that I am a communicant member of the Anglican Church of Australia and not a member of any other Church."
11. In accordance with recommendations from the Safe Ministry Board, the expanded declaration will include that they –
"...have not been convicted of a disqualifying offence listed in Schedule 2 of the *Child Protection (Working with Children) Act 2012*."
12. The offences listed in Schedule 2 of the *Child Protection (Working with Children) Act 2012* will disqualify a person from obtaining a Working with Children Check clearance. In summary, those offences are sex offences or offences involving children which are punishable by imprisonment of 12 months or more. They include the murder or manslaughter of a child, intentional wounding or committing grievous bodily harm to a child, abandonment of a child, serious sex offences, incest, bestiality and offences related to child pornography/child abuse material.
13. The amendments will reinforce a culture of concern for safe ministry in the Diocese and bring the declaration into alignment with the declaration required of wardens and parish councillors.
14. Synod members do not have contact with children in undertaking their functions as Synod members, however collectively they set the law and policy of the Diocese with respect to safe ministry. A person who has been convicted of a disqualifying offence should not hold a position in the Church through which they can influence outcomes on these matters.
15. The amendment is also consistent with Child Safe Standard of the *Child Safe Scheme in the Children's Guardian Act 2019*: "Child safety is embedded in organisational leadership, governance and culture."

Nominated Ministers and Parochial Ministers who are acting rectors

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

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

For and on behalf of the Standing Committee

DANIEL GLYNN
Diocesan Secretary

25 July 2022

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

No , 2022

Long Title

An Ordinance to amend the *Standing Committee Ordinance 1897* and *Synod Membership Ordinance 1995*.

The Synod of the Diocese of Sydney Ordains as follows.

1. Name

This Ordinance is the Standing Committee Ordinance 1897 and Synod Membership Ordinance 1995 Amendment Ordinance 2022.

2. Amendments to the *Standing Committee Ordinance 1897*

5 The *Standing Committee Ordinance 1897* is amended as follows –

- (a) delete the matter ‘Registrar’ in subclause 1A(1) and insert instead the matter ‘Archbishop’s Executive Officer’, and
- (b) substitute the word “Archbishop” for the word “Bishop” in subclause 4(3).

3. Amendments to the *Synod Membership Ordinance 1995*

10 The *Synod Membership Ordinance 1995* is amended as follows –

- (a) insert the following at the end of the declaration in clause 6(1) prior to the full stop –
“and have not been convicted of a disqualifying offence listed in Schedule 2 of the *Child Protection (Working with Children) Act 2012*”,
- (b) delete the first occurrence of the word “Each” in the text of clause 7 and insert the following matter instead –
“Subject to subclauses 8D(1) and (2), each”,
- (c) delete the first occurrence of the word “A” in the text of subclause 8A(1) and insert the following matter instead –
“Subject to subclause 8D(3), a”,
- 20 (d) insert the following in subclause 8B(1) after the first occurrence of the words “Parochial minister”–
“or appointed under subclause 8D(4)”,
- (e) insert the following in clause 8C after the matter “clause 8A” –
“or as an alternate under subclause 8D(4)”,
- 25 (f) insert a new clause 8D as follows –
“8D. Nominated Ministers and Parochial Ministers who are acting rectors
(1) A Nominated Minister who is an acting rector of one or more Parochial Units is not a member of Synod as a Parochial Minister while he remains a member of the Synod as a Nominated Minister.
30 (2) A Parochial Minister who is licensed as the rector of a Parochial Unit while also licensed as an acting rector of any other Parochial Unit is not a member of Synod as a Parochial Minister of the Parochial Unit(s) of which he is licensed as acting rector.
35 (3) A Nominated Minister or Parochial Minister to whom subclause 8D(1) or (2) applies may not appoint an alternate under subclause 8A(1) for the Parochial Minister of any Parochial Unit of which they are an acting rector.
(4) Notwithstanding subclauses 8D(1) and (2), a Nominated Minister or Parochial Minister to whom one of those subclauses apply –
40 (a) may appoint a Minister licenced to the Parochial Unit(s) of which they are acting rector to be the alternate for the Parochial Minister of that Parochial Unit for a session of the Synod by giving a notice to the Registrar in accordance with clause 8A(2), and

(b) is deemed to be the Parochial Minister of the Parochial Unit(s) for the purposes of subclauses 8A(2), (3) and 8C.”

(g) delete clause 52 and insert instead the following -

“52. The Archbishop’s Executive Officer

The Archbishop’s Executive Officer is a member of the Synod and must be summoned to each session of the Synod.”

4. Amendments to the Interpretation Ordinance 1985

The *Interpretation Ordinance 1985* is amended by inserting the following definition in the Schedule in alphabetical order –

“Archbishop’s Executive Officer – The person fulfilling the function of executive officer to the Archbishop regardless of the name that is given to their position.”

I Certify that the Ordinance as printed is in accordance with the Ordinance as reported.

Chair of Committee

I Certify that this Ordinance was passed by the Synod of the Diocese of Sydney on 2022.

Secretary of Synod

I Assent to this Ordinance.

Archbishop of Sydney

/ /2022